ANNO TERTIO

VICTORIÆ REGINÆ.

Cap. lxv.

An Act for making and maintaining several Roads leading from the Town of *Maiden Newton* in the County of *Dorset*, and other Roads communicating therewith, in the Counties of *Somerset* and *Dorset*. [4th *June* 1840.]

WHEREAS an Act was passed in the Eighteenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending, widening, turning, altering, and keeping in repair the Roads from* Whistle Bridge *in the Parish of* Barwick *in the County of* Somerset *to the Turnpike Road in the Parish of* Charminster *in the County of* Dorset; *and from the Cross in the Town of* Maiden Newton *to a Stream of Water in the Parish of* South Perrot *in the County of* Dorset; *and from a Place called* Furze Moor Gate, *in the Parish of* Broadwinsor, *to* Lenham's Water *in the Parish of* Beaminster; *and from* Bugler's Corner *in the Town of* Beaminster *to the* Dorsetshire *Inn in the Parish of* Woolcombe; *and from* Upsydling Ewe Leaze *to the Town of* Cerne Abbas; *and from the Town of* Frampton *to join the Western Turnpike Road near* Steepleton *in the said County of* Dorset: And whereas another Act was passed in the Thirty-eighth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term and alter the Powers of an Act passed in the Eighteenth Year of the Reign of His present Majesty, for repairing the Roads from* Whistle Bridge *in the Parish of* Barwick *in the County of* Somerset 18 G. 3. c. 95. 38 G. 3. c. 22.

to the Turnpike Road in the Parish of Charminster *in the County of* Dorset; *from the Cross in the Town of* Maiden Newton *to a Stream of Water in the Parish of* South Perrot *in the County of* Dorset; *from* Furze Moor Gate *in the Parish of* Broadwinsor *to* Lenham's Water *in the Parish of* Beaminster; *from* Bugler's Corner *in the Town of* Beaminster *to the* Dorsetshire *Inn in the Parish of* Woolcombe; *and from the Town of* Frampton *to the Western Turnpike Road near* Steepleton *in the said County of* Dorset: And whereas another Act was passed in the Fifty-ninth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to continue the Term and enlarge the Powers of Two Acts, passed in the Eighteenth and Thirty-eighth Years of His present Majesty's Reign, for repairing several Roads leading from the Town of* Maiden Newton *in the County of* Dorset, *and other Roads communicating therewith, in the Counties of* Somerset *and* Dorset: And whereas a considerable Debt is owing upon the Credit of the Tolls granted by the said recited Acts, or one of them, which cannot be paid off, nor the Interest thereof be discharged, nor can the said Roads be kept in repair and effectually improved, unless the Term granted by the said last-recited Act be continued, and the Powers and Provisions thereof amended and enlarged, and the Tolls increased or altered: And whereas it is expedient that Powers should be granted for making Turnpike, and making, amending, widening, diverting, improving, maintaining, and keeping in repair, the several Diversions or new Lines of Road, and for making Turnpike, widening, maintaining, and improving, the several Highways in the Lines or Directions thereof, and certain new Pieces of Road communicating therewith, herein-after mentioned: And whereas it would facilitate the Execution of the Purposes aforesaid if the said recited Acts were repealed, and other Provisions made for the making, maintaining, and repairing of the said Roads: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 upon the Day of the Commencement of this Act the said recited Acts respectively shall (except as herein-after mentioned) be and the same are hereby declared to be repealed.

59 G. 3. c. 4.

The recited Acts repealed, except as hereby altered.

This Act to be put in execution, for the Purposes herein mentioned.

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, as well for the Purpose of more effectually amending, altering, widening, improving, and keeping in repair the Roads comprehended in the Provisions of the said recited Acts, (that is to say,) the present Turnpike Road from a Place called *Whistle Bridge*, in the Parish of *Barwick* in the County of *Somerset*, through *Long Ash Lane* and *Maiden Newton*, to the Turnpike Road at *Broken Cross* in the Parish of *Charminster* in the County of *Dorset*; also the Road leading from the Cross in the Town of *Maiden Newton* aforesaid, by *Catsley Down Gate* and *Winyard's Gap*, to a Stream of Water in the Parish of *South Perrott* in the said County of *Dorset*; also the Road leading from *Furze Moor Gate*, or *Birds Moor Gate*, in the Parish of *Broadwinsor*, to *Lenham's Water* in the Parish of *Beaminster* in the said

