ANNO TRICESIMO

VICTORIÆ REGINÆ.

Cap. xl.

An Act for the *Poole* Roads in the County of *Dorset*. [31st *May* 1867.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for repairing and improving certain Roads in and leading to and from the Town and County of the Town of* Poole, *and for making certain new Lines of Road in the said Town and County, and leading thence towards* Wareham *and* Blandford *in the County of* Dorset: And whereas the Powers granted by the said recited Act will expire at the End of the Session of Parliament which shall next follow after the Nineteenth Day of *May* 1867, unless Parliament shall in the meantime continue the same: And whereas there is now due and owing upon the Credit of the Tolls authorized to be taken on the Roads now subject to the Provisions of the said Act the Principal Sum of Eight thousand nine hundred Pounds, and that Sum is now due or reputed to be due to the several Persons named in the Second Schedule to this Act, or their Representatives, in the Proportions or Sums set opposite to their respective Names in that Schedule, and such Principal Sum cannot be paid off unless further Powers are granted and the Term of the said Act further continued: And whereas it is expedient that the said recited Act be repealed and

6 & 7 W. 4. c. xivii.

other Provisions be made instead thereof: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: 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, as follows; (that is to say,)

Short Title.

1. This Act may for all Purposes be cited as "*Poole* Roads Act, 1867."

Interpretation of Terms.

2. In this Act the following Words and Expressions have the following Meanings, unless excluded by the Subject or Context; (that is to say,)

The Expression "the recited Act" means the herein-before recited Act of 6 *William* IV.:

The Expression "the Roads" means the *Poole* Turnpike Roads to be maintained under this Act:

The Expression "the Trustees" means the Trustees from Time to Time acting in the Execution of this Act:

The Word "Toll Gate" means and includes all Toll Gates, Turnpikes, Bars, and Chains from Time to Time set up, upon, across, or by the Sides of the Roads, or across any Highway or other Carriageway or Bridleway communicating therewith:

The Word "Carriage" means and includes all Carriages, Coaches, Stage Coaches, Omnibuses, Vans, Caravans, Barouches, Chariots, Chaises, Curricles, Phaetons, Cars, Gigs, taxed Carts, and other Vehicles, by whatsoever Names known, respectively adapted or used for the Conveyance of Persons or light Articles; and also all Hearses and Breaks, and all other Vehicles not comprised in the Word "Cart," as employed by this Act:

The Word "Cart" means and includes all Carts, Waggons, Wains, Vans, Caravans, Drags, Drays, Timber Carriages, and other Vehicles, by whatsoever Names known, respectively adapted or used for the Conveyance of heavy Articles.

Commencement and Duration of Act.

3. This Act shall commence with the First Day of *August* 1867, and shall continue for the Term of Fourteen Years from that Day inclusive, and thenceforth to the End of the then next Session of Parliament: Provided that in the event of the several Principal Sums specified in the Second Schedule to this Act being paid off before the End of the Term this Act shall cease and determine.

Act to be executed for Discharge of Debts and

4. This Act shall be put into execution for the Purposes of discharging the several Mortgage Debts specified in the Second Schedule to this Act annexed, and the Interest thereon, and of maintaining,

taining, repairing, and improving the Roads which, in accordance with the Provisions of this Act, are the *Poole* Turnpike Roads, and are as follows: Maintenance of Roads.

The Turnpike Road commencing at the West Side of a House belonging to and now occupied by *Wakefield Buckley*, situate at *Longfleet* in the Town and County of *Poole*, leading thence through the several Tythings, Parishes, and Places of *Longfleet* in the County of the Town of *Poole*, *Great Canford*, *Wimborne Minster*, *Leigh*, *Wimborne Borough*, *Stone Petersham*, *Monckton-up-Wimborne*, *Little Hinton*, *Hinton Martell*, *Chalbury*, *Horton*, *Woodlands*, *Wimborne Saint Giles*, *Philipstone*, *Edmondsham*, and *Cranborne* in the County of *Dorset* (excepting so much of the public Road between *Poole* and *Cranborne* as lies between the *Wimborne* County Police Station, in *Wimborne Minster* aforesaid, and the County Bridge Boundary at *Walford Bridge*, in the same Parish, being Part of the public Streets of the Town of *Wimborne*), and terminating at the Cross Roads near the South or South-west Entrance to the Town of *Cranborne*:

