ANNO QUINQUAGESIMO NONO

# GEORGII III. REGIS.

## *Cap.* lxxxviii.

**An Act for repairing, widening, improving, and maintaining in Repair the ſeveral Roads leading to and from the Town of *Bridport*, and for making a new Line of Road to communicate with the ſame.** [14th *June* 1819.]

WHEREAS an Act was paſſed in the Twenty-ſeventh Year of the Reign of King *George* the Second, intituled *An Act for repairing and widening the Road from a certain Intrenchment on* Aſkerſwell Hill, *oppoſite to* Chilcombe Farm, *through the Town of* Bridport, *to* Penn Inn, *and from* Bridport *aforeſaid to the Town of* Beaminſter, *in the County of* Dorſet; *and alſo the Road from* Penn Inn *aforeſaid, through the Town of* Axminſter, *to the Workhouſe at the Eaſt End of the Town of* Honiton, *in the County of* Devon: And whereas an Act was paſſed in the Fifth Year of the Reign of His preſent Majeſty, intituled *An Act for enlarging the Term and Powers of ſo much of an Act made in the Twenty-ſeventh Year of His late Majeſty, for repairing ſeveral Roads in the Counties of* Dorſet *and* Devon, *as relates to the Road from* Penn Inn, *in the County of* Dorſet, *to the Workhouſe at the Eaſt End of the Town of* Honiton, *in the County of* Devon, *and to the Road from the Intrenchment on* Aſkerwell Hill *to* Penn Inn, *and from* Bridport *to* Beaminſter; *and for repairing and amending ſeveral other Roads therein mentioned, in the Counties of* Dorſet *and* Devon: And whereas another Act was paſſed in the Thirty-ninth Year of the Reign of His preſent Majeſty, intituled *An Act to continue for Twenty-one Years, and from thence to the End of the then next Seſſion of* 27 G. 2. c. 32. 5 G. 3. c. 75. 39 G. 3. c. 33.

*Parliament, the Term, and to alter, enlarge, and repeal ſome of the Proviſions of Two Acts paſſed in the Twenty-ſeventh Year of the Reign of King* George *the Second, and in the Fifth Year of the Reign of His preſent Majeſty, ſo far as the ſaid Acts relate to the repairing of the Roads from an Intrenchment on* Aſkerwell Hill *through* Bridport *to* Penn Inn, *from* Bridport *to* Beaminſter, *from the North End of the South Street of* Bridport *to* Bridport Harbour, *from the North Turnpike Gate at* Beaminſter *to* Beaminſter Wood, *otherwiſe* Wood Common, *and to* Lenham's Water; *all in the County of* Dorſet: And whereas by the ſaid recited Act of the Twenty-ſeventh Year of the Reign of King *George* the Second, the Road leading from a certain Lanchet or Intrenchment on *Aſkerſwell Hill*, oppoſite to *Chilcombe Farm*, through the Town of *Bridport*, to a Houſe called *Penn Inn*, in the Pariſh of *Whitechurch Canonicorum*; and alſo the Road leading from the ſaid Town of *Bridport* through the Pariſhes of *Bradpole* and *Netherbury* to the Town of *Beaminſter*, in the County of *Dorſet*, were directed to be amended and repaired: And whereas by the ſaid recited Act of the Fifth Year of the Reign of His preſent Majeſty, the ſaid Roads, and alſo the Road leading from the North End of the South Street of *Bridport* to *Bridport Harbour*; and alſo the Road from the North Turnpike Gate at the South End of the Town of *Beaminſter* to the Entrance into the Common called *Beaminſter Wood*, otherwiſe *Wood Common*, and to *Lenham's Water*, in the ſaid County of *Dorſet*, were directed to be amended and repaired: And whereas by the ſaid recited Act of the Thirty-ninth Year of the Reign of His preſent Majeſty, it was (after reciting that the ſaid ſeveral Roads were by the ſaid recited Acts divided into Two ſeparate Diſtricts, the one comprizing the Roads from *Aſkerſwell Hill* to *Penn Inn*, and from *Bridport* aforeſaid to *Bridport Harbour*, called the Firſt Diſtrict, and the other comprizing the Roads from *Bridport* to *Beaminſter* aforeſaid, and from *Beaminſter* to *Beaminſter Wood*, otherwiſe *Wood Common*, and to *Lenham's Water*, called the Second Diſtrict; and that Doubts were entertained as to the exact Line of Boundary between the ſaid Two Diſtricts of Roads) enacted and declared, that the North End of a Houſe called *The New Meeting Houſe*, in *Stake Lane*, in the Town of *Bridport* aforeſaid, ſhould be the Boundary between the ſaid Two Diſtricts of Roads called the Firſt Diſtrict and the Second Diſtrict, and that the Road from the South End of the ſaid Lane called *Stake Lane*, to the North End of the ſaid Houſe called *The New Meeting Houſe*, being Fifty Yards in Length or thereabouts, ſhould from thenceforth be deemed and taken to be Part of the Roads comprized in the ſaid Firſt Diſtrict: And whereas conſiderable Sums of Money have been borrowed on the Credit of the Tolls authorized to be collected upon the ſaid reſpective Diſtricts of the ſaid Roads, which ſtill remain due and owing: And whereas it would be of Advantage to the ſaid Roads, and of great public Utility, if Power were given to widen certain Parts of the ſaid Roads, and alſo to make a new Line of Turnpike Road in the Second Diſtrict, to lead from the South End of the late Common called *Beaminſter Wood*, otherwiſe *Wood Common*, in the Pariſh of *Beaminſter*, through Part of the ſaid Pariſh of *Beaminſter*, and alſo the Pariſhes of *Broadwinſor* and *Moſterton*, in the ſaid County of *Dorſet*, to the Rivulet or Lake called *Cole Brook Water*, otherwiſe *Miſterton Water*, in the Pariſh of *Miſterton*, in the County of *Somerſet*: And whereas the Sums borrowed on the Credit of the ſaid Tolls cannot be repaid, nor can the ſaid Roads be effectually amended, widened, altered, diverted, made, improved, and maintained in

Repair, unleſs the Powers and Proviſions of the ſaid Acts, ſo far as they relate to the Roads within the ſaid Diſtricts called the Firſt and Second Diſtricts, be amended and enlarged, and the Tolls increaſed: And whereas it will facilitate the Execution of the Purpoſes aforeſaid, if ſuch of the Powers and Proviſions of the ſaid Acts as ſhall be continued or amended, and the neceſſary additional Powers and Proviſions, were to be conſolidated and comprized in one Act: 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 Acts of the Twenty-ſeventh Year of the Reign of His late Majeſty King *George* the Second, and of the Fifth and Thirty-ninth Years of the Reign of His preſent Majeſty, ſo far as the ſame relate to the Roads comprized within the Firſt and Second Diſtricts, ſhall be and the ſame are hereby repealed; and that this Act ſhall from thenceforth commence and take Effect, and be put in Execution for and during the Term herein-after mentioned, for the Purpoſe of making, amending, widening, altering, improving, and maintaining in Repair the Roads herein-after deſcribed; and this Act and the Tolls hereby granted ſhall be and the ſame are hereby made ſubject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken by the ſaid recited Acts, or any of them, on the ſaid reſpective Diſtricts of Roads, and of all Intereſt due and to grow due thereon, as fully and effectually to all Intents and Purpoſes as if ſuch Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected.

Former Acts repealed.

II. And be it further enacted, That all His Majeſty's Juſtices of the Peace acting in and for the County of *Dorſet*, the Honourable *Stephen Digby Fox Strangways*, Sir *William Oglander* Baronet, Sir *Thomas Buckler Lethbridge* Baronet, Sir *Evan Nepean* Baronet, *Joſeph Gundry* the elder, *Joſeph Gundry* the younger, *Samuel Gundry*, *Samuel Bowden Gundry*, *Nathaniel Downe*, *David Williams* Clerk, *William Brookland* Clerk, *Gregory Raymond* Clerk, *John Colmer* Clerk, *James Templer*, *Walter Gundry*, *Daniel Downe*, *John Gundry Downe*, *Charles Read*, *John Golding*, *Thomas Colfox*, *William Colfox*, *George Browne*, *Simon Davie Robinſon*, *Griffith Lloyd*, *William Hounſell*, *Thomas Hounſell*, *Joſeph Stone*, *John Saltren* Clerk, *William Stephens*, *William Fowler* the elder, *Joſhua Carter*, *Thomas Gordon*, *Robert Strong*, *John George Downe*, *Richard Symes Cox* Clerk, *John Pitfield*, *Henry Fox* Clerk, *Richard Shepherd*, *Edwin Nicholetts*, *John Tomlyns*, *Thomas Swain*, *William Swain*, *Hollis Bull Way*, *Harvey Way*, *William Good*, *William Battiſcombe*, *Thomas Tucker* the elder, *George Tucker*, *Charles Murly*, *William Jennings*, *James Hodder*, *John Golding* the younger, *George Golding*, *Humphry Weld*, *Richard Knight*, *Thomas Hodges* Clerk, *William Burnard*, *Nicholas Ingram*, *John Chilcott*, *Robert Graves* Doctor of Medicine, *William Jewſon*, *Joſeph Hounſell*, *John Ludd Fenner*, *John Ewens*, *William Coppock*, *Joſeph Ewens*, *Molineaux Nepean*, *Evan Nepean*, *William Pyle Taunton*, *Robert Knight*, *John Michol*, *Henry Combe Compton*, *Robert Battiſcombe*, *George Gray*, *John Taunton*, *Joſeph Tucker* of *Chideock*, *John Adney*, *Samuel Fitzherbert* Clerk, *Gilbert Henry Langdon* Clerk, *Henry Hallett*, *Joſeph Hallett*, *Samuel Bartlett Jerrard*, *William Drewe*, *John Puddicombe* Clerk, *Samuel Cox*, *John Thoytes*, *John Warren*, *Thomas Pitfield*, *John Banger*

Appointment of Truſtees for the Firſt Diſtrict;

*Banger Ruſſell, Thomas Fox, Thomas Fox* Clerk, *Marker*, and *E Foyle* Clerk, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for making, amending, widening, altering, improving, and maintaining in Repair the following Roads, which ſhall be and be called the Firſt Diſtrict of the *Bridport* Roads; (that is to ſay), the Roads leading from the Intrenchment on *Aſkerſwell Hill*, oppoſite to *Chilcombe Farm*, through the Borough of *Bridport* to *Penn Inn*, and from the North End of the South Street of *Bridport* to *Bridport Harbour*, and from the South End of the Lane called *Stake Lane* in *Bridport* aforeſaid, to the North End of the New Meeting Houſe in the ſame Lane, and for carrying this Act into Execution with reſpect to the ſaid Firſt Diſtrict of Roads; and that all His Majeſty's Juſtices of the Peace acting in and for the County of *Dorſet*, Sir *William Oglander* Baronet, Sir *Evan Nepean* Baronet, Sir *Thomas Buckler Lethbridge* Baronet, *John Oglander*, *Henry Combe Compton*, *John Huſſey*, *Molyneux Nepean*, *Samuel Cox*, *Hollis Bull Way*, *John Banger Ruſſell*, *Baruch Fox*, *Giles Ruſſell*, *John Cox Ruſſell* Clerk, *Stephen Atkinſon*, *Thomas Fox*, *William Hody Cox*, *Thomas Crode*, *Thomas Cowdry*, *Samuel Cox* the younger, *Joſeph Biſhop*, *Joſeph Biſhop* the younger, *James Daniel*, *John Daniel*, *Richard Hine*, *George Hine*, *Richard Bridge*, *Richard Hine* Grocer, *Robert Conway*, *Jonathan Dowdeſwell*, *James Conway*, *Richard Phelps*, *Theodore Ling*, *John Davey*, *Emanuel Peſter Davey*, *George Eveleigh*, *Richard Symes*, *Joſeph Symes*, *Richard Symes Cox* Clerk, *William Burt Little*, *Giles Symonds* the younger, *George Golding*, *Daniel Gundry*, *Benjamin Pope*, *John Hallett*, *William Hoſkins*, *William Clift*, *John Crode* junior, *John Warr*, *Simon Read*, *James Read*, *William Curtis*, *John Pitfield*, *Thomas Pitfield*, *John Clare*, *John Keddle*, *John Chapman Keddle*, *Thomas Cook*, *John Symes*, *John Hearne*, *William Purchaſe*, *Joſeph Parry*, *Thomas Carter*, *James Primroſe Maxwell*, *Iſrael Jones*, *Daniel Cox*, *Frederick Ruſſell*, *Thomas Ruſſell*, *Charles Read*, *Joſeph Gundry*, *Samuel Gundry*, *Joſeph Gundry* the younger, *Thomas Colfox*, *Nathaniel Downe*, *James Templer*, *William Fowler*, *Robert Strong*, *William Hounſell*, *Thomas Hounſell*, *John Golding*, *Robert Graves*, *William Stephens*, *William Colfox*, *Samuel Bowden Gundry*, *Walter Gundry*, *Griffith Lloyd*, and *John Gundry Downe*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for making, amending, diverting, widening, altering, ſtraightening, improving, and maintaining in Repair the following Roads, which ſhall be and be called the Second Diſtrict of the *Bridport* Roads; (that is to ſay), the Roads leading from the Termination of the ſaid Firſt Diſtrict to *Beaminſter*, from the North Turnpike Gate at the South End of the Town of *Beaminſter*, to the Entrance into the Common called *Beaminſter Wood* otherwiſe *Wood Common*, and to *Lenham's Water*, and from the ſaid Entrance into the ſaid Common called *Beaminſter Wood*, in the County of *Dorſet*, to *Miſterton Water*, in the County of *Somerſet*, and for carrying this Act into Execution with reſpect to the ſaid Second Diſtrict of Roads.

and for the Second Diſtrict.

Power to appoint additional Truſtees.

III. And be it further enacted, That it ſhall be lawful for the Truſtees hereby nominated for the ſaid Firſt Diſtrict of Roads, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in purſuance of this Act, to elect any Number of Perſons, not exceeding Ten in the whole, to be Truſtees for the ſaid Firſt Diſtrict of Roads for the Purpoſes of this Act, in addition to the Truſtees hereby appointed; and it ſhall be lawful for the Truſtees hereby nominated

nated for the ſaid Second Diſtrict of Roads, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in purſuance of this Act, to elect any Number of Perſons, not exceeding Ten in the whole, to be Truſtees for the ſaid Second Diſtrict of Roads, for the Purpoſes of this Act, in addition to the Truſtees hereby appointed; and ſuch Truſtees, ſo elected and being duly qualified, ſhall be and are hereby inveſted with the ſame Powers and Authorities for executing this Act, as if they had been herein named.

On the Death or Refuſal to act other Truſtees to be choſen.

IV. And be it further enacted, That when and ſo often as any Truſtee or Truſtees hereby appointed or to be appointed by virtue of this Act, ſhall die, or become diſqualified or refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees for the ſaid Diſtricts reſpectively, or any Five or more of them, from Time to Time to elect, and by Writing under their Hands to nominate and appoint, ſome other Perſon in the room of every Truſtee ſo dying, or becoming diſqualified or refuſing to act; and Notice of the Time and Place of Meeting for every ſuch Election ſhall be given by the Clerk to the ſaid Truſtees, by affixing Notice in Writing on all the Turnpike Gates which by virtue of this Act ſhall be then continued or erected on the Diſtrict or Diſtricts of the ſaid Roads for which any ſuch Election or Elections ſhall be intended, at leaſt Six Days before ſuch Meeting; and all and every Perſon and Perſons who ſhall be ſo elected and appointed, ſhall immediately upon ſuch Election and Appointment be a Truſtee or Truſtees for the Purpoſes of this Act, and, after taking and ſubſcribing the Oath hereby preſcribed, ſhall be veſted with the ſame Powers and Authorities for carrying this Act into Execution, as if he or they had been herein nominated and appointed a Truſtee or Truſtees.