said County of *Dorset;* also the Road leading from *Bugler's Corner* in the said Town of *Beaminster*, by *Catsley Down Gate* aforesaid, through *Evershot*, to the Turnpike Road adjoining *Horchester Farm* in the Parish of *Frome Saint Quintin* in the said County of *Dorset;* also the Road leading from the present Turnpike Gate at *Grimston* in the Parish of *Stratton* in the said County of *Dorset* to join the Western Turnpike Road in the Parish of *Winterbourne Steepleton* in the said County of *Dorset;* as for the Purpose of making, completing, and maintaining the said intended Diversions, Alterations, new Lines of Road, and Improvements herein-after mentioned, (that is to say,) a Diversion or new Line of Road between *Maiden Newton* and *Dorchester*, commencing at or near a certain Close called *Pound Close*, near to the Western Entrance to the Village of *Charminster*, through a Meadow called *Westward Meadow*, until the same joins the present *Weymouth, Melcombe Regis*, and *Dorchester* Turnpike Road at or near to a Bridge called *Moon's* or *Mohun's Bridge*, between *Charminster* aforesaid and *Dorchester*, thence crossing the said last-mentioned Turnpike Road at or near to a Sawpit now in the Occupation of *George Brown;* also a new Line of Road branching out of the said last-mentioned new Road at or near a certain Meadow called *Large Mead*, in or near the said Parish of *Charminster*, now or late in the Occupation of *Barnard Cox*, and to unite with the Turnpike Road leading from *Charminster* aforesaid to *Cerne Abbas* at or near to a certain Cottage now or late in the Tenure or Occupation of *Robert Tizard, Matthew Bishop*, and *Joseph How*, situate on the West Side of the said last-mentioned Turnpike Road; which Diversions or new Lines of Road are intended to be made and to pass from, in, through, or into the several Parishes, Townships, Hamlets, Tithings, or Extra-parochial Places of *Charminster* and *Fordington*, or some of them, all in the said County of *Dorset;* and which said several Roads, together with the Diversions or new Lines of Road in this Act mentioned, shall form One entire Trust, and shall, from and after the passing of this Act, be designated by the Name of "The *Maiden Newton* Trust;" and that it shall and may be lawful for the Trustees herein-after named for the Purposes aforesaid to take and appropriate all or any of the Roads or Highways now running through the said Parishes, Townships, Hamlets, Tithings, or Extra-parochial Places, or either of them, in the Line or Direction of the said several herein-before mentioned Diversions or new Lines of Road, or either of them.

Power to set out and make Diversions of Roads.

III. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to set out, make, and complete the said Diversions or new Lines of Road herein-before mentioned and described of such Width as they may think proper, not exceeding the Width of Fifty Feet, together with such Arches, Bridges, Ditches, Drains, Fences, and other necessary Works adjoining thereto as they may think requisite; and for the Purposes aforesaid to take, pull down, or remove all or any of the Dwelling Houses, Outhouses, Edifices, Buildings, Yards, Gardens, Orchards, and other Hereditaments which are mentioned and set forth in the Schedule to this Act, and also take and use the several Lands or Hereditaments referred to or specified in the Book of Reference herein-

herein-after mentioned, tendering or making Satisfaction for the same to the Owners of the Hereditaments and Premises and other Persons interested therein, or for the Damage which such Owners or other Persons may respectively sustain thereby; and it shall be lawful for such Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon the said several Lands and Premises, and to stake out the same for the Purposes of this Act, at such Time or Times and in such Manner as the said Trustees, or their Surveyors under their Direction, shall think necessary or expedient, without such Trustees, Surveyors, or Workmen being deemed Trespassers, or being subject or liable to any Fine, Penalty, or Punishment for or by reason of such Entry; and if any Person shall displace, remove, take away, or destroy any Stake or Stakes used in such Staking as aforesaid, or any Works used for that Purpose, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

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

IV. And whereas a Map or Plan describing the said Diversions or new Lines of Road herein-before described, and the Lands, Tenements, and Hereditaments through or over which the same are respectively intended to be made or carried, together with a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, Tenements, and Hereditaments, have been deposited with the Clerk of the Peace for the County of *Dorset;* be it therefore further 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 to take Copies thereof or Extracts therefrom, at their Will and Pleasure, paying such 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; and the said Map or Plan or Book of Reference, or either of them, or any Copies thereof respectively, or of any Part thereof respectively, certified by the Clerk of the Peace for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law and Equity: Provided always, that the Trustees acting in the Execution of this Act, in making the said several Diversions or new Lines of Road, or any Part thereof, shall not deviate more than One hundred Yards on either Side of the Lines described in the said Map or Plan, or extend into the Lands of any Person whose Name is not mentioned in the said Book of Reference (except as hereafter mentioned), without the Consent in Writing of the Person, or Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made; and no such Deviation shall be made in any Lands as to which it shall be expressly denoted in the said Map or Plan that no Deviation is intended to be made; and in every Case in which a Limit to such Deviation is expressly denoted on such Map or Plan as to any Lands, the actual Deviation shall not exceed the Limit so denoted.

Limiting Deviations from Map.

Errors in Plan and Book of Reference not

V. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said several Diversions and new Lines of Road through, across, or over the Lands of any Person who is

is or may be Owner 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, or intended so to be, although such Lands, Tenements, and Hereditaments, or the Name of such Person, or his Interest therein, 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 said County of *Dorset*, and to be certified in Writing under their Hands, that such Omission or Mis-statement happened by Mistake.

to prevent Execution of the Act.