The Turnpike Road commencing at that Part of the *Longfleet* Highway known as the *Ringwood Road* which abuts upon a House and Garden in *Longfleet* belonging to and occupied by *George Conway*, leading thence through the several Tythings, Parishes, and Places of *Longfleet*, *Parkstone*, *Kinson*, and *Great Canford*, in the County of the Town of *Poole* and County of *Dorset*, and *Muscliffe*, *Muckleshell*, *Holdenhurst*, and *Christchurch Twyneham*, in the County of *Southampton*, and terminating at the *Bournemouth* Boundary Stone marked B I A C on the public Road leading from *Poole* to the Town of *Bournemouth* in the County of *Southampton*:

The Turnpike Road commencing in *Longfleet* at the *Poole* Side of the Road leading to the "*Poole* Union House," and passing thence through the Tythings, Parishes, and Places of *Longfleet*, *Parkstone*, *Kinson*, *Great Canford*, and *Hampreston*, in the said County of the Town of *Poole* and County of *Dorset*, and terminating at *Longham Bridge* in the said Parish of *Hampreston*, being the Road leading from *Poole* to *Ringwood* in the said County of *Southampton*:

The Turnpike Road commencing at the Point of Junction of the *Wimborne* and *Wareham* Turnpike Roads near "Bushels Mill," leading thence through the Tythings, Parishes, and Places of *Longfleet*, *Corfe-Mullen*, *Great Canford*, and *Lytchett Minster*, otherwise *South Lytchett*, in the said County of the Town of *Poole* and County of *Dorset*, to and over a Bridge called *King's Bridge* in the Parish of *Lytchett Minster*, and terminating Forty Yards beyond the same Bridge in the Parish of *Saint Martin's Wareham*,

Wareham, being the Road from *Poole* towards the Borough of *Wareham* in the said County of *Dorset:*

The present Turnpike Road, commencing at the South-east End of the Approach to the Bridge between *Poole* and *Hamworthy*, in *Hamworthy* aforesaid, leading thence through *Hamworthy*, *Lytchett Minster*, *Lytchett Matravers*, and *Sturminster Marshall*, in the County of the Town of *Poole* and County of *Dorset*, to the *Blandford* Turnpike, near *Baillie Corner*, in the said Parish of *Sturminster Marshall*.

Trustees may purchase Land and erect Toll House, &c.

5. The Trustees may acquire by Agreement and hold the Piece of Land described in the First Schedule to this Act annexed, and may erect and maintain a Toll House on such Piece of Land, with all necessary Conveniences.

Power to erect Fences to prevent Evasion of Tolls.

6. The Trustees may erect any Hedge or Fence or cut or dig any Dyke or Ditch on each Side of the Road of the Length of Half a Mile over or along any open Fields or Down Lands, Commons or Waste Grounds, on either Side of any Toll Gate now existing or to be hereafter erected, so as to prevent the Evasion of the said Tolls.

Trustees.

7. All Her Majesty's Justices of the Peace from Time to Time acting for the County of *Dorset*, together with the Reverend *John Hiley Austin*, *Henry Mooring Aldridge*, *Willett Lawrence Adye*, *William Lewis Cockram Adey*, *James Thomas Basket*, *Waring Alexander Biddle*, Reverend *Henry John Buller*, Reverend *Edward Poulet Blunt*, *John Lowdham Brett*, *George Belben*, *Henry Charles Burt*, Reverend *Henry Parker Cookesley*, Reverend *John Hemery Carnegie*, *St. John Coventry*, *William Druitt*, *John Samuel Wanley Sawbridge Erle Drax*, Reverend *William Fletcher*, Reverend *Carr John Glyn*, *John Bingley Garland*, Reverend *Henry Good*, *George Hancock Gutch*, Reverend *William Mortimer Heath*, *John Hatchard*, *John Harvey*, Reverend *Augustus Kemp*, *James Kemp*, *Edward Lewer*, *William Tory Mackrell*, Reverend *Charles Onslow*, *Charles John Parke*, *William Pearce*, *Henry Berkeley Portman*, Reverend *Robert William Plumtre*, *Francis Pope*, Reverend *Charles Kegan Paul*, *Francis Timewell Rogers*, *Thomas Rawlins*, *James Slade*, *Thomas Slade*, *Frederick Styring*, *Charles John Stone*, *George Stoneham Tasker*, *Martin Kemp Welch*, Reverend *Alfred Wilkinson*, Reverend *John Williams*, *Thomas Wanhill*, 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.