Qualification of Truſtees.

V. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act (except in adminiſtering the Oath of Qualification herein-after mentioned), unleſs he ſhall at the Time of his acting be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of Rents and Profits iſſuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, ſituate within that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, of the clear yearly Value of One hundred Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon ſeiſed of a Real Eſtate in Freehold or Copyhold Lands, Tenements, or Hereditaments, ſituate as laſt aforeſaid, of the clear yearly Value of Two hundred Pounds, or be poſſeſſed of a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, to the Amount or Value of Four thouſand Pounds; nor until he ſhall have taken and ſubſcribed before any Two or more of the ſaid Truſtees, an Oath or Affirmation in the following Form of Words; and which Oath or Affirmation the ſaid Truſtees, or any One of them, at any of their Meetings held in purſuance of this Act, are and is hereby authorized and empowered to adminiſter; (that is to ſay),

'I *A. B.* do ſwear, [*or, being one of the People called Quakers*, do ſolemnly affirm,] That I truly and *bonâ fide* am in my own Right [*or* 'in the Right of my Wife] in the actual Poſſeſſion and Enjoyment or 'Receipt of Rents and Profits iſſuing out of Freehold or Copyhold 'Lands, Tenements, or Hereditaments, ſituate within the County [*or*

'Counties] of of the clear yearly Value of One hundred 'Pounds above Reprizes; or am poſſeſſed of a Perſonal Eſtate alone, or 'Real and Perſonal Eſtate together, to the Amount or Value of Four 'thouſand Pounds; or am Heir apparent of who 'to the beſt of my Knowledge is ſeiſed of a Real Eſtate in Freehold or 'Copyhold Lands, Tenements, or Hereditaments, ſituate within the County '[*or* Counties] of of the clear yearly Value of Two 'hundred Pounds [*as the Caſe may happen*].

'So help me GOD.'

'[*or, being a Quaker, omit the Words* 'So help me God.']

Nor ſhall any Perſon be capable of acting as a Truſtee in the Execution of this Act in any Caſe wherein he ſhall be perſonally intereſted, other than as a Creditor, nor while he holds any Place of Profit under this Act; or who ſhall ſell any Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail, or who ſhall be intereſted or concerned in any Contract, or who ſhall be Leſſee or Farmer of the Tolls, or of any Part or Parts thereof, under this Act; and if any Perſon not being qualified as aforeſaid, or being diſqualified by any of the Cauſes aforeſaid, ſhall nevertheleſs act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed; and the Perſon ſo ſued or proſecuted ſhall prove that he is qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that ſuch Acts and Proceedings as ſhall have been done and performed by any ſuch Perſon, touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act: Provided always, that no Mortgagee or Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Intereſt thereout for the ſame, ſhall on that account be deemed unqualified to act as a Truſtee in the Execution of this Act: Provided alſo, that ſuch of the ſaid Truſtees hereby nominated or to be appointed by virtue of this Act, as is, are, or ſhall be in the Commiſſion of the Peace for any County or Place in which any Part of the ſaid Roads lies, ſhall not, by reaſon of being ſuch Truſtee or Truſtees, be deemed diſqualified from acting as a Juſtice or as Juſtices of the Peace in the Execution of this Act, except only in ſuch Caſes where he or they ſhall be individually intereſted.

**Penalty on Truſtees acting not being qualified.**

**Truſtees being Juſtices may act as ſuch.**

**Meetings of Truſtees.**

VI. And be it further enacted, That the ſaid Truſtees for the ſaid Firſt Diſtrict of Roads, or any Five or more of them, ſhall meet together at the Town Hall in *Bridport* aforeſaid, or at ſome Inn or Public Houſe in *Bridport* aforeſaid, on the Firſt *Monday* after the paſſing of this Act, or as ſoon after as conveniently may be; and the Truſtees for the ſaid Second Diſtrict of Roads, or any Five or more of them, ſhall meet together in the Veſtry adjoining the Pariſh Church in *Beaminſter* aforeſaid, or at ſome Inn or Public Houſe in the Town of *Beaminſter* aforeſaid, on the

First *Wedneſday* after the paſſing of this Act, or as ſoon after as conveniently may be, and proceed in the Execution of this Act; and ſhall then, and from Time to Time after, adjourn and meet again at ſuch Time as they ſhall think proper, in Manner following; that is to ſay, the Truſtees for the ſaid Firſt Diſtrict, at the Town Hall in *Bridport* aforeſaid, or at ſome Inn or Public Houſe in *Bridport* aforeſaid, and not elſewhere; and the Truſtees for the ſaid Second Diſtrict, at the Veſtry Room adjoining the Pariſh Church in *Beaminſter* aforeſaid, or at ſome Inn or Public Houſe in the Town of *Beaminſter* aforeſaid, and not elſewhere; and that Two Truſtees, preſent at any Meeting, ſhall be ſufficient for the Purpoſe of adjourning; and that if at any Meeting there ſhall not appear a ſufficient Number of Truſtees to act, or to adjourn to another Day, or in caſe the Truſtees at any Time aſſembled ſhall omit to adjourn, then and in every ſuch Caſe the Clerk to ſuch Truſtees ſhall adjourn the Meeting to the Place where the laſt Meeting was appointed to have been held, or was held, as the Caſe may be, and to ſuch Time as he ſhall think fit, not being more than Forty Days nor leſs than Ten Days from the laſt Meeting or intended Meeting, and ſhall thereof give Notice by Writing affixed on all the Turnpikes then continued or erected by virtue of this Act upon the reſpective Diſtricts of Roads, at leaſt Six Days before the Day of ſuch intended Meeting; and in caſe no Adjournment, Notice, or Appointment ſhall be made or given as aforeſaid, then it ſhall be lawful for any Three or more of ſuch Truſtees for the ſaid reſpective Diſtricts to cauſe Notice in Writing to be affixed on all the Turnpikes which ſhall be then continued or erected by virtue of this Act upon the reſpective Diſtricts of Roads, appointing the Truſtees to meet at ſuch Time as they the ſaid Three Truſtees ſhall think proper, not exceeding Fifteen Days nor leſs than Eight Days from the Time of affixing ſuch Notice, and at the Place where the laſt Meeting was appointed to have been held, or was held, as the Caſe may be; and the Truſtees ſhall at all their ſeveral Meetings pay their own Expences: Provided always, that all Orders and Determinations of the reſpective Truſtees in the Execution of this Act ſhall be made at Meetings conſiſting of not leſs than Five Truſtees, to be held in purſuance of this Act, and not otherwiſe, except in Caſes hereby particularly provided for; and all ſuch Orders and Determinations in which the major Part of the Truſtees preſent at any ſuch Meeting ſhall concur, the whole Number preſent not being leſs than Five, ſhall be as valid and effectual as if all the Truſtees for the Diſtrict had been preſent and had concurred therein; and that no Order made by Five or more of the ſaid reſpective Truſtees ſhall be revoked or altered at any Meeting where leſs than Nine Truſtees for the ſame Diſtrict ſhall be preſent, nor without the actual Concurrence of a greater Number of ſuch Truſtees than the Number by whom ſuch original Order was made, nor unleſs Fifteen Days Notice at the leaſt of ſuch intended Alteration ſhall have been given at a previous Meeting of the Truſtees, and entered in the Books of Proceedings, and alſo affixed on all the Turnpikes which by virtue of this Act ſhall be then continued or erected on the reſpective Diſtricts of Roads, Six Days at leaſt before ſuch Meeting; and in all Caſes where any Juſtice or Juſtices of the Peace is or are by this Act authorized or required to examine any Perſon or Perſons on Oath, it ſhall be lawful for ſuch Juſtice or Juſtices, and he and they is and are hereby authorized and empowered, to adminiſter ſuch Oath.

Five Truſtees may act.

No Order to be revoked but at a Meeting of Nine Truſtees.

VII. Provided

Meetings on Emergencies.

VII. Provided always, and be it further enacted, That if after any Adjournment of any Meeting of the Truſtees for either of the ſaid reſpective Diſtricts of Roads, it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day to which ſuch Meeting ſhall be adjourned, the Clerk, by an Order in Writing ſigned by Three or more ſuch reſpective Truſtees (although not aſſembled at a Meeting), mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice of ſuch earlier Meeting by Notice in Writing affixed on all the Turnpikes then continued or erected by virtue of this Act on the reſpective Diſtricts of Roads, ſuch Time not being leſs than Six Days after ſuch Notice, and alſo by Advertiſement publiſhed Three Days before ſuch Meeting in ſome Newſpaper circulated in the Neighbourhood of the ſaid Roads; and all Proceedings of the Truſtees at ſuch Meetings ſhall be as valid as they would have been in caſe the Truſtees had met in purſuance of any Adjournment; and ſuch Meetings, or any of them, may be adjourned, and every Adjournment of any ſuch earlier Meeting ſhall be conſidered as an Adjournment of the regular Meetings under this Act.

Books to be kept of Proceedings of Truſtees, and of Accounts of Receipts and Diſburſements, which ſhall be open to the Inſpection of the Truſtees and Creditors.

VIII. And be it further enacted, That the ſaid Truſtees for each reſpective Diſtrict of Roads ſhall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books all their Orders and Proceedings ſhall be regularly entered, and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Truſtees making the ſame, and in which Book or Books ſuch Clerk ſhall enter or cauſe to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the ſaid Diſtricts of Roads reſpectively, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid, out, and paid; which Book or Books ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees, and any Creditor or Creditors of the Tolls, without Fee or Reward; and the ſaid Truſtees and Creditors, and any of them, ſhall and may take Copies of or Extracts from the ſaid Book or Books, or any Part or Parts thereof, without paying any thing for the ſame; and in caſe the ſaid Clerk ſhall refuſe to permit the ſaid Truſtees or ſuch Creditors, or any of them, to inſpect the ſame, or to take ſuch Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in manner herein-after mentioned; and the ſaid Book and Books, and alſo the Book or Books herein-after directed to be kept for regiſtering Mortgages and Aſſignments, and all and every Book and Books heretofore kept of Accounts and Proceedings under the former Acts, or Tranſcripts thereof reſpectively, ſhall be admitted in Evidence in all Courts, and by all Judges, Juſtices, and others.

Appointment of Officers.

IX. And be it further enacted, That the Truſtees for the ſaid reſpective Diſtricts of Roads, or any Seven or more of them reſpectively, ſhall and may from Time to Time at any of their Meetings, by Writing under their Hands, appoint a Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the ſaid Roads, and any other Officers, as ſuch Truſtees ſhall think neceſſary, and from Time to Time

Time remove any such Officer or Officers, and on the Death or Removal of any such Officer or Officers may appoint others in their Stead; and Eight Days Notice of the Intention of such Appointment shall be given in Writing, affixed on all the Turnpikes then continued or erected by virtue of this Act on the respective Districts of Roads, of every Meeting where any such Appointment shall be made; and the said respective Trustees, or any Seven or more of them respectively, shall and may and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and make such Allowances to such Officers and other Persons employed, for their Services in or about the making, amending, diverting, widening, altering, straightening, improving, and maintaining in Repair the said respective Districts of Roads, or any Part thereof, or otherwise in carrying this Act into Execution, as such Trustees shall think reasonable: Provided always, that no Person shall be capable of holding any Place of Profit under this Act who shall sell any Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail: Provided also, that each and every Clerk, Receiver, Collector, Surveyor, and other Officers (other than the Treasurer), appointed under and by virtue of the said former Acts, or any of them, for or in respect of the said Roads, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Persons selling Wine, &c. not capable of holding Places of Profit.

X. Provided always, and be it further enacted, That when and so often as any Collector or Receiver of the Tolls shall refuse, neglect, or be incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Five or more of the Trustees for the said respective Districts of Roads, although not assembled at a Meeting of the Trustees appointed by virtue of this Act, to discharge such Collector or Receiver; and in such case, and also in case any Collector or Receiver shall die, such Trustees as aforesaid shall and may nominate and appoint a proper Person to be a Collector or Receiver of the Tolls, to continue until the then next Meeting of the Trustees for the same District; and the Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all respects, as if he had been nominated and appointed at a Meeting under and by virtue of this Act; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by virtue of this Act, or the Wife or Widow, or any of the Children or Family, or other Representative of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building, with the Appurtenances, to be continued or erected by virtue of this Act, for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose by any Three or more of the said respective Trustees, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County wherein the Toll House shall be situate, upon Application

Trustees may appoint temporary Collectors.

made by the ſaid reſpective Truſtees, or by any Perſon by them appointed on their Behalf, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Conſtable or other Peace Officer for the ſame County, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods, out of the ſame, and to put ſuch Truſtees, or any Three of them reſpectively, or their new appointed Officer, into Poſſeſſion thereof.

Officers to account.

XI. And be it further enacted, That all ſuch Officers and all other Perſons already appointed, or who ſhall be appointed under or by virtue of this Act, ſhall from Time to Time, when thereunto required by the Truſtees for the ſaid Diſtricts of Roads reſpectively, or any Five or more of them reſpectively, deliver to ſuch Truſtees or to ſuch Perſon or Perſons as they ſhall reſpectively for that Purpoſe appoint, a true and perfect Account in Writing under the reſpective Hands of ſuch Officers or Perſons, of all Monies which ſhall have been by them reſpectively had, collected, or received by virtue of this Act; and how and to whom and for what Purpoſe the ſame and every Part thereof hath been diſpoſed of, together with proper Vouchers and Receipts for ſuch Payments; and ſuch Officers and Perſons ſhall and they are hereby reſpectively required to pay all ſuch Monies, as upon the Balance of ſuch Account or Accounts ſhall appear to be in his or their Hands, to ſuch Perſon or Perſons as ſuch Truſtees or any Five or more of them reſpectively ſhall appoint to receive the ſame; and if any of the ſaid Officers or Perſons ſhall refuſe or neglect to render and give ſuch Accounts as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to pay the Balance remaining in their Hands when thereunto required in Manner aforeſaid, or if any ſuch Officers or other Perſons ſhall refuſe or neglect to deliver up to ſuch Truſtees, or to ſuch Perſon or Perſons as they reſpectively ſhall appoint, within Ten Days after being thereunto required by ſuch Truſtees, or any Five or more of them reſpectively, all Books, Accounts, Papers, and Writings in their reſpective Cuſtody or Power, anyways relating to the Execution of this Act, or to the ſaid Roads, and Complaint ſhall be made of any ſuch Neglect or Refuſal to any Juſtice of the Peace for the County or Place where the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall live and reſide, by any Five or more of the ſaid Truſtees, or by any Perſon or Perſons by them authorized on their Behalf, ſuch Juſtice may and he is hereby authorized and required to ſummon ſuch Officer or Officers, Perſon or Perſons, to appear before him, and in caſe of his or their not appearing upon ſuch Summons, the ſame having been ſerved upon him or them perſonally, or left at his or their uſual Place or Places of Abode, (no reaſonable Cauſe or Cauſes being ſhewn for ſuch Non-appearance), to iſſue his Warrant or Warrants for his or their Apprehenſion; and upon his or their appearing upon ſuch Summons, or being apprehended and brought before him by virtue of ſuch Warrant, or having abſconded, or not being to be found, it ſhall be lawful for any ſuch Juſtice to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if upon the Confeſſion of the Officer or Officers, Perſon or Perſons, againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any credible Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been ſo collected or received

ceived shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if such Officer or Officers, Person or Persons appearing, or being brought before such Justice in the Manner aforesaid, shall refuse or neglect to give and deliver to the said Justice, an Account or Accounts of the Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or to the said Roads, then and in either of the Cases aforesaid, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol of the County or Place where he or they shall live and reside, or to any House of Correction within the same, there to remain without Bail or Mainprize until he or they shall have delivered in and settled his and their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale, as shall in that respect have been made; or until he or they shall have compounded with such Trustees, or any Five or more of them respectively, for the same, and paid the Composition Money to such Trustees, or to such Person or Persons as they or any Five or more of them respectively shall appoint to receive the same, and which Composition the said respective Trustees or any Five or more of them respectively are hereby empowered to make and receive; or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to such Trustees; but no such Officer or other Person who shall be committed for Default of Distress only, shall be detained in Prison by virtue of this Act for any longer Space of Time than Three Calendar Months.