VI. Provided also, and be it further enacted, That the Powers and Authorities hereby given 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 Curtilage, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or Piece of Ground 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, save and except those specified in the Schedule hereunto annexed.

Trustees not to pull down Dwelling Houses, &c. without Consent of the Owner, except those specified in the Schedule.

VII. Provided always, and be it further enacted, That if the said Trustees shall not, within the Space of Three Years, to be computed from the Commencement of this Act, agree for and cause to be paid for the Buildings, Lands, and Hereditaments authorized to be purchased for the Purposes of this Act, it shall not thereafter be lawful for the said Trustees to take or use any such Buildings, Lands, or Hereditaments as shall not then have been paid for, without the Consent in Writing of the Owners thereof or other the Person or Persons hereby authorized to give such Consent as aforesaid, first had and obtained.

Property to be purchased within Three Years.

VIII. Provided also, and be it further enacted, That if the said Trustees shall not, within the Space of Four Years after the passing of this Act, make, set out, and complete the said intended Diversions or new Lines of Road, and open the same for the Passage of Horses, Carts, and Carriages, then and from thenceforth the Powers by this Act granted to them for that Purpose shall cease, determine, and be utterly void and have no Effect as to such intended Diversions or new Lines of Road as shall not be so made, set out, and completed within the Period aforesaid.

Limiting Period for completing new Lines of Road.

IX. And be it further enacted, That the said Trustees shall erect a good and sufficient Fence on each Side of so much of the said Road as shall pass through and over a certain Meadow called *West Ward Meadow*, in the said Parish of *Fordington*, and make such proper and sufficient Communications, not exceeding Four in Number, for Cattle to pass from one Side of the said Meadow to the other Side thereof, and either under or over the said Road, as the Majority in Number of the several Owners and Occupiers of the Foreshare, or Persons having Rights of Common over the said Meadow, shall at a Meeting of the said several Persons convened by the Clerk to the said Trustees

Road across West Ward Meadow to be fenced, and Communications made for Cattle.

Trustees by Advertisement published for Two successive Weeks in some Newspaper published in the County of *Dorset*, and affixed on the Doors of the Parish Church of *Fordington* aforesaid for Two successive *Sundays* preceding the Day appointed for holding such Meeting, agree upon and determine.

In case of Lands purchased by Trustees, the Freehold to remain in the Owner of the Lands.

X. And be it further enacted, That in case any Lands or Hereditaments shall be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the said Lands so purchased, in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure then the Estate and Interest, of what Nature or Kind soever, therein, shall not by means of such Purchase, or any Conveyance or Assurance made in pursuance thereof, or by reason of the said Lands or Hereditaments having been appropriated for the Purposes of the said Roads by this Act authorized to be made, be vested in the said Trustees, but the Freehold and Inheritance of and in the Lands and Hereditaments so purchased, in case the same shall be of Freehold Tenure, and in case such Lands and Hereditaments shall be of any other Tenure then the Estate and Interest as aforesaid in such Lands and Hereditaments, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, yet so nevertheless that by means of such Purchase and Conveyance or Assurance a perpetual Right of Way in, over, and upon the Lands so purchased by them shall vest in the said Trustees.

Trustees to have full Power of using Lands.

XI. Provided always, 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 also of erecting any Toll House or other Building, or of building any Arch, Culvert, or Bridge 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 or the whole Estate and Interest in the said Lands and Hereditaments.

If any of the Lands taken should not be wanted, the same shall revert to the former Owner.

XII. Provided also, and be it further enacted, That if at any Time any Lands or Hereditaments, or any Highway, purchased or taken by the said Trustees for the Purpose 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 said Lands or Hereditaments or Highway vested in the said Trustees shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Lands and Hereditaments and Highway respectively shall be and remain in the Person or Persons then entitled to the same, according to his or their respective Estates and Interests therein, freed and discharged of and from such Right of Way.

Trustees Names.

XIII. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being for the said Counties of *Dorset* and *Somerset*, together with the Honourable *William Thomas Horner Strangways*, the Honourable *John George Charles Fox Strangways*,