Power to appoint additional Trustees.

8. 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

and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; 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.

Repeal of 6 & 7 W. 4. c. xlvii.

9. On the Commencement of this Act the recited Act of 6 *William* IV. is by this Act repealed.

Property held under repealed Act vested in the Trustees.

10. All Lands, Buildings, Toll Gates, Materials, Tolls, Apparatus, Books, Accounts, Deeds, Papers, Writings, and other Things, and all Choses in Action respectively vested in or belonging to the Trustees under the recited Act, and all Monies due and to become due to them, are on the Commencement of this Act vested in and shall belong to the Trustees.

General Saving of Rights under recited Act.

11. Notwithstanding the Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done, suffered, and confirmed respectively under or by the recited Act shall be as valid as if the Repeal had not happened, and the Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if the Repeal had not happened would be incident to or consequent on any and every Thing so done, suffered, and confirmed respectively; and with respect to all such Things so done, suffered, and confirmed respectively, and all such Rights, Liabilities, Claims, and Demands, the Trustees shall to all Intents represent the Trustees under the recited Act; provided that the Generality of this Provision shall not be restricted by any other of the Sections and Provisions of this Act.

Actions not to abate, &c.

12. Notwithstanding the Repeal of the recited Act, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Trustees under the recited Act before the Commencement of this Act shall not abate or be discontinued or prejudicially affected by the Repeal, but on the contrary shall continue and take effect both in favour of and against the Trustees in the same Manner to all Intents as if the Repeal had not happened, save only that the Trustees shall be substituted therein for the Trustees under the recited Act.

Contracts, &c. preserved.

13. Notwithstanding the Repeal of the recited Act, but subject to the Provisions of this Act, all Purchases, Sales, Conveyances, Leases, Mortgages, Securities, and Contracts before the Commencement of this Act made under the recited Act, or with reference to the Pur-

poses thereof, or kept in force by recited Act, shall be as effectual to all Intents for, against, and with respect to the Trustees as if the same had been made by, to, or with respect to the Trustees instead of the Trustees under the recited Act or their Predecessors in the Trust, and may be proceeded on and enforced in like Manner to all Intents as if the Trustees had been Party or privy thereto or referred to therein instead of the Party actually Party or privy thereto or referred to therein.

Debts, &c. to be paid.

14. Notwithstanding the Repeal of the recited Act, all Persons who immediately before the Commencement of this Act owed any Money to the Trustees under the recited Act, or to any Person on their Behalf, shall pay the same with all Interest (if any) due and payable or accruing for the same to the Trustees; and all Monies which immediately before the Commencement of this Act were owing by or recoverable from the Trustees under the recited Act, or for the Payment of which they were or but for this Act would be liable, shall, except in so far as the same are by this Act extinguished, altered, or reduced, be paid with all Interest (if any) due and payable or accruing for the same by or be recoverable from the Trustees.

Books, &c. continued Evidence.

15. Notwithstanding the Repeal of the recited Act, all Documents, Books, and Writings by the recited Act directed or authorized to be kept or continued receivable in Evidence, and which if Repeal had not happened would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

Officers continued.

16. Notwithstanding the Repeal of the recited Act, every Officer and Servant appointed by virtue of or acting under the recited Act shall hold and enjoy his Office and Employment and be deemed an Officer and Servant of the Trustees until he resigns or is removed from his Office or Employment, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Regulations, Pains, and Penalties as if he were appointed under this Act.

First and other Meetings of Trustees.

17. The Trustees shall hold their First Meeting under this Act at the *London* Hotel in *Poole* aforesaid, or at some other convenient Place in the Neighbourhood of the Road, on the First *Monday* in the Month after the Commencement of this Act, and shall then and from Time to Time thereafter adjourn to and meet alternately at *Wimborne* and *Poole*, save and except all such Meetings as may be necessary for letting the Tolls hereby imposed, or for any special Purpose, which may be held at such Place in the Neighbourhood of the said Road and at such Times as the Trustees think proper.

18. The

Existing and new Toll Gates.

18. The several Toll Gates which on Commencement of this Act are upon, across, or at the Side of the present Roads, or across any Highway or other Carriageway or Bridleway communicating therewith, shall be continued until removed by Order of the Trustees; and the Trustees from Time to Time, in accordance with the General Turnpike Acts from Time to Time in force, may place upon, across, or on the Side of the Road, or across any Highway or other Carriageway or Bridleway communicating therewith, such Toll Gates as the Trustees determine.