Treasurer, &c. to give Security.

XII. And be it further enacted, That the Trustees for the said respective Districts of Roads, or any Five or more of them respectively, shall and they are hereby authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due and faithful Execution of his or their Office or Offices, and may also, if they think fit, take such Security from any Collector or Receiver of the Tolls, or other Officer to be appointed by virtue of this Act.

Offices of Clerk and Treasurer not to be held by one Person.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or who by virtue of this Act may be appointed to act as their Clerk, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or who may by virtue of this Act be appointed their Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this

Act, or if any Perſon being the Partner of any ſuch Clerk ſhall act as Treaſurer, or being the Partner of any ſuch Treaſurer ſhall act as Clerk in the Execution of this Act, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed.

**Truſtees may ſue and be ſued in the Name of their Clerk.**

XIV. And be it further enacted, That the ſaid Truſtees of the ſaid reſpective Diſtricts of Roads may ſue and be ſued for or concerning any thing relating to the Execution of this Act, in the Name or Names of their reſpective Clerk or Clerks for the Time being; and no Action or Suit which ſhall be ſo brought, ſhall abate or be diſcontinued by the Death or Removal or Reſignation of any ſuch Clerk or Clerks, or of either of them, nor by the Act of any ſuch Clerk or Clerks without the Conſent of the ſaid reſpective Truſtees, or any Five or more of them reſpectively; but the Clerk or Clerks to the ſaid reſpective Truſtees for the Time being, in whoſe Name or Names any Action or Suit ſhall be ſo brought, ſhall always be deemed the Plaintiff, Proſecutor, Informant, Appellant, Defendant, or Reſpondent, in any ſuch Action or Suit, as the Caſe ſhall be; and every ſuch Clerk and Clerks ſhall be fully reimburſed and paid, out of the Monies ariſing by virtue of this Act, all ſuch Coſts, Charges, Damages, and Expences, as by the Event or in conſequence of any ſuch Action or Suit he ſhall pay, bear, ſuſtain, expend, or be put unto, or become chargeable with or liable for, or be entitled to, by reaſon of being ſo made Plaintiff, Defendant, Informant, Appellant, or Reſpondent.

**Power to erect Turnpikes, Toll Gates, Side Gates, Weighing Machines, &c.**

XV. And be it further enacted, That it ſhall be lawful for the Truſtees of the ſaid reſpective Diſtricts of Roads, or any Five or more of them reſpectively, if they ſhall think proper, to continue all and every or any of the Turnpikes or Toll Gates and Toll Houſes, and Side Gates or Side Bars, now ſtanding and being in and upon or acroſs the ſaid reſpective Diſtricts of Roads, or to diſcontinue the ſame, or either of them, or to remove and alter the Situation of the ſame or either of them, and to erect and ſet up, or build, or cauſe to be erected, ſet up, and built, upon, in, or acroſs the ſaid reſpective Diſtricts of Roads, or any Part thereof, or at the Entrance of any Road or Lane that doth or ſhall lead into or out of the ſaid Roads, or any or either of them, when and as they ſhall judge neceſſary, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Bar or Bars, Chain or Chains, and any Weighing Machine or Weighing Machines, and alſo any Toll Houſe or Toll Houſes, with Outbuildings and Conveniences ſuitable thereto, at or near each Toll Gate or Weighing Machine, and to take in and incloſe on the Sides of the ſaid Roads ſuitable Garden Spots for ſuch Toll Houſe or Toll Houſes, not exceeding One-eighth of an Acre each, with ſuch Lamp or Number of Lamps at or near ſuch Toll Houſe or Toll Houſes as they ſhall think neceſſary, and from Time to Time to take down and remove, or again to put up in a different Situation, or to alter and diſcontinue the ſame, or any of them, as the ſaid Truſtees or any Five or more of them for the ſaid Diſtricts reſpectively ſhall think proper, and direct or appoint; any thing

contained in any Act, Law, or Statute relating to the Turnpike Roads of this Realm to the contrary notwithſtanding.

Reſtraining Truſtees from erecting a Toll Gate nearer to Bridport than the Site of the preſent Toll Gate.

XVI. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees of the Second Diſtrict of Roads, or any of them, or any other Perſon or Perſons, to erect any Toll Gate or Toll Gates upon that Diſtrict nearer the Town of *Bridport* aforeſaid than the Site of the preſent Toll Gate called *Beaminſter South Gate*, in the Pariſh of *Bradpole*, except the Toll Gate to be continued or erected in *Pymore Lane*, as herein-after mentioned.

Toll Gates, Houſes, &c. veſted in Truſtees.

XVII. And be it further enacted, That the Right and Property of, in, and to all the Toll Gates, Turnpikes, Weighing Machines, Bars, Rails, Fences, Toll Houſes, and other Houſes and Buildings, and the ſeveral Conveniences and Appurtenances thereto belonging, and the Materials thereof, which have been provided or erected under and by virtue of the ſaid recited Acts, or either of them, and which ſhall be provided, erected, or made by virtue of this Act, and all Materials for repairing or building the ſame, and for repairing the ſaid Roads, or any Part thereof, and all other Materials, Articles, and Things which ſhall be purchaſed, collected, or provided for the Purpoſes of this Act, on or for either of the ſaid reſpective Diſtricts of Roads, ſhall be veſted in the ſaid reſpective Truſtees for each of the ſaid reſpective Diſtricts, and they or any Five or more of them reſpectively are hereby empowered to ſell and diſpoſe of ſo much of the ſame reſpectively as ſhall not be wanted for the Purpoſes of this Act, as they ſhall think proper, and to bring or cauſe to be brought, in the Name of their reſpective Clerk or Clerks for the Time being, any Action or Actions, or to prefer or cauſe to be preferred and proſecuted any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall without Right keep Poſſeſſion of any ſuch Houſe or Appurtenances, or who ſhall break down or damage, ſteal or take away any ſuch Turnpikes, Toll Gates, Weighing Machines, Toll Houſes, and other Houſes and Buildings, Conveniences, Appurtenances, or any Part or Parts thereof reſpectively, or any ſuch Materials, Articles, or Things, or who ſhall diſturb them the ſaid reſpective Truſtees, or their Agents or Servants, in the Poſſeſſion thereof; and in all Actions and Proceedings whatſoever, either Civil or Criminal, it ſhall be ſufficient to ſtate the ſame to be the Property of the Truſtees for the Firſt Diſtrict of Roads (or Second Diſtrict of Roads, as the Caſe may be) acting in Execution of an Act paſſed in the Fifty-ninth Year of the Reign of His preſent Majeſty, intituled *An Act for repairing, widening, improving, and maintaining in Repair the ſeveral Roads leading to and from the Town of* Bridport, *and for making a new Line of Road to communicate with the ſame*, without naming or otherwiſe deſcribing the ſaid Truſtees; and in all Civil and Criminal Proceedings whatſoever relating to the ſaid Roads, or any or either of them, or any Part thereof, no Perſon being a Truſtee or Collector of the Tolls, Clerk, Treaſurer, Surveyor, or other Officer or Servant of or other Perſon employed by the ſaid Truſtees or any of their Officers, or an Inhabitant of any Townſhip, Pariſh, or Place through or into which the ſaid Roads, or either or any of them, or any Part thereof, doth or ſhall paſs, ſhall be incompetent to give Teſtimony or Evidence therein, by reaſon of his or her being ſuch Truſtee, Collector, Clerk, Treaſurer, Surveyor, Officer, or Servant, or Perſon employed as aforeſaid, or Inhabitant as aforeſaid.

Truſtees, &c. not incompetent Witneſſes.

Power to take Tolls.

XVIII. And be it further enacted, That it ſhall and may be lawful for the ſaid reſpective Truſtees for the ſaid reſpective Diſtricts of Roads, or any Perſon or Perſons appointed or continued, or to be appointed by virtue of this Act, Collector or Collectors as aforeſaid, to demand and take the ſeveral Tolls and Duties following, at each and every of the ſeveral and reſpective Turnpikes or Toll Gates or Toll Houſes, or Turnpike or Toll Gate or Toll Houſe, or Side Bar or Side Gate or Chain, which are or is or ſhall be ſtanding and being, or continued or erected by virtue of this Act, in, upon, acroſs, or on the Side or Sides of the ſaid reſpective Diſtricts of Roads, or either or any of them, or any Part thereof, and on every Day, ſuch Day to be computed from Twelve of the Clock of the Night till Twelve of the Clock in the next ſucceeding Night; (that is to ſay),

Tolls.

For every Horſe or Beaſt of Draught drawing any Stage Coach or Caravan, the Sum of Sixpence:

For every Horſe or Beaſt of Draught drawing any other Coach, Chariot, Landau, Chaiſe, Curricle, Calaſh, Hearſe, Phaeton, Chair, Tax Cart, or other ſuch like Carriage, the Sum of Four-pence Halfpenny:

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

For every Horſe or Beaſt of Draught drawing any Waggon, Wain, Cart, or other ſuch like Carriage, with Wheels of leſs Breadth than Six Inches, the Sum of Sixpence:

For every Horſe or Beaſt of Draught drawing any Waggon, Wain, Cart, or other ſuch like Carriage, with Wheels of the Breadth of Six Inches or upwards, and drawn by not more than Four Horſes or Beaſts of Draught, the Sum of Sixpence:

For every Horſe or Beaſt of Draught drawing any Waggon, Wain, or Cart, or ſuch like Carriage, with Wheels of the Breadth of Six Inches or upwards, and drawn by more than Four Horſes, the Sum of Five-pence:

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence *per* Score, and ſo in proportion for any greater or leſs Number:

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Sixpence *per* Score, and ſo in proportion for any greater or leſs Number:

And for every Coach, Chariot, Landau, Chaiſe, Cart, or other Carriage, which ſhall be attached to or drawn behind, or along with any other Carriage upon the ſaid Roads, the Sum of Nine-pence ſhall be demanded and taken for every ſuch Carriage having Four Wheels, and the Sum of Sixpence for every ſuch Carriage having Two Wheels, in addition to and over and above the Tolls payable for or in reſpect of the Horſes or Beaſts drawing the ſame.

All which ſaid Tolls ſhall be demanded and taken before any Horſe, Mule, Aſs, Beaſt, or other Cattle, Coach, Waggon, Cart, or other Carriage whatſoever, ſhall be permitted to paſs through any Turnpike or Toll Gate, or Side Bar or Side Gate or Chain, already erected and continued, or to be erected and continued by virtue of this Act, upon or acroſs the ſaid reſpective Diſtricts of Roads, or any or either of them, or any Part thereof, or upon or acroſs any Lane or Way leading into the ſame; provided that the Power hereby granted to take Tolls at any Side Gate or Side Bar ſhall not extend to a double Charge upon any Horſes, Beaſts, Cattle, or Carriages paſſing through any other of the Turnpikes

or Toll Gates in the ſame Diſtrict of the ſaid Roads; and upon Payment of any of the ſaid Tolls, the Collector or Receiver ſhall and he is hereby required to deliver *gratis* to the Perſon paying ſuch Toll a Note or Ticket denoting ſuch Payment; and all ſuch Notes or Tickets ſhall be provided by the ſaid reſpective Truſtees or their Leſſees, and there ſhall be printed and ſpecified thereon the Names of the ſeveral or reſpective Gates which ſuch Tickets ſhall free, or which ought under the Proviſions of this Act to be paſſed free for one Payment of Toll; and ſuch of the ſaid reſpective Tolls or Duties as ſhall be collected on the ſaid Firſt Diſtrict of Roads, ſhall be and are hereby veſted in the Truſtees for the ſaid Firſt Diſtrict of Roads, and ſhall be applied for the Purpoſes of this Act in manner herein-after directed; and ſuch of the ſaid reſpective Tolls or Duties as ſhall be collected on the ſaid Second Diſtrict of Roads, ſhall be and are hereby veſted in the Truſtees for the ſaid Second Diſtrict of Roads, and ſhall be applied for the Purpoſes of this Act in manner herein-after directed.

Tickets to be printed.

XIX. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees of the Firſt Diſtrict of the ſaid Roads to demand, receive, or take, at the Turnpike or Toll Gate now erected, or any other Turnpike or Toll Gate to be hereafter erected on the Road between *Bridport* and *Bridport Harbour*, any Sums for Tolls exceeding the Sums herein-after mentioned; (that is to ſay,)

Tolls at Harbour Gate.

For every Horſe or other Beaſt of Draught drawing any Coach, Chaiſe, Berlin, Landau, Chariot, Calaſh, Chair, Tax Cart, or other ſuch like Carriage, the Sum of Two-pence Halfpenny:

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

For every Drove of Oxen or Neat Cattle, Eight-pence *per* Score, and ſo in proportion for any greater or leſs Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, Four-pence *per* Score, and ſo in proportion for any greater or leſs Number:

For every Horſe or other Beaſt of Draught drawing any Waggon, Wain, Cart, or other ſuch like Carriage, the Sum of Three-pence.

Additional Toll on Carriages employed in carrying Timber.

XX. And be it further enacted, That between the Firſt Day of *November* and the laſt Day of *February* inclusive, in each and every Year, it ſhall be lawful for the Collectors of the Tolls in each of the ſaid Diſtricts of Roads, to demand and take, for each and every Horſe or other Beaſt of Draught drawing in any Carriage employed in carrying or conveying any Timber, or Tree or Trees, a Toll equal to One-half in addition to the Toll which otherwiſe might be demanded or taken for ſuch Horſe or other Beaſt of Draught: Provided always, that no ſuch additional Toll ſhall be demanded or taken, ſave and except there ſhall be Three or more Horſes or other Beaſts of Draught in any ſuch Carriage.

Truſtees of Second Diſtrict to take Tolls at a Turnpike in Pymore and Clampit's Lanes.