Strangways, the Right Honourable *Stephen* Lord *Stavordale*, the Honourable *William Samuel Best*, the Honourable *Henry Ashley*, the Honourable *William Hugh Scott* Clerk, *Stephen Atkinson*, *Thomas Ayres* Clerk, *Charles William Bingham* Clerk, *John Bragg*, *John Bragg* Clerk, *Thomas Bridge*, *Thomas Bridge* the younger, *William Butler* Clerk, *William Bragg*, *Thomas Bishop*, *Joseph Bishop*, *Edward Bower* Clerk, *William Bridge*, *Thomas Andrew Chapman*, *Charles Coombs*, *Richard Symes Cox* Clerk, *Peter Cox*, *Robert Conway*, *Charles Smith Coxwell* Clerk, *Blakely Cooper* Clerk, *Richard Caines*, *Thomas Cockeram*, *Thomas Cockeram* the younger, *Samuel Crane*, *James Crane*, *William Trevelyan Cox*, *Thomas Champion*, *Morgan Devenish* Clerk, *Christopher Daw*, *William Daw*, *William Devenish*, *William Dunning*, *James William Daniel*, *Thomas Daniel*, *Jonathan Dowdeswell*, *Thomas Dyer*, *Edward Digby*, *James John Farquharson* the younger, *Thomas Fox*, *Baruch Fox*, *James Thomas Willis Fleming*, *Joseph Goodenough*, *John Garland*, *John Arundel Hann*, *William Henning* of *Frome*, *William Henning* of *Holway*, *William Lewis Henning*, *James Henning*, *Charles Burt Henning*, *Thomas Hoskins*, *Richard Hine*, *Joseph Hardy*, *Henry Hoskins* Clerk, *William Jennings*, *Joseph Crew Jennings*, *Thomas Robert Jennings*, *Thomas Jesty*, *Arthur Johnson* Clerk, *Samuel Lane* Clerk, *John James Lambert*, *William Charles Lambert*, *Giles Meech* Clerk, *Edward Murly*, *John Munden* Clerk, *John Martin*, *Edwin Jennings Martin*, *Edward Medway*, *John Jenkins Matthews* Clerk, *William Maskell* Clerk, *John Noake*, *Henry Oglander*, *Robert Pattison*, *John Petty* of *Frome*, *Ezekiel Pope*, *George Purling*, *Henry Petty*, *John Pope*, *Edward Pope*, *William Pope*, *Thomas Pope*, *Francis Pope*, *Charles Perkins*, *Thomas Russell*, *Samuel Rawlins*, *Thomas Strangways*, *Henry Strangways* Clerk, *George Strangways*, *John Stein*, *Richard Brinsley Sheridan*, *Isaac Sparks*, *John Symonds*, *John Shepheard*, *Peter Still* Clerk, *William Trenchard*, *William Denning Tapp*, *John Whittle*, *Charles Whittle*, *John Willis* Clerk, *Herbert Williams*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed the Trustees for carrying this Act and the several Acts in force for regulating Turnpike Roads in *England* in full and complete Execution.

Power to appoint additional Trustees.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting from Time to Time for that Purpose, of which Meeting and of the Purpose thereof Fourteen Days Notice shall be given, to elect and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for executing this Act, in addition to the Trustees herein named and appointed; and such additional Trustees so elected and appointed, being duly qualified as aforesaid, shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting of the Trustees.

XV. And be it further enacted, That the said Trustees shall hold their First Meeting at the *King's Arms* Inn in the Town of *Maiden Newton*, or at some other convenient House or Place on the Line of the said Roads, on the Third *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven

Eleven in the Forenoon and Two in the Afternoon, and shall then and there proceed to put this Act and the general Turnpike Acts in execution; and the said Trustees shall hold their future Meetings at *Evershot*, *Beaminster*, and *Maiden Newton*, alternately, and shall then and there afterwards adjourn to and meet at such Times, and Places on or near to the said Roads, as the said Trustees, or the major Part of them present at any such Meetings, shall think proper and appoint.

Power to continue Toll Gates, &c.

XVI. And be it further enacted, That it shall be lawful for the said Trustees to continue all or any of the Toll Gates or Turnpikes, Toll Bars, Toll Houses, Side Bars, Chains, and Weighing Machines now erected upon the said Roads or upon the Sides thereof, and also to erect or build others in lieu thereof or in addition thereto, upon any of the Roads comprised in this Act, or upon any Part or Parts thereof respectively, or upon the Sides thereof, and from Time to Time to alter, take down, and re-erect or reconstruct, or to discontinue and remove the same or any of them, as they the said Trustees shall think proper.

Old Tolls to continue payable until 31st Day of December next.

XVII. And be it further enacted, That all and every the Tolls made payable under or by virtue of the said recited Acts, any or either of them, or other the Sums of Money agreed to be paid for or in respect of such Tolls, shall be paid and collected, and shall continue to be paid and collected, up to Twelve of the Clock of the Night of the Thirty-first Day of *December* One thousand eight hundred and forty; and the said Trustees, and their Lessees, or any Persons under their Authority respectively, shall be entitled to demand and take, at every Turnpike, Toll Gate, Side Bar, or Chain now erected or which shall be continued or hereafter be erected or placed by virtue of this Act in, upon, across, or on the Sides of the Roads comprised in the said recited Acts, or any Part thereof, such Tolls or other Sums of Money made payable by virtue of the said recited Acts or any of them, and shall have all and every the same Powers, Remedies, and Means for recovering and enforcing the Payment thereof as they have or had previously to the passing of this Act; but the said Tolls or other Sums of Money shall be applied for such and the same Purposes as are herein expressed and declared with respect to the new Tolls hereby granted or authorized to be received; and the said recited Acts shall be in full force, so far as relates to such Tolls or Sums of Money authorized to be collected and received under the same, up to and until Twelve of the Clock of the Night of the Thirty-first Day of *December* One thousand eight hundred and forty.