Tolls.

19. On and after the Commencement of this Act the Trustees may demand and take at their several Toll Gates from Time to Time continued or provided under this Act upon, across, or by the Side of the Road, or across any Highway or other Carriageway or Bridleway communicating with the Road, such ordinary Tolls as the Trustees at their Meetings from Time to Time determine, not exceeding the Sums following; (that is to say,)

For every Horse, Mule, or other Animal, except an Ass, drawing any Carriage, Threepence;

For every Ass drawing any Carriage, One Penny;

For every Four-wheeled Carriage fixed in any Manner to any Carriage or Cart, Sixpence;

For every Two-wheeled Carriage so fixed, Threepence;

For every Horse, Mule, or other Animal, except an Ass, drawing any Cart, Twopence;

For every Ass drawing any Cart, One Penny;

For every Animal of Draught or Burden, laden or unladen, but not drawing, One Penny;

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Eightpence *per* Score, and so in proportion for any greater or less Number;

For every Drove of Calves, Swine, Sheep, or Lambs, or other small Animals, the Sum of Fourpence *per* Score, and so in proportion for any greater or less Number;

And in all Cases in which there shall be a fractional Part of One Halfpenny in the Amount of Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

24 & 25 Vict c. 70. to apply.

20. The Provisions of "The Locomotive Act, 1861," with reference to Tolls and otherwise shall extend to this Act.

Limitation of Number of ordinary Tolls.

21. Except as is by this Act otherwise expressly provided, not more than One ordinary Toll shall be demanded or taken for the passing and repassing on the same Day of the same Animal, Carriage, or Cart along the whole or any Part of the Roads North of the River *Stour*,

Stour, and (except as aforesaid) no more than One ordinary Toll shall be demanded or taken for the passing and repassing on the same Day of the same Animal, Carriage, or Cart along the whole or any Part of the Roads situate South of the said River *Stour*.

Tolls payable only once a Day.

22. Where any Person pays the Toll for the passing of any Animal, Carriage, or Cart through the Toll Gate, the same Animal drawing the same Carriage or Cart shall (except as is by this Act otherwise provided), on the Ticket denoting the Payment of the Toll being produced, be permitted at all Times during the same Day to pass Toll-free through the same Toll Gate, and also through every Toll Gate, *if* any, which the Ticket frees.

Tolls payable more than once a Day.

23. Provided, That in the following Cases the Tolls shall be payable for every Time of passing during the same Day:

Where the same Animal draws a different laden Carriage or Cart from the Carriage or Cart which it drew when the Toll was paid before on the same Day:

Where the Carriage or Cart is a Stage Coach, Van, Caravan, Stage Waggon, or other Stage Carriage or Stage Cart carrying Passengers or Articles for Hire or Pay:

And in the following Case the Tolls shall be payable for every Time of passing during the same Day under a new hiring:

Where the Carriage is a Postchaise, Gig, or other Carriage let out for Hire or Pay.

No more Money to be borrowed on Credit of the Tolls

24. No more Money shall be borrowed by the Trustees on the Credit of the Tolls of the Road.

Application of Monies.

25. All Monies which come to the Hands of the Trustees by virtue of this Act shall be applied as follows; that is to say,

First, in paying the Costs, Charges, and Expenses of and incident to the applying for, obtaining, and passing this Act:

Secondly, in paying Salaries of Officers, and in defraying the necessary Expenses of repairing, altering, and lighting Toll Gates and Toll Houses, and the necessary Expenses of Management of the Road, but such Expenses together not to exceed One hundred and twenty Pounds a Year, exclusive of the Wages of Toll Collectors, and Expenses with respect to Actions at Law, Suits, Indictments, Appeals, or Proceedings before Magistrates:

Thirdly, in paying the Expenses of removing and erecting Toll Gates and Toll Houses, but not exceeding in the whole Six hundred Pounds:

Fourthly, in paying Interest at the Rate of Three *per Centum per Annum* upon the several Principal Sums amounting together to Eight thousand nine hundred Pounds specified in the Second

Schedule

Schedule to this Act annexed, or upon so much thereof as is from Time to Time owing in respect of Money borrowed on the Credit of the Tolls: Provided that no Interest shall accrue due in respect of such Principal Sums until the Expenses of this Act are paid:

Fifthly, in paying the Expenses of maintaining and repairing the Roads, but those Expenses not to exceed Seven hundred and fifty Pounds a Year:

Sixthly, in paying off, as is by this Act provided, the Principal Sums specified in the Second Schedule to this Act annexed.