XXI. And be it further enacted, That it ſhall and may be lawful for the Truſtees of the Second Diſtrict of the ſaid Roads, or any Five or more of them, and they are hereby authorized and empowered, to continue the Turnpike or Toll Gate erected by virtue of the ſaid former Act of the Fifth Year of the Reign of His preſent Majeſty, leading into the Town of *Bridport*, at the Southern Extremity of a Lane called *Pymore Lane*, and alſo a Turnpike or Toll Gate in a certain Lane leading into the Town of *Beaminſter*,

*Beaminſter*, called *Clampit's Lane*, and may cauſe ſuch and the ſame Tolls to be received and taken at ſuch Turnpikes or Toll Gates reſpectively as are directed to be paid at any Turnpike or Toll Gate erected upon or acroſs the Roads lying within the ſaid laſt-mentioned Diſtrict; ſave and except that no Tolls ſhall be paid or payable at the ſaid Toll Gate to be continued or erected in the ſaid Lane called *Pymore Lane*, by any Owner or Occupier of any Houſes, Buildings, Mills, Factories, Lands, Tenements, or Hereditaments adjoining to or lying within the Diſtance of Five hundred Yards of the ſaid Lane, between the ſaid Toll Gate and the Poſts and Bars now ſtanding at or near the Northern Extremity of the ſaid Lane leading to *Watford*, paſſing through the ſaid Toll Gate with any Horſes, Carts, or Carriages, in going to or returning from ſuch Houſes, Buildings, Mills, Factories, Lands, Tenements, or Hereditaments, on any Occaſion whatever; and if any Perſon ſhall claim or take the Benefit of ſuch Exemption or Privilege, not being entitled thereto, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding the Sum of Forty Shillings: Provided alſo, that no Occupier of any Houſes, Buildings, Mills, Factories, Lands, Tenements, or Hereditaments, adjoining to or lying within the Diſtance of Five hundred Yards of the ſaid Lane called *Pymore Lane*, ſhall be entitled to Exemption from the Tolls hereby made payable at the ſaid Turnpike or Toll Gate to be continued or erected therein, for any Horſes, Carts, or Carriages paſſing through the ſaid Gate which ſhall have gone over any Part of the ſaid Turnpike Roads within the ſaid Second Diſtrict, or ſhall have paſſed beyond the ſaid Poſts and Bars at the Northern Extremity of the ſaid Lane, in going to or returning from ſuch Houſes, Buildings, Mills, Factories, Lands, Tenements, or Hereditaments.

Exemptions from Tolls thereat.

One Payment at one Gate on either of the Diſtricts, to clear all Times of again paſſing ſame Gate on the ſame Day, &c.

XXII. Provided always, and be it further enacted, That all and every Perſon and Perſons paying ſuch reſpective Tolls for or in reſpect of any Horſes, Beaſts, Cattle, or Carriages, at any Turnpike or Toll Gate upon the ſaid reſpective Diſtricts of Roads, ſhall, on producing a Note or Ticket denoting ſuch Payment, be entitled to return and to repaſs any Number of Times on the ſame Day (to be computed as aforeſaid) with the ſame Horſes, Beaſts, Cattle, and Carriages, Toll-free through the Turnpike or Toll Gate at which Toll ſhall have been ſo paid.

Stage Coaches to pay every Time of paſſing.

XXIII. Provided always, and be it further enacted, That the Benefit of Exemption from the Payment of the Tolls hereby granted more than Once at the ſame Gate on the ſame Day, ſhall not extend or be conſtrued to extend to any Horſes drawing any Stage Coach or other public Carriage whatever, or any Horſes drawing any Poſt Chaiſe or other Carriage let out on Hire, when any new Hiring thereof ſhall be made, on a Ticket being produced denoting ſuch new Hiring; any thing herein contained to the contrary notwithſtanding.

Two Tolls for paſſing the whole Line of Firſt Diſtrict, and One Toll for Second, &c.

XXIV. Provided alſo, and be it further enacted, That no more than Two Tolls in the whole ſhall be payable for or in reſpect of the ſame Horſes, Cattle, or Carriages for paſſing in One Day, to be computed as aforeſaid, along the whole Line of the ſaid Firſt Diſtrict of Roads; nor more than One Toll in the whole in One Day, to be computed as aforeſaid, for paſſing along the whole Line of the ſaid Second Diſtrict of Roads.

XXV. Pro-

Waggons, &c. allowed Privileges and Exemptions granted by 55 G. 3.

XXV. Provided always, and be it further enacted, That all Waggons, Wains, Carts, or other ſuch Carriages (in reſpect whereof or of the Horſes or Beaſts of Draught drawing the ſame the Tolls hereby granted are made payable), having the Wheels of the Width and Deſcription, and the Axletrees fixed, as mentioned and ſet forth in or by an Act paſſed in the Fifty-fifth Year of the Reign of His preſent Majeſty, intituled *An Act to enable the Truſtees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weight in certain Caſes*, ſhall be entitled to and have and enjoy the Privileges and Exemptions granted by the ſaid Act.

Penalty on avoiding Tolls.

XXVI. And be it further enacted, That if any Perſon or Perſons ſhall ride, drive, go, or paſs with any Horſe, Beaſt, Cattle, or Carriage, through or over any Gate, private Paſſage, Land, Ground, or Place lying by the Side of or near to any Part of the ſaid Roads (except the Owner or Occupier of ſuch Land or other Premiſes, or any of his, her, or their Family or Servants), or if any Perſon or Perſons owning or occupying any Tenement, Lands, or Grounds (not being a Public Highway) near to the ſaid Roads, or any Part thereof, ſhall knowingly or wilfully permit or ſuffer any Perſon or Perſons (except as aforeſaid) to go or paſs with any Horſe, Beaſt, Cattle, or Carriage through or over ſuch Gate, private Paſſage, Lands, or Grounds, in order to or with Intent thereby to evade the Payment of the ſaid Tolls, or any Part thereof; or if any Perſon ſhall forge or counterfeit, or ſhall give to or receive from any Perſon or Perſons any Note or Ticket by this Act directed to be given by the Collector of the Tolls; or if any Perſon or Perſons ſhall take off, or ſuffer to be taken off, any Horſe or other Beaſt from any Carriage, either before or after having paſſed through any Toll Gate, or having paſſed through any Toll Gate, ſhall afterwards add or put any Horſe or Beaſt to any Carriage for the Purpoſe of drawing the ſame upon any Part of the ſaid Roads, or ſhall leave upon or near any Part of the ſaid Roads any Horſe or Horſes, or other Beaſt or Cattle, or any Carriage chargeable with the Payment of any of the ſaid Tolls, with Intent to avoid or evade Payment of any of the ſaid Tolls; or if any Perſon or Perſons ſhall forcibly paſs through any ſuch Turnpike or Toll Gate with any Horſe or other Cattle or Beaſt, without Payment of the Tolls or any Part thereof, all and every ſuch Perſon or Perſons ſhall for each and every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered in ſuch Manner as is hereinafter provided for the Recovery of Penalties and Forfeitures; one Moiety whereof, when raiſed, ſhall be paid to the Informer, and the other Moiety to the Treaſurer of the Truſtees for the Diſtrict in which the Caſe ſhall ariſe, to be applied to the Purpoſes of this Act.

Tolls may be diſtrained for.

XXVII. And be it further enacted, That if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made, either at the Gate, Bar, or Chain where ſuch Tolls ſhall be collected, or after paſſing through the ſame, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed to collect ſuch Tolls as aforeſaid, by himſelf, herſelf, or themſelves, or taking ſuch Aſſiſtance as he, ſhe, or they ſhall think neceſſary, to ſeize or detain any Horſe or Horſes, Beaſt or Beaſts, Cattle, Carriage, or other Thing, upon or for which ſuch Toll is hereby impoſed, together with the Harneſs, Bridles, Reins (except the Bridle or Reins apart from the Horſe or Horſes), Saddle,

Saddle, Gears, or Accoutrements, or their Loading, or a ſufficient Part thereof, or any of the Goods or Chattels of or belonging to, or in the Poſſeſſion of the Perſon or Perſons ſo then and there neglecting or refuſing to pay as aforeſaid; and if ſuch Toll, or any Part thereof, ſo neglected or refuſed to be paid, and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Four Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe or Horſes, Beaſt or Beaſts, Cattle, Carriage, Thing or Things ſo diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money to ariſe by ſuch Sale (if any) and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Toll and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, and Sale ſhall be deducted; to be aſcertained and determined, in Caſes of Diſpute concerning the ſame, by ſome Juſtice of the Peace of the County or Place where ſuch Diſpute ſhall happen.

Diſputes concerning Tolls to be ſettled by a Juſtice.

XXVIII. And be it further enacted, That in caſe any Diſpute or Diſputes ſhall happen reſpecting the demanding or taking or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping or ſelling any Diſtreſs, ſuch Diſpute or Diſputes ſhall be heard and determined by ſome Juſtice of the Peace for the County or Place in which the Cauſe of Diſpute ſhall ariſe, who, upon Application to him made for that Purpoſe, ſhall examine the Matter upon Oath of the Parties, or other Witneſs or Witneſſes (which Oath every ſuch Juſtice is hereby authorized and empowered to adminiſter), and ſhall determine the Amount of the Toll due and other Matters in Diſpute between the Parties, and may alſo award ſuch Coſts to be paid by either Party to the other as to ſuch Juſtice ſhall ſeem juſt and reaſonable; all which Coſts, in caſe the ſame ſhall not be forthwith paid, ſhall and may be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo awarded or directed to pay the ſame, by Warrant under the Hand and Seal of ſuch Juſtice (which Warrant every ſuch Juſtice is hereby empowered to iſſue), and the Overplus (if any) after Payment of ſuch Coſts, and the Coſts of ſuch Diſtreſs and Sale, ſhall be returned, upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained.

General Exemptions from Toll.

XXIX. Provided always, and be it further enacted, That no Toll ſhall be demanded, taken, or received at any of the Toll Gates, Bars, or Chains to be erected upon the ſaid Roads, or either or any of them, for any Horſes or Carriages attending His Majeſty or any of the Royal Family; or for Horſes, Cattle, or Carriages, of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning therefrom; nor for the Horſes belonging to any Officers or Soldiers on their March or on Duty; nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, or returning empty after having been ſo employed; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat, or other

Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry respectively, and rode by them, nor for any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exercise, Inspection, or Review, provided that such Person or Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption; nor for any Horse, Beast, or Carriage used or employed in carrying or conveying any Rector, Vicar, or Curate going to or returning from his proper Parish Church or other usual Place of Divine Worship, or on other his Parochial or Ministerial Duty, or visiting his sick Parishioners, or used by any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on *Sundays*; nor for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of any Knight or Knights of the Shire to serve in Parliament for the said County of *Dorset*, during the Time of such Election, or the Day before or Day after such Election shall begin or be concluded; or of carrying or conveying Vagrants sent by legal Passes; or of carrying or conveying Hay or Corn in the Straw, Wood, Frith, or Furze for Fuel, not sold or disposed of, or passing to be sold or disposed of, but to be laid up in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Growers thereof; or of carrying or conveying any Lime, Dung, Mould, Marle, Soil, or Manure, or Compost, to be used only for manuring of Land, or going or returning empty in that Employment; nor for any Horse, Beast, Cattle, or Carriage employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow, or other Implement of Husbandry; nor for any Horse, Beast, or Cattle passing to or repassing from Water or Pasture; nor for any Horse, Beast, or other Cattle going to be or returning from being shoed or farried; nor for any Horse, Beast, or Cattle used or employed for the Purpose only of carrying or conveying Gravel, Stones, Sand, or other Materials for the making or repairing the said Roads hereby directed to be repaired, or any other Highway or Public Road within any such Parish, Township, Chapelry, Hamlet, or Place as aforesaid, or for building, rebuilding, or repairing any present or any future public Bridge or Bridges on the said Roads; nor for any Carriages when employed in carrying or conveying Hemp and Flax in the Stalk, and Potatoes, or any of them, grown in any Parish or Township through which the said Districts of Road pass, to be laid up or deposited in the Warehouses, Barns, or Bartons of or belonging to the Owner of such Hemp, Flax, and Potatoes respectively, and not for Sale; nor for any Bull or Cow, Heifer, or other Neat Cattle, passing through the said last-mentioned Toll Gates, or either of them, in their Way to or returning from *Bridport* Market on the great Market Days as now established, or on such other Days as may hereafter be established great Market Days by the Bailiffs and Burgesses of *Bridport*; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person

Carriages employed carrying Hemp, Flax, and Potatoes, exempted from Tolls.

Penalty on fraudulently taking Benefit of Exemptions.

Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Caſes the Proof of Exemption ſhall be upon the Perſon claiming the ſame.

Carriages for His Majeſty's Service not to be weighed.

XXX. Provided always, and be it further enacted, That no Perſon owing or driving or cauſing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, or the Horſe or Horſes, or other Cattle drawing the ſame, while ſo employed, be ſtopped or detained by reaſon of any Weight in or upon any ſuch Waggon, Wain, Cart, or other Carriage, or of its being drawn by any Number of Horſes or Oxen, but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage, for drawing the ſame; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithſtanding.

Tolls may be leſſened.

XXXI. And be it further enacted, That it ſhall and may be lawful for the Truſtees for the ſaid reſpective Diſtricts of Roads, or any Nine or more of them reſpectively, at any Meeting to be holden for that Purpoſe, whereof at leaſt Fourteen Days Notice ſhall be given in Writing, to be affixed on all the Toll Gates continued or erected, or to be erected on the reſpective Diſtricts of Roads, and publiſhed in ſome public Newſpaper circulated in the Neighbourhood thereof, from Time to Time, as they ſhall think proper, to leſſen or reduce, and again to raiſe and advance, all or any of the Tolls hereby granted, and to order the ſame to be taken in ſuch Manner, Parts, and Proportions as they ſhall think fit, ſo that the reſpective Tolls ſo to be raiſed or advanced do not exceed the Tolls by this Act authorized to be taken, and ſo as ſuch Reduction be made with the Conſent in Writing of the ſeveral Perſons who ſhall be entitled to Five-ſixth Parts of the Money then due on the Credit of the ſaid Tolls; and ſuch Tolls ſo reduced or advanced, and every of them, ſhall be collected, recovered, and applied, as the Tolls hereby granted and authorized to be taken are directed to be collected, recovered, and applied.

Tolls may be compounded for.

XXXII. And be it further enacted, That it ſhall be lawful for the Truſtees for the ſaid reſpective Diſtricts of Roads, or any Five or more of them reſpectively, from Time to Time to compound, for any Term not exceeding One Year at any one Time, with any Perſon or Perſons for any Horſes, Beaſts, or Carriages travelling on the ſaid reſpective Diſtricts of Roads, for all or any of the ſaid Tolls to be paid in reſpect of ſuch Horſes, Beaſts, or Carriages; and ſuch Compoſition Money ſhall be paid in Advance quarterly; and in Default of ſuch Payment on Demand made, the Compoſition or Agreement with ſuch Perſon ſo making Default ſhall from thenceforth be void; and all ſuch Compoſition Money ſhall be applied in the ſame Manner as the Tolls are directed to be applied by this Act.