After the 31st of December next the Tolls following shall be taken.

XVIII. And be it further enacted, That from and after the Thirty-first Day of *December* next after the passing of this Act it shall be lawful for the said Trustees, or any Persons appointed or continued or to be from Time to Time appointed by them Collectors or Lessees of Tolls, or otherwise authorized by them for that Purpose, to demand and take, at each Toll Gate or Turnpike, Toll Bar, Toll House, Side Bar, 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 made Turnpike, amended, widened, diverted, altered, improved, maintained,

tained, 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), before any Horse or any other Beast or Cattle, or Carriage, shall be permitted to pass through any such Toll Gate, Toll Bar, Turnpike, Side Bar, or Chain, the Tolls not exceeding the following; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Stage Coach, Landau, Barouch, Sociable, Phaeton, Break, Diligence, Omnibus, Berlin, Chaise, Chaise Marine, Calash, Vis-à-vis, Curricle, Chair, Hearse, Van, Litter, Car, Gig, or other such like Carriage, any Sum not exceeding Sixpence:

For every Horse, Yoke of Oxen, or other Beast, drawing any Caravan, Waggon, Wain, Cart, Dray, or other such heavy Carriage having Wheels of less Breadth than Six Inches, any Sum not exceeding Seven-pence Halfpenny; if of the Breadth of Six Inches, and less than Nine Inches, any Sum not exceeding Sixpence; and if of the Breadth of Nine Inches and upwards, any Sum not exceeding Four-pence Halfpenny:

For every Four-wheeled Carriage of any Description which shall be fastened or in any Manner fixed to another Carriage, any Sum not exceeding Three-pence; and for every Two-wheeled Carriage so fastened or fixed, any Sum not exceeding Two-pence:

For every Horse or other Beast of Burden, laden or unladen, and not drawing, (except as next herein-after mentioned,) any Sum not exceeding Two-pence:

For every Mule or Ass, laden or unladen, and not drawing, any Sum not exceeding One Penny Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding One Shilling *per* Score; and so in proportion for a greater or less Number:

For every Drove of Calves, Sheep, Lambs, Hogs, or Swine, any Sum not exceeding Sixpence *per* Score; and so in proportion for a greater or less Number:

And in all Cases when there shall be a fractional Part of One Halfpenny in the Calculation or Amount of the Tolls hereby granted, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part:

Which said Tolls shall be and they are hereby vested in the said Trustees, and the same shall be applied in the Manner by this Act directed.

Tolls to be paid but once a Day.

XIX. Provided always, and be it further enacted, That after the respective Tolls shall have been paid for the passing of any Horse, Cattle, Beast, or Carriage through any Toll Gate, Turnpike, or Side Gate to be continued or erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall, upon the Production of a Ticket denoting such Payment on that Day, 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), any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Tolls payable on repassing with a different Carriage.

XX. Provided nevertheless, and be it further enacted, That if any Horse, Beast, or Cattle for which Tolls shall have been paid at any of the said Toll Gates or Toll Bars shall return drawing another or a different Waggon, Wain, Cart, or other Carriage, such Horse, Beast, or Cattle shall not be permitted to return through the same or any other Toll Gate or Toll Bar on the same Day without Toll being again paid for such Horse, Beast, or Cattle.

Stage Carriages, &c. to pay each Time of passing and repassing;

XXI. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or other Beast drawing any Stage Coach, Omnibus, Car, Caravan, Stage Waggon, or any other Stage Carriage conveying Passengers or Goods for Hire or Reward, for each Time of passing and for each Time of repassing along the said Roads.

Post Chaises on every fresh Hiring.

XXII. 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 and for each Time of repassing along the said Roads, whenever any fresh Hiring thereof shall take place.

Trustees may lessen the Tolls.

XXIII. And be it further enacted, That the said Trustees shall be and they are hereby authorized and empowered from Time to Time, if they shall think proper, to lessen or reduce all or any of the said Tolls, and to raise the same again, so as not to exceed the respective Sums by this Act granted; and that such Tolls so lessened or reduced shall be collected and recovered in the same Manner as the Tolls herein-before granted are directed to be collected and recovered: Provided nevertheless, that no such Reduction as aforesaid shall be made unless the Persons who shall be entitled to Five Sixths Parts at least of the Money which shall have been borrowed and shall be then due on the Credit of the said Tolls shall consent thereto, and that no Alteration shall be made in any of the Tolls unless Notice of the Intention to make such Alteration, and of the Meeting to be holden for that Purpose, be given in Writing, to be affixed on all the Turnpikes which shall be then standing upon the said Roads, and be also advertised in some Newspaper or Newspapers published or circulated in the Counties of *Dorset* or *Somerset*, or one of them, Twenty-eight Days before such Meeting.