Mortgagees to take possession for Arrears of Interest only.

26. Whenever and so long as the Interest upon the Debt for the Time being due, according to the Provisions of this Act, shall be duly paid within Three Calendar Months next after the same shall become due, no Holder of any Mortgage of the Tolls shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the Roads, or into the Receipt of the Tolls arising therefrom, or of the Rent payable on any letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rents, shall pay the Interest from Time to Time due and becoming due upon the then existing Mortgages, in order by this Act directed, and without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled. And every Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk to the Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due on such Mortgages up to the last of such yearly Days, and all such Costs as aforesaid, shall have been fully paid and satisfied or provided for, then such Mortgagee shall when thereunto required by the Trustees pay over to the Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of such Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls, and of any such Rents as aforesaid to the Trustees or any Person appointed by them to receive the same, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

Mode of discharging Debt.

27. Whenever the Sum applicable towards the Discharge of the Mortgage Debt amounts to Two hundred Pounds, the Trustees shall, at any General, Annual, or other Meeting apply the Sum in Payment of a Part of the Mortgage Debt to some Person or Persons entitled thereto, and shall, Twenty-eight Days at least before the Meeting, give

give Notice of the Meeting and of the Purposes thereof, so far as the same relate to the Application of the Sum, by Letter transmitted through the General Post Office to every Creditor, addressed to his usual Place of Residence; and at the Meeting the Trustees shall apply the Sum, or (as the Case requires) a Portion thereof, towards the Discharge of a Part of the Mortgage Debt to the Creditor who by Proposal in Writing, transmitted to the Clerk of the Trustees before the Meeting, offered to accept the lowest Composition in respect of his Proportion of the Mortgage Debt, and after Payment to that Creditor shall apply the Surplus (if any) of the Sum, or (as the Case requires) a Portion thereof, in or towards the Discharge of a further Part of the Mortgage Debt due to the Creditor who by like Proposal has offered to accept the next lowest Composition in respect of his Portion of the Mortgage Debt, and so on until the Sum be exhausted; and whenever Two or more Creditors by like Proposal shall have offered to accept an equal Rate of Composition, the Trustees may determine by Lot the Preference between those Creditors, or may pay the Composition rateably between them, as the Trustees think fit; and if there be not any such Proposal, or if there be any Surplus of the Sum after applying the same, so far as necessary, in or towards the Discharge of the Monies to which any such Proposals relate, the Trustees may, as they think fit, apply the Sum, or (as the Case may be) the Surplus thereof, rateably amongst the Creditors, or may pay the same to such of them as the Trustees determine by Lot.

No Monies to be applied in repairing certain Roads.

28. The Trustees shall not apply any of the Tolls or Monies received or to be received by virtue of this Act in paving, repairing, or maintaining any of the Streets, Highways, or public Places within the Towns of *Poole*, *Bournemouth*, *Wareham*, or *Wimborne*.

Roads not exempt from Provisions of General Acts.

29. Nothing in this Act contained shall exempt the Roads from the Provisions of the 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, or from the Provisions of any such Act now in force, except so far as any Provisions thereof are expressly varied by this Act or are inconsistent therewith.

The

The FIRST SCHEDULE referred to in the foregoing Act.

Parish in which Lands are situate.	Description of Lands.
Canford Magna -	A Piece of Land containing about One Rood, situate at or near the Point where the Road from Bournemouth to Constitution Hill adjoins the Turnpike Road from Bournemouth to Poole.

The SECOND SCHEDULE to the foregoing Act.

Mortgage Debt on the Tolls.

Mortgagees.	Principal Sums.		
	£	s.	d.
George Gollop - - - - - -	100	0	0
Melicent Hill - - - - - - -	200	0	0
Catherine Young Hawkins - - - - -	50	0	0
The Honble. Ashley Ponsonby - - - -	7,750	0	0
Mary Sharpe - - - - - - -	100	0	0
Henry Smith - - - - - - -	400	0	0
Susan Elizabeth West - - - - -	250	0	0
George Anthony Adams and James Rickman Justican -	50	0	0
	£8,900	0	0

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