Leaſes to be vacated;

XXXIII. And be it further enacted, That all Demiſes, Leaſes, and Agreements for Leaſes of the Tolls on the ſaid Roads heretofore granted ſhall,

shall, on the Second *Monday* after the passing of this Act, cease and be void; and in case any Lessee or Lessees, Farmer or Farmers, of such Tolls shall, on the Vacation or Avoidance of such Demises, Leases, or Agreements, refuse or neglect to deliver up the Possession of the Toll House, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, comprised in any such Demises, Leases, or Agreements, to the said respective Trustees or any other Persons acting under their Authority respectively, after Demand thereof made, then it shall be lawful for the said respective Trustees to remove such Lessee or Lessees, Farmer or Farmers, from the Possession thereof, in such Manner as is herein-after directed with respect to the Removal of the Lessee or Lessees, Farmer or Farmers of the Tolls to arise or be made payable under this Act, whose Lease or Leases, Contract or Contracts, shall be avoided or vacated as is herein-after mentioned: Provided always, that the Trustees for the said Roads respectively, or any Five or more of them, shall, on or before the said Second *Monday* after the passing of this Act, and they are hereby authorized, directed, and required to make or tender a fair and just Compensation and Satisfaction to the present Lessees or Lessee of such Tolls, for the Loss or Damage which they, he, or she may or might thereby sustain; and in case any such Lessees or Lessee shall be dissatisfied with the Amount of such Compensation, then and in such Case such Lessees or Lessee shall and may recover such Damage by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*: Provided also, that in case the said Trustees, or any Five or more of them, and the present Lessees of the said Tolls, or any of them, shall be desirous that such Demises, Leases, or Agreements shall continue in force for the Remainder of the respective Terms for which the same or any of them shall have been granted, then and in such Case such Lessee or Lessees shall pay such Sums of Money, or such additional Rent to the said Trustees, or any Five or more of them, as such Trustees shall think fit, as a Consideration for the continuing of such Leases or Lease; and in case of any Difference or Dispute respecting the Amount of such Sum or Rent, such Difference or Dispute shall be settled by any Two Justices of the Peace for the County or Place where the Toll House shall be situate, which such Justices are hereby empowered to do, on Application being made to them for that Purpose by such Lessees or Lessee, and on Proof of Seven Days Notice of the Intention of such Lessees or Lessee having been given in Writing by such Lessees or Lessee, to or left at the Office of the Clerk of the said Trustees.

but Satisfaction to be made to Lessees.

XXXIV. And be it further enacted, That it shall be lawful for the Trustees for the said respective Districts of Roads, or any Five or more of them respectively, from Time to Time to demise or let to farm, or agree to demise or let to farm, all or any of the Tolls arising by virtue of this Act, and all or any of the Toll Houses, and the Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon public Bidding to the highest Bidder, and for the best Price or Rent such Trustees respectively can get for the same, payable Monthly in Advance, or at such other Time or Times as the said Trustees respectively shall think proper, to any Person or Persons who shall be willing to take or farm the same, under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said respective Trustees or any Five or more of them respectively shall think fit; and if the said respective Trustees at any such Meeting for letting the said Tolls shall be

Tolls may be leased.

of Opinion that a Combination exiſts among the Bidders to undervalue the ſame, they reſpectively may then proceed in ſuch Letting in ſuch Manner as to them reſpectively ſhall ſeem moſt likely to create a real, *bonâ fide*, and an advantageous Competition for the ſame; and at ſuch Letting the Truſtees preſent ſhall have and be entitled to One or more Bidding or Biddings for the ſaid Tolls, either by themſelves or their reſpective Clerk or Treaſurer, or other Perſon by them reſpectively authorized, any thing in any Law or Statute to the contrary thereof notwithſtanding; and the Rent or Money ariſing by ſuch Letting ſhall be applied in ſuch Manner as the Tolls under this Act are directed to be applied.

Leſſees, or Perſons appointed by them, may collect Tolls.

XXXV. And be it further enacted, That during ſuch Time as the ſaid Tolls, or any Part or Parts thereof, ſhall be leaſed, demiſed, or let to any Perſon or Perſons whomſoever, it ſhall and may be lawful to and for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons as he or they ſhall authorize and appoint, to occupy and enjoy the Toll Houſe or Toll Houſes at which the ſaid Tolls ſo let are to be collected and to ariſe, with all the Appurtenances and Conveniences to the ſame Toll Houſe or Toll Houſes belonging, for the Purpoſe of collecting ſuch Tolls, during ſo long Time only as ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall duly and regularly pay his, her, or their Rent or Rents, and perform the Covenants and Agreements and Conditions of ſuch Leaſe, Demiſe, or Letting, but not further or otherwiſe; and that ſuch Leſſee or Leſſees, Farmer or Farmers, and the Perſon or Perſons ſo to be by him, her, or them appointed (ſuch Rents and Covenants being duly paid and performed), ſhall and may demand and take the ſaid Tolls ſo leaſed, demiſed, farmed, or let, with the like Powers for the Recovery thereof to all Intents and Purpoſes whatſoever, as any Collector of the ſaid Tolls appointed or continued by virtue of this Act, is by virtue of this Act authorized and empowered to demand, take, and recover the ſame; and ſuch Leſſee or Leſſees, Farmer or Farmers, Collector or Collectors, or other Perſon or Perſons as aforeſaid, ſhall be ſubject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and ſhall be liable to the like Actions and Proſecutions, as any Collector of the ſaid Tolls appointed or continued by virtue of this Act is ſubject or liable to.

Penalty on Collector, &c. taking greater or leſs Toll than allowed.

XXXVI. And be it further enacted, That if any Leſſee, Farmer, Renter, or Collector of the ſaid Tolls ſhall demand and take, or cauſe to be demanded and taken, from any Perſon or Perſons, any Toll not hereby authorized to be taken, or a greater or leſs Toll than ſo authorized and directed by the ſaid reſpective Truſtees to be taken under the Authority of this Act, ſuch Leſſee, Farmer, or Renter ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds, and alſo his Contract for renting the Tolls ſhall be declared to be vacated, if the ſaid reſpective Truſtees or any Five or more of them reſpectively ſhall think fit to vacate the ſame; and every ſuch Collector, not being the Leſſee, Farmer, or Renter, ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings, ſuch Forfeitures reſpectively to be recovered in Manner herein-after mentioned: Provided always, that if the Juſtice by or before whom the Matter of Complaint ſhall be heard ſhall be of Opinion that the Offender had probable Grounds for ſuch Demand or Taking, it ſhall be lawful for ſuch Juſtice either to mitigate the ſaid re-

ſpective Penalties, or wholly to exonerate the Offender therefrom, as ſuch Juſtice ſhall think fit.

For preventing Toll Collectors from miſbehaving, &c.

XXXVII. And be it further enacted, That all and every Toll Collector or Collectors, being Leſſee or Leſſees of the ſaid Tolls, or appointed either under this Act, or by the Truſtees for executing the ſame, or by any ſuch Leſſee or Leſſees, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, ſhall and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front or on ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately upon his coming on Duty, each of the Letters of ſuch Name or Names to be at leaſt Two Inches in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the ſame Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall refuſe to permit or ſuffer, or ſhall in any ways hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame, on having paid the ſaid Tolls or any of them, or ſhall, in anſwer to ſuch Demand, give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket denoting the Payment of the Toll, naming and ſpecifying the ſeveral Gates freed by ſuch Payment, or ſhall unneceſſarily detain, or upon the legal Toll being paid or tendered, ſhall wilfully obſtruct, hinder, or prevent any Paſſenger, Horſe, Beaſt, Carriage, or Cattle from paſſing through any Turnpike or Toll Gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Paſſenger or Paſſengers, then and in every ſuch Caſe every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied: Provided alſo, that if any Perſon or Perſons ſhall at any Time aſſault, obſtruct, hinder, or moleſt any Collector who ſhall or may be employed by virtue of or in the Execution of this Act in the Performance of his Duty, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obſtructing Collectors.

Enabling Truſtees to take Poſſeſſion of Toll Houſes when let to farm.

XXXVIII. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of this Act upon the ſaid reſpective Diſtricts of Roads, or either of ſuch Diſtricts, ſhall be demiſed or let to farm to any Perſon or Perſons in any Manner whatſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let, or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in Arrear for the Space of Fourteen Days next after any of the Days on which the ſame ought to be paid, purſuant to the Leaſe or Agreement, or Contract for demiſing or letting thereof, or in caſe ſuch Leaſe or Agreement ſhall in any other Manner become void, then and in either of theſe Caſes it ſhall and may be lawful for any Juſtice of the Peace for the ſaid County of *Dorſet*, by Warrant under his Hand and Seal, to order any Conſtable or other Peace Officer, as ſhall be neceſſary,

ceſſary, to enter upon and take Poſſeſſion of every or any Toll Houſe, Toll Gate, Bar, Chain, or Weighing Machine, and the Buildings and the Appurtenances thereunto belonging, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers of the Tolls ariſing thereout reſpectively from the Poſſeſſion thereof, and from the Collection of ſuch Tolls, and to give to the ſaid reſpective Truſtees, or other Perſons acting by or under their Authority reſpectively, Poſſeſſion thereof; and that thereupon it ſhall be lawful for the ſaid reſpective Truſtees, or any Five or more of them reſpectively, if they ſhall think fit, to vacate and determine the Leaſe, Contract, or Agreement for demiſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be utterly void to all Intents and Purpoſes (ſave as to the Covenants or Agreements for Payment of the Rent or Rents thereby reſerved, or other unperformed or broken Obligations, Covenants, or Agreements on the Leſſees Part), as if ſuch Demiſe or Agreement had never been made; and it ſhall and may be lawful for the ſaid reſpective Truſtees, or any Five or more of them reſpectively, in every ſuch Caſe, to demiſe or let to farm the ſaid Tolls again to any other Perſon or Perſons, or cauſe them to be collected in ſuch and the ſame Manner as if no former Demiſe, Contract, or Agreement had been made relative thereto.

An Action of Ejectment may be ſupported by one Mortgagee.

XXXIX. And be it further enacted, That if any Mortgagee or Mortgagees of the ſaid Tolls, Toll Gates, Bars, Chains, Toll Houſes and Buildings, ſhall ſeek to obtain the Poſſeſſion of the ſaid Toll Gates, Bars, Chains, Toll Houſes, and Buildings, in order to pay himſelf, herſelf, or themſelves the Principal Money and Intereſt, or any Part thereof, due to him, her, or them, it ſhall be competent for him, her, or them, as Leſſor or Leſſors of the Plaintiff, and upon his, her, or their Demiſe only, and without uniting in ſuch Demiſe the other Mortgagees of the ſaid Tolls and Premiſes, to obtain ſuch Poſſeſſion; but ſuch Perſon or Perſons who ſhall obtain the Poſſeſſion thereof, ſhall not apply the Tolls which may conſequently be received by him, her, or them to his, her, or their own excluſive Uſe and Benefit, but to and for the Uſe and Benefit of all the Mortgagees of the ſaid Tolls, Toll Gates, Buildings, and Premiſes, *pari paſſu*, and in proportion to the ſeveral Sums which may be due to them as ſuch Mortgagees.

Arrears and Property belonging to former Truſtees veſted in the Truſtees named in this Act.

XL. And be it further enacted, That all Arrears of Tolls or Rents, or other Monies due to, and Property, Real or Perſonal, and all Choſes in and Rights of Action, either at Law or in Equity, veſted in the reſpective Truſtees under the ſaid recited Acts of the Twenty-ſeventh Year of the Reign of King *George* the Second, and the Fifth and Thirty-ninth Years of the Reign of His preſent Majeſty, or any of them, ſhall immediately on the Commencement of this Act be veſted in the reſpective Truſtees named in or to be elected and appointed by virtue of this Act, who ſhall be and are reſpectively hereby enabled to recover the ſame, and for that Purpoſe reſpectively to cauſe to be commenced and proſecuted all Actions and Suits at Law or in Equity, in the Name of their reſpective Clerk or Clerks for the Time being, and to act in reſpect thereof as effectually as if the ſame had become due to, or had been veſted in ſuch reſpective Truſtees under and by virtue of this Act, or ſuch Arrears of Tolls or Rents, or other Monies ſo due to the reſpective Truſtees under the ſaid recited Acts as aforeſaid, by virtue of any Deed or Specialty, ſhall or may be

be ſued for and recovered in the Name of the Truſtee or Truſtees to or with whom ſuch Deed or Specialty ſhall have been ſo made or entered into, at the Option or Election of the reſpective Truſtees named or to be appointed by virtue of this Act; and that all Coſts to be incurred by the Truſtees or Perſons in whoſe Names ſuch Proceedings ſhall be had, ſhall be paid and defrayed by and out of the reſpective Funds or Monies to be raiſed by virtue of this Act; and the Monies, when recovered, ſhall be paid over to the Treaſurer of the ſaid reſpective Truſtees, as the Caſe may be, to be applied for the Purpoſes of this Act.

Each Diſtrict made liable to its reſpective Debts.

XLI. And whereas at the Time of paſſing this Act divers Sums of Money are due and owing upon the Credit of the Tolls by the ſaid recited Acts authorized to be taken on the ſaid Firſt Diſtrict of Roads, and divers Sums of Money are alſo due and owing upon the Credit of the Tolls by the ſaid recited Acts authorized to be taken on the ſaid Second Diſtrict of Roads; be it therefore further enacted, That the Tolls hereby granted or authorized to be taken on the ſaid Firſt Diſtrict of Roads, ſhall be and are hereby made ſubject and liable to the Payment and Diſcharge of all Sums of Money ſo due and owing on account of the ſaid Firſt Diſtrict of Roads, and of all Intereſt thereon; and that the Tolls hereby granted or authorized to be taken on the ſaid Second Diſtrict of Roads, ſhall be and are hereby made ſubject and liable to the Payment and Diſcharge of all Sums of Money ſo due and owing on account of the ſaid Second Diſtrict of Roads, and all Intereſt thereon.

Power to borrow Money, and to aſſign Tolls.

XLII. And be it further enacted, That the Truſtees for the ſaid reſpective Diſtricts of Roads, or any Five or more of them reſpectively, at any of the Meetings to be holden under or by virtue of this Act, may and they are hereby reſpectively authorized and empowered from Time to Time to borrow and take up at Intereſt on the Credit of the Tolls hereby granted or authorized to be taken on each of the ſaid reſpective Diſtricts of Roads, ſuch Sum or Sums of Money as they or any Five or more of them reſpectively ſhall think neceſſary; and they are hereby alſo reſpectively authorized and empowered, either at every ſuch Meeting or afterwards, by any Writing or Inſtrument under their Hands and Seals, to mortgage all or any Part of the Tolls to ariſe in their reſpective Diſtricts hereby granted (the Charges of mortgaging the ſame to be paid out of ſuch Tolls), for any Term, or during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money ſo to be borrowed, to ſuch Perſon or Perſons, or his or her or their Truſtee or Truſtees, as ſhall advance and lend the ſame; which Mortgage ſhall be made in the following Form of Words, or in ſome other Form of Words to the like Effect; (that is to ſay,)

Form of Mortgage.

'BY virtue of an Act paſſed in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled *An Act* [*here inſert the Title of this Act*], We, of the Truſtees for the Firſt Diſtrict of Roads [*or* Second Diſtrict, *as the Caſe may be*], acting in Execution of the ſaid Act, in Conſideration of the Sum of to the Treaſurer of the ſaid Truſtees in Hand paid, do grant, bargain, ſell, and demiſe unto *A. B.* his [her, *or* their] Executors, Adminiſtrators, or Aſſigns, ſuch Proportion of the Tolls ariſing within the ſaid Diſtrict by virtue of the ſaid Act, and of the Toll Gates and Toll Houſes for collecting the ſame, as the ſaid Sum of

'doth or ſhall bear to the whole of the Monies owing and ſecured
'on the Credit thereof, to be had and holden from this
'Day of in the Year of our Lord
' for and during the Continuance of the ſaid Act, unleſs
'the ſaid Sum of with Intereſt at the Rate of
'Pounds *per Centum per Annum*, ſhall be ſooner paid and ſatisfied.
'Given under our Hands and Seals, this Day of
'in the Year of our Lord .'