Exemption for Lime.

XXIV. Provided always, and be it further enacted, That no Toll shall be demanded or taken upon the said Roads, of or from any Person or Persons, for any Horse or Horses or other Beasts or Cattle, or for any Waggon, Cart, or other Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, any Lime for manuring or improving Land.

Application of Tolls and

XXV. And be it further enacted, That all the Monies which shall arise and be produced by and from the Tolls by the said recited Acts repealed

repealed and this Act granted and made payable, together with the Monies which shall be borrowed on the Credit thereof, or of any Acts at any Time heretofore repealed, and all other Monies which shall arise and be produced by virtue thereof, shall be vested in the said Trustees for the Time being, and 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 Payment of all the Costs, Charges, and Expences incident to and attending the applying for and obtaining and passing of this Act; secondly, in paying the Interest due upon the several Principal Sums of Money which have been borrowed and secured in pursuance of the said recited Acts or any of them, or which shall from Time to Time be borrowed and secured in pursuance of this Act; thirdly, in amending, widening, altering, diverting, turning, repairing, improving, and keeping in repair the Roads already made, and in defraying the Expences of making, completing, and keeping in repair the Roads by this Act authorized to be made and completed, and in erecting and repairing Toll Gates and Toll Houses, and in otherwise carrying this Act into execution; and lastly, in discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of the said recited Acts or either of them, and which may be hereafter borrowed and secured by virtue of this Act.

of Monies borrowed.

XXVI. Provided always, and be it further enacted, That no Money arising from any of the Tolls by this Act granted shall be applied in or towards the Repair of any Road comprised in this Act, unless some Toll Gate, Toll Bar, or Chain shall be erected or continued across or upon the Side of such Road, 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 such Roads than shall be received at the Toll Gates, Toll Bars, or Chains erected across or on the Sides thereof, or borrowed on the Credit of the Tolls collected thereon.

Tolls not to be applied to repair Roads unless there are Tolls taken thereon.

XXVII. And be it further enacted, That nothing in this Act contained shall empower the said Trustees to apply any of the Tolls received by virtue of this Act in repairing any Part of the said Roads in any Town or Place the Roads of which shall be maintained under the Provisions of a Local Act, nor to erect any Toll Gate, Toll Bar, or Chain on such Parts of the Roads, or any of them, or to collect any Toll thereon.

No Money to be applied in repairing Streets of Towns.

XXVIII. And whereas the Occupiers of adjacent Houses, Buildings, and Lands sometimes, to the great Damage of the Roads, suffer Water, Filth, and other offensive Matter to be thrown, run, or flow from the said Houses, Buildings, and Lands into or upon the said Roads; be it therefore enacted, That in case any Occupier of any House, Building, Erection, Lands, or Premises adjacent to the said Roads shall throw, or permit or suffer to be thrown, into or upon the said Roads, any such Water, Filth, or other offensive Matter as aforesaid, or shall not, within Three Days after receiving Notice from the said Trustees, their Surveyor or Agent, stop any Water, Filth, Dirt, or other

For preventing Drains, &c. being allowed to run across the Roads.

other offensive Matter or Thing from running or flowing into or upon the said Roads, he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and that each Day of the Continuance of such Nuisance after the Expiration of the said Three Days shall be deemed and construed to be a separate Offence, and be punishable accordingly.

Empowering the Surveyor General of the Duchy of Cornwall to contract for the Sale of a Right of Way over Lands belonging to the Duchy of Cornwall.

XXIX. And whereas Part of the Lands and Hereditaments required for the Purposes of this Act belong to and form Part of the Duchy of *Cornwall*; be it therefore enacted, That it shall and may be lawful for the Surveyor General for the Time being of the said Duchy to contract and agree with the said Trustees for the absolute Sale to them, at the best Prices that can be procured for the same, of a Right of Way over so much and such Parts of any of the Lands and Hereditaments belonging to the Duchy as shall be necessary, for the Purpose of forming, making, completing, and keeping up the said intended Diversions or new Lines of Road herein-before mentioned, or any Part of them, and to require and receive Compensation for Damages (if any) done to such Lands and Hereditaments as aforesaid by reason of such Sale, or the making such Diversions or new Lines of Road as aforesaid; and in case the said Surveyor General and the said Trustees should not agree as to the Amount or Value to be paid to the said Duchy for such Right to make, complete, and keep up the said intended Diversions or new Lines of Road as aforesaid, or any Part of them, or for such Compensation or Satisfaction as aforesaid. then such Amount or Value and such Compensation shall be ascertained and settled by Two indifferent Persons, to be chosen, the one by the said Surveyor General, and the other by the said Trustees; and such Two Referees so chosen shall have the Power of appointing an Umpire to decide between them in case of their Disagreement: Provided always, that no such Contracts by the said Surveyor General with the said Trustees shall be good unless the Terms thereof shall be sanctioned by a special Warrant to be issued for that Purpose by the Special Commissioners for the Time being for managing the Affairs of the said Duchy of *Cornwall*, or any Three or more of them.