Copies of Mortgages to be entered in a Book.

And Copies of all ſuch Mortgages ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid reſpective Truſtees; and all and every Perſon or Perſons to whom any ſuch Mortgage or Mortgages ſhall be made as aforeſaid, or who ſhall be poſſeſſed of any Mortgage made by virtue of the ſaid former Acts, or any of them, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time transfer his, her, or their Right, Title, Intereſt, or Benefit to the Principal and Intereſt thereby ſecured, or any Part thereof, to any Perſon or Perſons whomſoever, by ſigning before One credible Witneſs an Inſtrument, whether indorſed or not indorſed, upon ſuch Mortgage or Aſſignment, in the following Words, or in Words to the like Effect; (that is to ſay),

Form of Transfer;

'I *A. B.* do transfer this Mortgage or Security, [*or* a certain Mortgage
'or Security, *ſhortly ſtating it, as the Caſe may be,*] with all my Right
'and Title to the Principal Money thereby ſecured, and all the Intereſt
'now due thereon, unto *C. D.* his [*or* her, *or* their] Executors, Adminiſtra-
'tors, and Aſſigns. Dated this Day of
'in the Year of our Lord .
'Witneſs, *E. F.* *A. B.*'

which muſt be entered with the Clerk.

Which ſaid Transfer ſhall be produced and notified to the reſpective Clerk or Treaſurer to the ſaid reſpective Truſtees, who ſhall cauſe an Entry or Memorial to be made thereof in the before-mentioned Book or Books, ſpecifying the Date, Names of the Parties, and Amount of the Sum transferred, for which Entry ſuch Clerk or Treaſurer ſhall be paid the Sum of Five Shillings, and no more; and ſuch Transfer ſhall then entitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and ſuch Aſſignee or Aſſignees may in like Manner aſſign and transfer the ſame again, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon or Perſons (except the Perſon or Perſons to whom the ſame ſhall be laſt transferred) to make void, releaſe, or diſcharge the original Security, or any Monies thereby due, or any Part thereof.

No Priority of Mortgages.

XLIII. And be it further enacted, That no Preference ſhall be given to any Perſon or Perſons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the ſaid recited Acts, or who ſhall hereafter advance any Sum or Sums of Money on the Credit of this Act, his, her, or their Aſſignee or Aſſigns, in reſpect to the Priority of the Mortgage or Aſſignment, or of advancing ſuch Sum or Sums of Money, but that as well all Perſons to whom any ſuch Mortgages or Aſſignments have already been made or given, as thoſe to whom any ſuch ſhall hereafter be made or given, his, her, and their Aſſignee and Aſſigns, ſhall (in proportion to the Sum or Sums therein mentioned) be Creditors on this Act, and in equal Degree one with another.

Old Mortgages may be called in, and new ones granted.

XLIV. And be it further enacted, That the ſaid reſpective Truſtees, or any Five or more of them, ſhall and may, when thereunto required, receive in and cancel all or any of the Mortgages or Securities now ſtanding out, that were made by virtue of any former Act or Acts relating to the ſaid reſpective Diſtricts of Road, or any of them, and give and execute another Mortgage or Security, or other Mortgages or Securities, inſtead and in lieu thereof reſpectively, in manner and tranſferable as herein-before mentioned.

Mortgages under former Acts to be valid.

XLV. Provided always, and be it further enacted, That all ſuch Mortgages and Securities which ſhall not be ſo cancelled, and all Deeds Poll granted or made under the Powers and Proviſions of the former Acts hereby repealed, ſo far as relates to the ſaid reſpective Diſtricts of Roads, ſhall be as valid and effectual to all Intents and Purpoſes as the ſame reſpectively would have been in caſe the ſaid Acts had remained unrepealed.

Subſcribers to pay their Subſcriptions.

XLVI. And be it further enacted, That the ſeveral and reſpective Perſons who have ſubſcribed any Money for and towards making the intended Improvements, ſhall and they are hereby required to pay the Sum or Sums of Money ſo ſubſcribed, within ſuch Time and Times, and in ſuch Parts and Proportions, to the ſaid Truſtees for the Diſtrict, towards the Improvement of the Roads of which the ſame has or have been ſo reſpectively ſubſcribed, or to ſuch Perſon as they or any Five or more of them ſhall order and direct; and if any Perſon or Perſons ſhall neglect or refuſe to pay the ſame, or any Part thereof as aforeſaid, it ſhall be lawful for the ſaid reſpective Truſtees to ſue for the ſame in the Name of the Clerk, and to recover the ſame in any of His Majeſty's Courts of Record, by Action of Debt or on the Caſe.

Application of the Tolls and Money to be borrowed, &c.

XLVII. And be it further enacted, That all the Coſts, Charges, and Expences relative to or attending the obtaining and paſſing of this Act, with Intereſt for the ſame, ſhall be paid and diſcharged in preference to all other Payments whatſoever, and the ſame ſhall be paid in equal Portions or Moieties by the ſaid Truſtees of the Firſt Diſtrict, and the ſaid Truſtees of the Second Diſtrict, or any Five or more of them reſpectively, out of the Monies already received by virtue of the ſaid former Acts, or any of them, or out of the firſt Money which ſhall ariſe or be received by virtue of this Act; and the Remainder of all ſuch Monies ariſing upon or from each of the ſaid reſpective Diſtricts of Roads, ſhall from Time to Time be reſpectively applied by the Truſtees of each ſuch reſpective Diſtrict in keeping down the Intereſt of the Principal Monies by them reſpectively borrowed or raiſed under or by virtue of the ſaid recited Acts or any of them, and which may be by the ſaid reſpective Truſtees reſpectively borrowed or raiſed under or by virtue of the Powers of this Act, or on the Credit thereof, and in making, amending, diverting, widening, altering, ſtraightening, improving, and maintaining in Repair the ſaid reſpective Diſtricts of Roads, and in otherwiſe putting this Act into Execution, and afterwards in repaying the Principal Monies already borrowed or raiſed under or by virtue of the ſaid former Acts, or to be by them the ſaid Truſtees reſpectively borrowed or raiſed, under or by virtue of this Act, upon the Credit of the Tolls ariſing on each of the ſaid reſpective Diſtricts of Roads, and to and for no other Uſe or Purpoſe whatſoever.

XLVIII. And

Power to enter upon Lands, to ſtake out and make the new Line of Road and intended Widenings.

XLVIII. And be it further enacted, That it ſhall and may be lawful for the Truſtees of the ſaid Second Diſtrict, or any Five or more of them, and they are hereby authorized and empowered, to make or cauſe to be made a new Line of Turnpike Road, from the Entrance of the late Common commonly called *Beaminſter Wood*, otherwiſe *Wood Common*, in the Pariſh of *Beaminſter*, in the County of *Dorſet*, to *Miſterton Water*, in the County of *Somerſet*, upon, over, and through certain Lands, Grounds, Gardens, and Hereditaments delineated and deſcribed (or intended ſo to be) in the Plan and Book of Reference herein-after mentioned, and under and upon ſuch Terms and Satisfaction as are herein-after mentioned; and alſo that it ſhall and may be lawful for the Truſtees of the ſaid Firſt Diſtrict, or any Five or more of them, and they are hereby authorized and empowered, to widen and enlarge, or cauſe to be widened and enlarged, certain Parts of the Roads lying within the ſaid laſt-mentioned Diſtrict, in, upon, over, and through certain Lands, Grounds, Gardens, and Hereditaments, alſo delineated and deſcribed (or intended ſo to be) in the ſaid Plan and Book of Reference, and under and upon ſuch Terms and Satisfaction as are herein-after mentioned; and alſo that it ſhall be lawful for the ſaid reſpective Truſtees, or any Five or more of them, or for their reſpective Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon any private Lands, Grounds, or Hereditaments through which or whereupon the ſaid new Line of Turnpike Road, and Widenings or Alterations of Road, hereby authorized to be made reſpectively, are intended to paſs, and to ſtake out and make and alter the ſame in ſuch Manner as the ſaid reſpective Truſtees, or any Five or more of them as aforeſaid, ſhall think neceſſary and proper, without being deemed a Treſpaſſer or Treſpaſſers, or ſubject or liable to any Fine, Penalty, or Puniſhment, for entering or continuing upon any Part or Parts of ſuch Lands, Grounds, and Hereditaments reſpectively, for any of the Purpoſes of this Act, making and tendering Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damage they may thereby ſuſtain.

Reſtraining the Truſtees from deviating from the Plan depoſited with the Clerk of the Peace further than 100 Yards.

XLIX. And whereas a Map or Plan, deſcribing the Line of the new Road intended to be made by virtue of this Act in the ſaid Second Diſtrict, and alſo the now intended Widenings, Enlargements, and Alterations of the Roads in the ſaid Firſt Diſtrict, and the Lands reſpectively through which ſuch new Road, Widenings, and Alterations are intended to be carried, together with a Book of Reference, containing a Liſt of the Names of the Owners and Occupiers of ſuch Lands, have been depoſited at the Office of 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 or Extracts thereof 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 Seventy-two Words of ſuch Copies or Extracts of the ſaid Map or Plan and Book of Reference; and that the Truſtees of the ſaid Second Diſtrict, in making the ſaid new Road, ſhall not deviate more than One hundred Yards, of Three Feet each, from the Line deſcribed in the ſaid Map or Plan, without the Conſent and Approbation in Writing of the Perſon or Perſons, Bodies Politic, Corporate, or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

Lands marked in the Plan may be used notwithstanding Errors in the Book of Reference.

L. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees respectively, or any Five or more of them, to make the said new Line of Turnpike Road in the said Second District, and also the Widenings, Enlargements, and Alterations of the Roads in the said First District, into, through, across, and over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land or Premises over which the same is set out and described in the said Map or Plan as aforesaid, or who is or are or may be Owner or Owners of any Garden or Gardens described (or intended so to be) in the Schedule of this Act, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, or in the said Schedule, in case it shall appear to any Two or more Justices of the Peace for the said County of *Dorset*, and be certified by Writing under their respective Hands, that such Error or Omission proceeded from Mistake.

Trustees empowered to divert and widen the present Turnpike Roads;

but such Deviation not to exceed 100 Yards from the present Line, without Consent.

LI. And be it further enacted, That in case the said Trustees for either of the said Districts, or any Seven or more of them respectively, shall at any Time or Times during the Continuance of this Act think proper to widen any Part or Parts of the said Roads, by taking into the same any Lands or Grounds lying contiguous thereto, or shall think proper to turn or divert any Part or Parts of the said Roads through any Lands or Grounds, for the Improvement of the said Roads, then it shall and may be lawful for the said respective Trustees, or any Seven or more of them, and they are hereby authorized and empowered so to do: Provided always, that the said Trustees, in so turning or diverting any Part of the said Roads, shall not deviate more than One hundred Yards, of Three Feet each, from the present Line, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

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

LII. Provided also, and be it further enacted, That the Powers and Authorities hereby given to the said Trustees shall not extend to the pulling down any Dwelling House or other Building, or to the taking in of any Orchard, Garden, Yard, Paddock, planted Walk, or Avenue, or any ornamented Ground adjoining or lying near to a Dwelling House, or any inclosed 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 first had and obtained, except such Gardens as are described (or intended so to be) in the Schedule to this Act.

Trustees may contract for the Purchase of Land.

LIII. And be it further enacted, That it shall and may be lawful for the said respective Trustees, or any Five or more of them respectively, from Time to Time to contract and agree with the Owners of and Persons interested in any Lands or Hereditaments to be taken or made use of for the Purposes of this Act, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, altering, widening, diverting, varying, turning, shortening, or improving the said Roads or any of them, or any Part thereof respectively, or the Course or Path thereof, or of any Part thereof, through or over such Lands or Hereditaments; and it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life

or in Tail, Executors, Adminiſtrators, Huſbands, Guardians, Feoffees, Truſtees, or Committees, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on the Behalf of their Infants, Wards, Ceſtuique Truſts, Lunatics, Idiots, Perſons of unſound Memory and Underſtanding; and to and for all Femes Covert, who are or ſhall be ſeiſed or intereſted in their own Right, or entitled to Dower, and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed or poſſeſſed of or intereſted in any ſuch Lands or Hereditaments, to contract with the ſaid reſpective Truſtees, or any Five or more of them reſpectively, for the Satisfaction to be made for ſuch Damages as aforeſaid, or ſell and convey unto ſuch reſpective Truſtees, or any Five or more of them reſpectively, any ſuch Lands or Hereditaments, or any Part thereof, for any of the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances which ſhall be ſo made ſhall be valid to all Intents and Purpoſes; any Law, Statute, Uſage, or other Matter whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Executors, Adminiſtrators, Huſbands, Guardians, Feoffees, Truſtees, Committees, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act.

When Perſons neglect or refuſe to treat, Damages to be ſettled by a Jury.

LIV. And be it further enacted, That if any Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Executors, Adminiſtrators, Huſbands, Guardians, Feoffees, Truſtees, Committees, Tenants in Tail or for Life, or any other Perſons or Perſon intereſted in any Lands or Hereditaments by this Act authorized to be taken and uſed, for making, altering, widening, diverting, varying, ſhortening, or improving the ſaid Roads as aforeſaid, upon Notice to them, him, or her given, or left in Writing at the Dwelling Houſe or Houſes or other Place or Places of Abode of ſuch Perſon or Perſons, or of the principal Officer or Officers of ſuch Bodies Politic or Corporate, Eccleſiaſtical or Civil, or at the Houſe of the Tenant in Poſſeſſion of ſuch Lands or Hereditaments, ſhall, for the Space of Ten Days next after ſuch Notice given or left, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then in every or any ſuch Caſe the ſaid reſpective Truſtees, or any Five or more of them reſpectively, ſhall cauſe ſuch Damage or Recompence to be inquired into and aſcertained by a Jury of Twelve indifferent Men of the ſaid County of *Dorſet*; and in order thereto, the ſaid reſpective Truſtees, or any Five or more of them reſpectively, are hereby empowered and required, from Time to Time as Occaſion ſhall be or require, to ſummon and call before ſuch Jury, and examine upon Oath, any Perſon or Perſons whomſoever (which Oath any One or more of ſuch Truſtees is and are hereby empowered to adminiſter); and the ſaid reſpective Truſtees, or any Five or more of them reſpectively, ſhall, by ordering a View or otherwiſe, uſe all lawful Ways and Means, as well for their own Information as for the Information of the ſaid Jury, in the Premiſes; and after the ſaid Jury ſhall have inquired of and aſſeſſed ſuch Damages and Recompence, ſuch Truſtees, or any Five or more of them reſpectively, ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid by the ſaid Owners and other Perſons intereſted in ſuch Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; which ſaid Verdict or Inquiſition, and Judgment, Order and Determination thereupon,

ſhall

ſhall be final, binding, and concluſive to all Intents and Purpoſes againſt all Parties and Perſons whomſoever, claiming or to claim in Poſſeſſion, Remainder, Reverſion, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunatics, Idiots, and Perſons under any Diſability whatſoever, Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for the ſummoning and returning ſuch Jury, the ſaid reſpective Truſtees, or any Five or more of them reſpectively, are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the ſaid County of *Dorſet*, requiring ſuch Sheriff to impannel, ſummon, and return Twenty-four Perſons qualified to ſerve on Juries to appear before ſuch reſpective Truſtees, or any Five or more of them reſpectively, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff or his Deputy is hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly; and out of the Perſons ſo ſummoned, impannelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, ſuch reſpective Truſtees, or any Five or more of them reſpectively, ſhall and they are hereby empowered and required to draw by Ballot, and to ſwear or cauſe to be ſworn, Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in default of a ſufficient Number of Jurymen ſo returned, ſuch Sheriff or his Deputy, or any Five or more of ſuch reſpective Truſtees, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to make up the Number of Twelve, and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid reſpective Truſtees, or any Five or more of them reſpectively, ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines upon any ſuch Sheriff or Deputy, Bailiffs, or Agents, making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear, without ſhewing any reaſonable and ſufficient Excuſe, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give, or ſhall not give a Verdict, or ſhall in any other manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who, being required to give Evidence before the ſaid Jury, ſhall refuſe or neglect to appear, after having been paid or tendered a reaſonable Sum for his, her, or their Coſts, Charges, and Expences, without any reaſonable and ſufficient Excuſe, or appearing ſhall refuſe to be ſworn or examined, or to give Evidence; ſo that no ſuch Fine be more than Twenty Pounds upon any ſuch Sheriff, Deputy, Bailiff, or Agent, nor more than Ten Pounds on any other Perſon for One Offence.

Truſtees to iſſue their Warrant to the Sheriff to ſummon the Jury.

LV. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money, as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid reſpective Truſtees, or any Five or more of them reſpectively, or their reſpective Treaſurer, Clerk, Surveyor, or other known Agent, before the ſummoning and returning of the Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt, Property, Loſs, or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining

How Expences of the Jury ſhall be paid.

ing the Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the reſpective Treaſurer or Treaſurers to the ſaid reſpective Truſtees, out of the Money to ariſe by virtue of this Act; but if ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid reſpective Truſtees, or any Five or more of them reſpectively, or their reſpective Treaſurer, Clerk, Surveyor, or other known Agent, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, Property, Loſs, or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid reſpective Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences, having been aſcertained and ſettled by ſome Juſtice of the Peace for the ſaid County of *Dorſet*, not intereſted in the Matter in queſtion (who is hereby required to examine and ſettle the ſame at a Time and Place to be by him appointed, after ſummoning the Parties intereſted therein to attend him for that Purpoſe), ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Money ſhall be deemed and taken to all Intents and Purpoſes to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid, ſhall and may be recovered by the Clerk or Clerks to ſuch reſpective Truſtees by ſuch Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon ſhall by reaſon of Abſence have been prevented from treating, ſuch Coſts and Expences ſhall be borne and paid by the ſaid reſpective Truſtees out of the Money to be raiſed or received under or by virtue of this Act.

Money agreed upon or aſſeſſed how to be paid or tendered.

LVI. And be it further enacted, That all and every ſuch Sum and Sums of Money, Conſideration, Recompence, or Satisfaction, to be agreed for or aſcertained or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls or out of the Monies to be raiſed by virtue of this Act, either into the Bank of *England* as herein-after mentioned, or (as the Caſe may require) to the Parties or Perſons reſpectively entitled to ſuch Monies, or to their Agents; and that upon Payment thereof into the Bank of *England*, or upon Payment or Tender thereof to ſuch Perſons or their Agents, it ſhall be lawful for the ſaid reſpective Truſtees, or any Five or more of them reſpectively, their reſpective Surveyors, Workmen, or Agents, to make, widen, divert, and alter ſuch Roads through or over ſuch Lands or Hereditaments, and to do all and every ſuch Acts, Matters, and Things with relation to ſuch Lands or Hereditaments, as the ſaid reſpective Truſtees, or any Five or more of them reſpectively, ſhall think fit, according to the Directions of this Act; and all the Lands and Hereditaments which ſhall be made a Part or Parts of any Road by virtue of this Act, ſhall to all Intents and Purpoſes be deemed a Common Highway, and ſhall be repaired and kept in Repair by the ſaid Truſtees, and alſo by the ſame Ways and Means as any other Highway is or ought by Law to be kept in Repair; and

from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; and the Land conſtituting Part or Parts of any former Road, in lieu whereof ſome new Road ſhall be made by virtue of this Act, unleſs leading over ſome Heath, Common, Moor, or Waſte Ground, or to ſome Village, Town, Hamlet, or Place, ſhall be veſted in the Truſtees for the reſpective Diſtrict of Road in which ſuch Land ſhall be ſituate, and by them ſold as hereinafter mentioned, or ſhall and may be ſhut up and diſcontinued, or left unrepaired.

Old Roads to be ſtopped up or ſold.

LVII. And whereas by reaſon of the Purchaſes which the ſaid Truſtees are empowered and authorized to make by virtue of this Act, or by reaſon of the diverting of ſome Part or Parts of the ſaid Roads, they may happen to be ſeiſed of ſome Piece or Pieces of Ground over and above what are or ſhall be neceſſary for effecting the Purpoſes of this Act, or of ſome Piece or Pieces of old Road as aforeſaid; be it therefore enacted, That it ſhall be lawful for the ſaid reſpective Truſtees, or any Five or more of them reſpectively, to ſell and diſpoſe of ſuch Pieces or Parcels of overplus Ground, or of ſuch Pieces or Parcels of old Road (not being Common or Waſte Land) as aforeſaid, either together or in Parcels, and either by public Sale or private Contract, as they ſhall think fit, and to convey the ſame for the beſt Price that can or may be reaſonably had or gotten for the ſame, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame: Provided always, that the ſaid reſpective Truſtees, before they ſhall ſell and diſpoſe of any Piece or Pieces of overplus Ground or old Road as aforeſaid, ſhall firſt offer ſuch overplus Ground for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or, as the Caſe may be, ſhall firſt offer ſuch Piece or Pieces of old Road to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe, or ſhall not agree (except with reſpect to or on account of the Price thereof) to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County of *Dorſet*, who are hereby reſpectively empowered to take ſuch Affidavit, by ſome Perſon or Perſons no way intereſted in the Premiſes, ſtating that ſuch Offer was made by and on the Behalf of ſuch Truſtees, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was refuſed or not agreed to by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Piece or Pieces of overplus Ground or old Road, and he, ſhe, or they and the ſaid reſpective Truſtees ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by a Jury in Manner in this Act directed with reſpect to diſputed Value of Premiſes to be taken and uſed in purſuance of this Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in Manner herein-before directed with reſpect to ſuch Purchaſes made by the ſaid reſpective Truſtees, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales of ſuch Pieces or Parcels of overplus Ground or old Road, ſhall be applied by the reſpective Truſtees to the Purpoſes of this Act;

Truſtees empowered to ſell overplus Grounds or old Roads.

When Pieces of Land are to be ſold, the firſt Offer to be made to the original Proprietor.

In caſe the Perſons cannot agree, the Value to be determined by a Jury.

Act; but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Nonapplication of ſuch Money; and every Conveyance of ſuch Piece or Pieces of overplus Ground, being executed by any Five or more of the ſaid Truſtees reſpectively, ſhall be ſufficient to convey the ſame to the Purchaſer or reſpective Purchaſers thereof, and the ſame ſhall be held by ſuch Purchaſer or Purchaſers by or under the ſame Tenure as the ſame was held before the Purchaſe thereof by the ſaid Truſtees for the Purpoſes of this Act, or as the ſame would or might have been held if this Act had not been paſſed; and all Conveyances of ſuch Pieces of old Road as ſhall be adjoining to Lands of Freehold Tenure, being executed by any Five or more of the ſaid reſpective Truſtees, and enrolled with the Clerk of the Peace for the County of *Dorſet*, ſhall be good and effectual in Law to all Intents and Purpoſes; and all ſuch Pieces of old Road as ſhall be adjoining to Lands of Copyhold or Cuſtomary Tenure, being conveyed by the ſaid reſpective Truſtees, or any Five or more of them reſpectively, by Surrender or other Conveyance ſanctioned by the Cuſtom of the Manor of which ſuch Lands ſhall be holden, ſhall be taken to be well and effectually conveyed to the Purchaſer or reſpective Purchaſers of ſuch Pieces of Roads and Premiſes.

Application of Compenſation if amounting to 200l.

LVIII. And be it further enacted, That if any Money ſhall be paid, or agreed or awarded to be paid for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed, taken, or uſed by virtue of the Powers of this Act, which ſhall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Ceſtuique Truſt, or to any Perſon or Perſons whoſe Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing this Act reſpectively, as the Caſe may be, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or in or towards the Diſcharge of any Debt or Debts, or other Incumbrances, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Truſts, Intents, or Purpoſes, as the ſaid High Court of Chancery ſhall authorize to be purchaſed or paid, or ſuch Part thereof as ſhall be neceſſary; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under and with the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed, limited, and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited,

limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, or capable of taking effect; and in the meantime, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid High Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends or Intereſt and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by the Order of the ſaid Court to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments ſo to be purchaſed, in caſe ſuch Purchaſe or Settlement was made.

Where leſs than 200l. and not leſs 20l.

LIX. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed or amount to the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy, Idiotcy, Lunacy, or other Incapacity, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the reſpective Truſtees for executing this Act, as the Caſe may be, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch Principal Money, and the Dividends and Produce ariſing thereon and therefrom, may be applied in any Manner herein-before directed, ſo far as the Caſe ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

When under 20l.

LX. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next herein-before mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid reſpective Truſtees, or any Five or more of them reſpectively, ſhall think fit; or in caſe of Infancy, Idiotcy, Lunacy, or other Incapacity, then ſuch Money ſhall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Truſtee or Truſtees, to and for the Uſe and Benefit of ſuch Perſon or Perſons reſpectively entitled thereto.

LXI. And

In case of not making out a good Title, or if Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery, on Motion or Petition.

LXI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said respective Trustees, or any Five or more of them respectively; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said respective Trustees, or any Five or more of them respectively, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of said High Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of disputed Titles.

LXII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interests of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that

that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court may order reaſonable Expences to be paid by Truſtees.

LXIII. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchaſed, taken, or uſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the High Court of Chancery, and be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as to the ſaid Court ſhall ſeem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid reſpective Truſtees, or any Five or more of them reſpectively, out of the reſpective Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Surveyors may dig Gravel, &c. in Waſte Grounds, without paying for the ſame;

LXIV. And be it further enacted, That the ſaid Truſtees in each reſpective Diſtrict, or any Five or more of them reſpectively, or the Surveyor or Surveyors for ſuch Diſtrict who ſhall be by them appointed and empowered by virtue of this Act, or any or either of them, or any other Perſon or Perſons who ſhall by the Truſtees for ſuch Diſtrict, or by the ſaid Surveyor or Surveyors or either of them, be employed or appointed for that Purpoſe, may and is and are hereby authorized and empowered to cut, dig, gather, take and carry away, or cauſe to be cut, digged, gathered, taken and carried away, any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for the repairing of Roads, in, upon, out of, or from any Waſte or Common Ground or Grounds in any Pariſh, Town, or Place in, adjoining to, or lying near the ſeveral Roads aforeſaid, or in any adjoining Pariſh, Town, or Place, to be uſed, diſpoſed of, and applied in repairing the ſame Roads, they the ſaid Truſtees or Surveyors, or other Perſons, filling up the Pits and levelling the Grounds from which ſuch Materials ſhall be taken, or cauſing the ſame to be done;

and in private Grounds, making Satisfaction.

and if ſuch Quantities of Furze, Heath, Stones, Gravel, Sand, or other Materials proper and ſufficient for that Purpoſe, cannot be had or found in or upon ſuch Waſte or Common Ground or Grounds, then and in ſuch Caſes to cut, dig, gather, take and carry away, or cauſe to be cut, digged, gathered, taken and carried away, any Quantity or Quantities of Furze, Heath, Stones, Gravel, Sand, or other Materials proper and ſufficient for that Purpoſe, in, upon, or out of and from the Lands, Fields, or Grounds of any Perſon or Perſons, in any Pariſh or Place in which the ſaid reſpective Diſtricts of Road ſhall lie and be ſituate, where the ſame may be had or found, to be uſed, diſpoſed of, and applied in or towards repairing the ſaid Roads; ſuch Lands, Fields, and Grounds, or either of them, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nurſery, or planted Walk, or any Avenue of Trees, or Trees planted for the Ornament or Shelter of any Houſe; they the ſaid Surveyors or other Perſon or Perſons by them appointed or employed as aforeſaid, or ſome or one of them, having an Order from the ſaid reſpective Truſtees, or any Five or more of them, for ſo doing, and paying or offering to pay to the

respective Owners or Occupiers of such Lands, Fields, or Grounds, such Damages for the cutting, digging, gathering, taking, and carrying away the said Furze, Heath, Stones, Gravel, Sand, and Materials, and for carrying the same over their Grounds, as the said respective Trustees, or any Five or more of them respectively shall think reasonable; and they the said Trustees or Surveyors, or other Persons, filling up the Pits and leveling the Grounds from which such Materials shall be so taken, or causing the same to be done; and in case of any Difference between the said Trustees, Surveyors, or Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the Value of the said Materials, or the Amount of the said Damages, any Two or more Justices of the Peace of the County or Place where the said Furze, Heath, Stones, Gravel, Sand, or Materials shall be so cut, digged, gathered, taken, and carried away, on Ten Days Notice thereof to be given by the said Surveyor or Surveyors to the said Owner or Owners, Occupier or Occupiers, or by them the said Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, with some or one of their respective Families, shall hear, settle, and determine the Matters of the said Damages, and the Value of such Materials.

Justices to determine Differences.

Notice to be given before Materials taken.

LXV. And be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Roads, out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Justice or Justices of the Peace acting in and for the County or Place where such Land or Ground shall lie, to shew Cause why such Materials shall not be had from such Land or Ground; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Person or Persons to dig, gather, get, take, and carry away such Materials at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or by his or her Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath he, they, or any of them is and are hereby empowered to administer) make such Order therein as he or they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended.