Monies payable to the Duchy to be paid into the Bank of England.

XXX. And be it further enacted, That the Monies which shall be agreed or ascertained to be paid to the said Duchy in the Manner herein-before mentioned, for and in respect of such Sale, and Compensation or Satisfaction, shall from Time to Time be paid by the said Trustees into the Bank of *England*, to be there received by the Cashiers of the said Bank, and accounted for and invested in the Manner herein-after directed.

Money received by the Duchy to be carried to their Account at the Bank of England.

XXXI. And be it further enacted, That the Governor and Company of the Bank of *England* shall and they are hereby required to carry to the Credit of the Account now open in their Books, under the Title of "The Account of the Duchy of *Cornwall*," the several Monies directed as aforesaid to be paid to the Cashiers of the Bank of *England*; and whensoever it shall be agreed and ascertained in manner aforesaid that any Sum of Money is to be paid to the said Duchy by the said Trustees for such Sale as aforesaid, or for such Compensation and

and Satisfaction as herein-before mentioned, such Surveyor General shall grant unto the said Trustees a Certificate under his Hand, specifying the Amount of the Monies contracted and agreed to be paid to the said Duchy of *Cornwall*, and specifying also the Lands or Hereditaments or Rights of Way in respect of which such Monies are to be paid; and the said Cashiers of the Bank of *England*, or One of them, shall, upon the Production of such Certificate, accept and receive from the said Trustees the Monies therein specified, and at the Foot or on the Back of such Certificate acknowledge the Receipt of such Monies, without Fee or Reward; and the said Certificate and Receipt shall be afterwards brought to the Office of the Auditor of the Duchy of *Cornwall*, and be there forthwith inrolled in proper Books to be provided and kept for that Purpose separate and apart from the other Business and Proceedings of the said Office; and the Auditor or his lawful Deputy, having inrolled the Certificate and Receipt, shall attest the same under his Hand, and return the said Certificate and Receipt to the said Trustees; and from and immediately after such Inrolment, and thenceforth during the Continuance of this Act, the said Trustees and their Successors shall by force of this Act be adjudged, deemed, and taken to be in the actual Possession of the Right so by the said Trustees purchased (subject to the existing Leases, and to the making Compensation to the Tenants respectively for any Injury done to their Crops), and shall exercise and enjoy the same peaceably and quietly.

Application of the Monies to be paid into the Bank to the Account of the Duchy of Cornwall.

XXXII. And be it further enacted, That all and every Sums and Sum of Money which shall be paid into the Bank of *England* under and by virtue of this Act, on account of the Duchy of *Cornwall*, shall from Time to Time be laid out, by Order of the Special Commissioners for managing the Affairs of the said Duchy for the Time being, in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities, in the Name of the Duke of *Cornwall*, in which Name the Governor and Company of the Bank of *England* are hereby required to permit Transfers to be made out of the Annuities so to be purchased, and they are also required to permit such Transfers to be accepted by the Receiver General for the Time being of the Duchy of *Cornwall*, or his Deputy, for and in the Name of the Duke of *Cornwall*, and such Receiver General or his Deputy is hereby required to accept the same accordingly; and all and singular the Annuities so to be purchased and accepted shall remain vested in the Duke of *Cornwall*, and shall not be transferred or transferrable to any Person or Persons whomsoever; and all the Dividends thereof shall from Time to Time be paid by the Governor and Company of the Bank of *England* into the Hands of the said Receiver General for the Time being of the Duchy of *Cornwall*, or his Deputy, and shall by force and virtue of this Act be deemed and taken by Law to be Part of the Revenues of the said Duchy of *Cornwall*, and shall be from Time to Time answered, accounted for, applied, and appropriated to such and the same Uses and Purposes as the other Revenues of the said Duchy of *Cornwall*.

Saving Mines, &c. belonging to

XXXIII. Provided always, and be it further enacted, That nothing herein contained shall extend to or prejudice or affect the Right of Her Majesty,

the Duchy of Cornwall.

Majesty, Her Heirs or Successors, or the Duke of *Cornwall* for the Time being, to all Mines, Minerals, Stone, Clay, and Quarries, and the whole of the Substrata lying or being in, upon, within, or under the Lands or Grounds, or any of them, so belonging to or Parcel of the said Duchy, and over which such Right of Way as aforesaid shall by virtue hereof be granted, but all such Mines, Minerals, Stone, Clay, and Quarries, and the whole of such Substrata, are and is hereby reserved to Her said Majesty, Her Heirs and Successors, or the Duke of *Cornwall* for the Time being, with full and free Liberty for Her said Majesty, Her Heirs and Successors, or the Duke of *Cornwall* for the Time being, or his, her, and their Agents, Servants, or Workmen, to enter upon and work the said Mines and Quarries and Substrata, and take or carry away all such Minerals, Stone, Clay, and Substrata, or any Part thereof, as shall be gotten in, upon, or under any of such Lands, as fully and effectually as if this Act had not been made or passed: Provided nevertheless, that in working such Mines, Minerals, Stone, Clay, and Quarries, or for such Substrata, no Injury be done to the said intended Diversions, Alterations, new Lines of Road, and Improvements as aforesaid, or any Part thereof, any thing herein contained to the contrary notwithstanding.

General Saving of Duchy Rights.

XXXIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to the Alienation of any Soil or Mineral, or to prejudice or derogate from the Estate, Right, Title, Privileges, or Authority of the Queen's most Excellent Majesty, Her Heirs or Successors, in right or in respect of Her Duchy of *Cornwall*, or of the Duke of *Cornwall* for the Time being, nor at any Time or Times be admitted in any Court of Law or Equity or otherwise considered as Evidence upon any Occasion to be admitted against or to affect prejudicially in any Manner such Rights of Her Majesty, Her Heirs and Successors, in right or in respect of Her said Duchy of *Cornwall*, or the Duke of *Cornwall* for the Time being, other than the said Right to make the said intended Diversions, Alterations, new Lines of Road, and Improvements herein-before mentioned.

General Saving of Rights of the Crown.

XXXV. Provided always, and be it further enacted, That nothing in this Act contained shall be deemed, taken, or construed to impair, defeat, or lessen the Rights or Interests of Her Majesty, Her Heirs or Successors, save and except so far as such Rights or Interests are hereby expressly barred or affected, or intended so to be.

Rule for Construction of certain Expressions in this Act.

XXXVI. And be it further enacted, That wherever in this Act any Word or Words is or are used importing the Singular Number or the Masculine Gender only, such Word or Words shall extend to and shall be construed to include several Persons or Things as well as One Person or Thing, and Females as well as Males; and any Word or Words importing the Plural Number shall include One Person or Thing as well as several Persons or Things; unless it be otherwise specially directed or provided for, or there be something in the Subject or Context thereof repugnant to such Construction.

For paying the Expences of this Act.

XXXVII. And be it further enacted, That all the Charges and Expences incident to and attending the preparing, obtaining, and passing

passing of this Act shall be paid out of any Money already raised under or by virtue of the said recited Acts hereby repealed, or out of the first Money to arise by virtue of this Act, in preference to all other Payments whatsoever.

The Roads not to be exempt from any general Act.

XXXVIII. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Roads comprised in this Act from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Commencement and Duration of this Act.

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

Public Act.

XL. 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.

The

The SCHEDULE to which the foregoing Act refers.

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
	Charminster Parish.		
Josiah Slade	- -	Josiah Slade	Withy Bed.
Morgan Devenish	- -	Robert Tizard	Outhouse or Stable.
James Henning	- -	James Henning	Withy Bed.
John Milbourne	- -	John Milbourne	House.
James Brooks	- -	James Brooks	Garden.
Thomas Locket	- -	Stephen Daw	House and Garden.
James Brooks	- -	James Brooks	Ditto.
Ditto	- -	William Darke	Ditto.
Rebecca Milbourne	- -	John Clarke John Gregory.	House.
Richard Tizard	- -	Richard Tizard	House and Shop.
Josiah Slade	- -	Richard Tizard	Garden.
Charles Bird	- -	Charles Bird	House and Garden.
Ann Bird	- -	Ann Bird	Ditto.
George Barrett	- -	George Barrett	Ditto.
Jeremiah Bow	- -	Jeremiah Bow Frederick Vatcher. Henry Oliver.	Houses and Gardens.
John Mears	- -	John Mears	House.
Morgan Devenish	- -	John White	House and Garden.
Ditto	- -	Robert Gregory	Ditto.
Ditto	- -	Morgan Devenish	Orchard.
Isaac Andrews	- -	John Atkins	House and Garden.
Morgan Devenish	- -	Barnard Cox	Cow-yard.
Ditto	- -	William Little	Garden.
John Dewland	- -	John Dewland	Orchard.
Morgan Devenish	- -	Matthew Bishop	House and Garden.
Ditto	- -	Robert Tizard	Ditto.
Ditto	- -	Joseph How	House.
	Fordington Parish.		
Duchy of Cornwall	Robert Gerrard Davis	Thomas Curtis	Meadow and Garden.
The Trustees, and the County	- -	The Public	County Bridge and Turnpike Road.
Duchy of Cornwall	George Henning	James Hutchins	Withy Bed.
Duchy of Cornwall	John Stone and George Henning.	Lionel Bridle	Withy Bed and Garden.
Ditto	Ditto	John Ensor	Cement Kiln, Yard, and Garden.
Ditto	Ditto	William Cox	House and Garden.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1840.