For purchasing Lands to lodge Materials, &c.;

LXVI. And for providing proper Places whereupon the Materials used for the Repairs of the said Roads may be deposited, and whereupon the Ground, Earth, Stones, and other Matters and Things which it may be necessary to dig and remove in the making, altering, widening, or improving the said Roads, or any Part thereof, or any worn Materials, may be laid; be it also enacted, That it shall and may be lawful for the Trustees for the said respective Districts of Roads, or any Five or more of them respectively, to treat, contract, and agree with the several Owners or Proprietors, and Occupiers of, and Persons interested in and entitled unto any

Lands or Hereditaments adjoining to the ſaid Roads, or any Part thereof, for the Purchaſe of ſo much thereof as they ſhall think neceſſary for any of the ſaid Purpoſes, ſuch Parcels of Land to be ſo purchaſed not exceeding in the whole One Acre for each of the ſaid reſpective Diſtricts of Road, and out of the Monies to ariſe from the Tolls upon the ſaid Roads, or to be borrowed on the Credit thereof, to pay ſuch Sum or Sums of Money as ſhall be agreed upon for ſuch Lands or Hereditaments; and in caſe of any Difference between the ſaid Truſtees and the ſaid Owners or Proprietors and Occupiers (all of whom are hereby empowered to treat and agree with the ſaid Truſtees), concerning the Price or Satisfaction to be paid for the Purchaſes before mentioned, ſuch Differences ſhall be adjuſted, ſettled, and determined, and ſuch Recompence aſcertained, by a Jury, in ſuch Manner and under the ſame Rules and Orders as are preſcribed in and by this Act for ſettling Recompence and Damage for the Land taken for the Purpoſes of this Act; and the ſaid Parcels of Land, when ſo purchaſed, ſhall for ever after be Part of and be deemed to belong to the Road or Diſtrict of Road for the Uſe whereof the ſame ſhall be purchaſed (ſuch Lands or Hereditaments not being Land whereon any Houſe or other Building ſtands, or within Twenty Yards of any Dwelling Houſe, and not being a Yard, Park, Paddock, or Plantation, or Nurſery for Trees, except with the Conſent of the Owners or Proprietors and Occupiers thereof); and it ſhall alſo be lawful for the ſaid reſpective Truſtees to cauſe any ſuch Materials, Ground, Earth, Stones, or other Matters or Things, to be depoſited, laid, or placed upon any Common or Waſte Ground, or upon any Field, Land, or Ground on the Side or Sides of the ſaid Roads or any Part thereof, making ſuch Compenſation or Satisfaction to the Owners or Proprietors and Occupiers thereof as the ſaid reſpective Truſtees, or any Five or more of them reſpectively, ſhall think reaſonable; and in caſe of any Difference between ſuch Truſtees and ſuch Owners or Proprietors and Occupiers, or any of them, reſpecting the Amount of ſuch Compenſation or Satisfaction, ſuch Difference ſhall be ſettled, and the Amount of ſuch Compenſation or Satisfaction ſhall be adjudged and determined, by any Juſtice or Juſtices of the Peace for the County or Place where the Land ſhall be ſituate, under the ſame Rules and Orders as are preſcribed in and by this Act for ſettling the Amount of Damages for getting Materials for the Repair of the Roads, (ſuch Lands or Hereditaments not being Land whereon any Houſe or other Building ſtands, or within Twenty Yards of any Dwelling Houſe, and not being a Yard, Park, Paddock, or Plantation, or Nurſery for Trees, except with the Conſent of the Owners or Proprietors and Occupiers thereof; and provided that the ſaid reſpective Truſtees ſhall not make uſe of more than Thirty ſquare Yards in any one Field or Place, being private Property,) without the Conſent of the Owners or Proprietors and Occupiers thereof.

Or Materials, &c. may be laid on Lands adjoining the Roads.

LXVII. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall take away any Materials which ſhall be dug, gotten, or gathered for the Repair or Uſe of the ſaid Roads, or any of the Purpoſes aforeſaid, or depoſited as aforeſaid, or ſhall raiſe or carry away any Materials out of, or otherwiſe interfere with or obſtruct the working of any Pit or Quarry which ſhall have been made or opened for the Purpoſe of getting Materials for making and repairing the ſaid Roads, or any of the Purpoſes aforeſaid, before ſuch Surveyor and Surveyors, or his or their Workmen,

Penalty on taking away Materials raiſed by Surveyors.

Workmen, ſhall have diſcontinued working therein for the Space of Six Calendar Months (except the Owner or Occupier of the Land in which ſuch Pit or Quarry ſhall be made, as to Materials for his own private Uſe only, and not for Sale), every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds.

For abating Nuiſances.

LXVIII. And be it further enacted, That it ſhall be lawful for every ſuch Surveyor and Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, from Time to Time to remove and prevent all Nuiſances and Annoyances on any Part or Parts of the ſaid Roads, by Timber, Wood, Stone, Carriages, Saw-pits or other Pits, Trees, Aſhes, Dung, Filth, Rubbiſh, Straw, Heaps of Earth, or other Matter or Thing, and to turn any Watercourſes, Gutters, Sinks, Conduits, or Drains running into, along, or out of the ſaid Roads, to the Prejudice thereof, and to open, ſcour, or cleanſe, widen, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourſe adjoining or near to the ſaid Roads, or any Part or Parts thereof reſpectively, and to make the ſame as deep and large as ſuch Surveyor or Surveyors ſhall think neceſſary; and alſo to cut down, prune, lop, or top, at proper Seaſons of the Year, any Branches, Shrubs, or Buſhes growing within the Diſtance of Twenty Feet from the ſaid Roads (ſo as the ſame be not planted for Ornament or Shelter to any Houſe or other Building, or in any Garden, Orchard, planted Walk, Avenue to a Houſe, or Nurſery for Trees), and to take and carry away the ſaid Prunings or Loppings, or in ſuch other Manner that the ſaid Roads ſhall not be prejudiced thereby, in caſe the reſpective Owners or Occupiers of the Lands where ſuch Annoyance ſhall happen to be ſhall neglect ſo to do for Five Days after Notice in Writing given for that Purpoſe, under the Hand or Hands of ſuch Surveyor or Surveyors; the Charges whereof (to be ſettled by the ſaid reſpective Truſtees, or any Two of them reſpectively, or by any Juſtice of the Peace of the County or Place where the ſame ſhall occur, by Writing under their or his Hands or Hand), ſhall from Time to Time be reimburſed to the ſaid Surveyor or Surveyors by ſuch reſpective Owners or Occupiers neglecting to turn, open, ſcour, or cleanſe, or to deepen, widen, and enlarge any ſuch Gutter, Ditch, Conduit, Drain, or Watercourſe, or to cut down, prune, lop, or top ſuch Branches, Shrubs, or Buſhes, or to cut or reduce ſuch Hedges, or by the Perſon or Perſons occaſioning, or neglecting or refuſing to remove ſuch Annoyances as aforeſaid; which Charges ſhall be levied and recovered in the ſame Manner as the Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be impoſed, are herein-after directed to be levied and recovered.

For preventing Encroachments.

LXIX. And be it further enacted, That if any Perſon ſhall from and after the paſſing of this Act encroach, by making or cauſing to be made any Dwelling Houſe or other Building, Wall, Hedge, Ditch, or other Fence, within the Diſtance of Twenty Feet from the Middle or Centre of ſuch Roads (except Turnpike Houſes erected by Order of the ſaid reſpective Truſtees), every Perſon ſo offending ſhall forfeit for every ſuch Offence the Sum of Five Pounds to ſuch Perſon as ſhall give Information of the ſame; and it ſhall be lawful for the ſaid reſpective Truſtees, or any Five or more of them reſpectively, by Order under their Hands, made at a public Meeting, or ſome Adjournment thereof, directed to their Surveyor, to cauſe ſuch Dwelling Houſes, Buildings, Walls, Hedges, Ditches, or other

other Fences to be pulled down or filled up at the Expence of the Perſon or Perſons to whom the ſame ſhall belong; and it ſhall and may be lawful for any Juſtice or Juſtices of the Peace in and for the ſaid County of *Dorſet*, upon Proof thereof to him or them made upon Oath (which Oath ſuch Juſtice or Juſtices is or are hereby empowered to adminiſter), to levy as well the Expences of taking down ſuch Dwelling Houſes, Buildings, Walls, Hedges, and Fences, and filling up the Ditches as aforeſaid, as the Penalty hereby impoſed, by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners, on Demand.

Power to make Cauſeways and Drains.

LXX. And be it further enacted, That it ſhall and may be lawful for the ſaid reſpective Truſtees, or any Five or more of them reſpectively, or for the ſaid reſpective Surveyor or Surveyors, and for ſuch Perſon or Perſons as he or they ſhall appoint (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid reſpective Truſtees, or any Five or more of them reſpectively), to make and keep in Repair, or cauſe to be made and kept in Repair any Cauſeway or Cauſeways for the Uſe of Foot Paſſengers, along any Part of the ſaid Roads, in ſuch Manner as they ſhall think proper, and alſo Ditches or Drains in and upon the ſaid Roads, and alſo through any Grounds lying contiguous thereto (not being a Garden, Orchard, Yard, Park, Paddock, Planted Walk, or Avenue to a Houſe); and to erect, rebuild, and keep in Repair all Bridges, Culverts, and Arches upon the ſaid Roads, or acroſs any of the Ditches, Watercourſes, or Drains, where neceſſary; and alſo to make or cauſe to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the ſaid Roads (ſuch Grounds reſpectively not being the Site or Ground whereon any Houſe or Houſes ſtand, nor being a Yard, Garden, Orchard, Park, Paddock, Planted Walk, or Avenue to any Houſe, or any incloſed Grounds planted and ſet apart as a Nurſery for Trees), to be made uſe of by all Paſſengers, Cattle, and Carriages as a public Highway whilſt ſuch ruinous or narrow Part of the ſaid Roads be repairing or widening, and until it ſhall be convenient for Paſſengers or Carriages to paſs along the ſame, making ſuch Recompence to the Owners and Occupiers of ſuch private Grounds reſpectively, for the Damages they ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid reſpective Truſtees or any Five or more of them reſpectively; and in caſe of any Difference concerning the ſame, between ſuch Owners or Occupiers and ſuch Truſtees, that then it ſhall be lawful for any Two or more Juſtices of the Peace for the County of *Dorſet*, on Fourteen Days Notice in Writing being given by either Party to the other, to ſettle, adjudge, and determine what Recompence ſhall be made to ſuch Owners and Occupiers for the Damages they ſhall have ſuſtained as aforeſaid.

Roads to be meaſured and Mile Stones to be ſet up.

LXXI. And be it further enacted, That the ſaid reſpective Truſtees, or any Five or more of them reſpectively, ſhall or may cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be ſet up in or near the Sides of the ſaid Roads, at the Diſtance of One Mile from each other, denoting the Diſtance of every Stone or Poſt from any Town or Place; and alſo ſuch and ſo many Direction Poſts as to the ſaid reſpective Truſtees, or any Five or more of them reſpectively ſhall ſeem meet.

Gates to open Inwards.

LXXII. And be it further enacted, That no Gate of any Park, Paddock, Field, or Incloſure whatſoever, ſhall be made to open into or towards any Part of the ſaid Roads, or be ſuffered to continue ſo to open, except the Hanging Poſt thereof ſhall be Thirty Feet at leaſt from the Centre of any ſuch Part of the ſaid Roads, or except the ſame ſhall be a Swing Gate leading to a Dwelling Houſe or Yard; and the Occupier or Occupiers of every Park, Paddock, Field, or Incloſure, having any Gate opening contrary to the Directions of this Act, ſhall within Fourteen Days after Notice to him, her, or them given, either perſonally or in Writing, under the Hands of Five or more of the Truſtees of the ſaid Roads, cauſe ſuch Gate to be hung in the Manner hereby directed, whenever the ſame ſhall be practicable, but in every Caſe in ſuch a Manner as that no Part of the Gate when open ſhall project over any Part of the ſaid Roads, or any Footpath belonging thereto; and in Default thereof the ſaid Truſtees, or the Surveyor of the ſaid Roads by them appointed, are and is hereby authorized to cauſe ſuch Gate to be ſo hung; and the Perſon or Perſons guilty of ſuch Neglect or Default ſhall, upon Complaint made to any Juſtice or Juſtices of the Peace acting in and for the ſaid County of *Dorſet*, and upon Conviction thereof upon the Oath of One credible Witneſs, pay to ſuch Surveyor ſuch Sum as the ſaid Juſtice or Juſtices ſhall direct, to defray the Expence of making the Alteration, and hanging ſuch Gates, and ſhall alſo forfeit and pay a further Sum, not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Diſcretion of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made as aforeſaid.

Pariſhes liable to do Statute Work.

LXXIII. And be it further enacted, That all and every Perſon and Perſons, Towns, Pariſhes, Hamlets and Places, and the Inhabitants thereof, Bodies Politic and Corporate, and the Members thereof, who before the paſſing of this Act hath or have uſed, or of Right ought by reaſon of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Roads hereby intended to be repaired, ſhall, notwithſtanding this Act, be ſubject and liable to and charged and chargeable with the repairing and keeping in Repair the ſame Parts of the ſame Roads, in the ſame Manner as they or every of them have or hath heretofore uſually done or ought to do.

Perſons liable to the Repair of the Highways to continue ſo.

LXXIV. Provided always, and be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be by this Act made chargeable towards repairing and amending the ſaid Roads, or any Part thereof, ſhall ſtill remain and be liable thereto in like Manner as they were before the paſſing of this Act, or as they are by this Act made chargeable and liable thereto, or as any Inhabitants or other Perſons are liable thereto by Law, in reſpect of the Roads in their Pariſhes;

Statute Work or Compoſition Money in lieu thereof, how to be performed or paid.

and that it ſhall and may be lawful for any Two or more Juſtices of the Peace for the County or Place in which the ſaid Roads or any Part thereof lies, and they are hereby empowered and required (upon Application made to them for that Purpoſe by the ſaid Truſtees, or any Five of them, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes, Townſhips, or Places liable thereto,

of in which the ſaid Road or any Part thereof doth lie; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, or Place, in lieu of or as a Compoſition for ſuch Statute Work, ſhall be by him or them paid to the ſaid Truſtees, or their Treaſurer or Treaſurers; and in order thereto, it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, or Place, to bring in a Liſt or Liſts in Writing before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Five Days after the ſerving of ſuch Summons, either perſonally or by leaving the ſame at his or their Dwelling Houſe or Dwelling Houſes), containing the Names of the ſeveral Perſons who within ſuch Pariſhes, Townſhips, or Places reſpectively are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of ſuch Liſts ſuch Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt) and on ſuch Parts of the ſaid Roads as the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors ſhall from Time to Time order, direct, or appoint; and the ſaid Juſtices may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject or liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, or Place for the Time being, to be by him or them paid over to the ſaid Truſtees, or to their Treaſurer or Treaſurers, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in Default of Payment thereof the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid (after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, by the Surveyor or Surveyors to the ſaid Truſtees) ſhall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught to work on the ſaid Roads, or any Part thereof, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures

Surveyors of Highways to deliver in Liſts.

Penalty on not performing Statute Work, or not paying Compoſition Money.

feitures and Payments aforesaid, as if he had refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, or shall refuse and neglect to collect and pay over such Composition Money or any Part thereof in Manner aforesaid, every such last-mentioned Surveyor so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

**Trustees may compound with Parishes, &c. for Statute Work.**

LXXV. Provided always, and be it further enacted, That the said Trustees within their said respective Districts, or any Five or more of them, or the several Surveyors to be by them appointed, being authorized or empowered so to do by the said respective Trustees, or any Five or more of them, may and are hereby authorized and empowered to compound with the several Inhabitants of the several Parishes, Hamlets, and Places through which the respective Roads hereby intended to be repaired, or any Part or Parts thereof, do or doth lie, for the several Days Statute Work to be by them respectively done upon the said Roads, at and for such Rates or Sums of Money, by the Day or otherwise, as they the said Trustees, or any Five or more of them, or the Surveyors and Inhabitants respectively shall agree upon; which said Money shall be instantly paid to the said Trustees, or any Five or more of them, or to their Appointment.

**For enforcing the Payment of Composition Money.**

LXXVI. And be it further enacted, That in case the Composition Money agreed to be paid for or in lieu of any such Repairs for Statute Work as aforesaid, or for passing through any Turnpike or Toll Gate, or any Part or Parts of such Composition Money respectively shall not be paid within Fifteen Days after the same shall become payable, it shall be lawful for any Justice or Justices of the Peace for the said County of *Dorset*, by Writing under his or their Hand and Seal, or Hands and Seals, to empower the Person or Persons authorized to receive such Composition Money, Oath having been first made before such Justice or Justices that the same hath been demanded and remains due, which Oath such Justice or Justices is or are hereby empowered to administer, to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Person or Persons having so compounded or agreed to pay such Composition Money as aforesaid, or of the Surveyor or Surveyors of the Highways, so agreeing to make such Composition in lieu of any such Repairs for Statute Work, (as the Case may be) returning the Overplus (if any) upon Demand, after deducting such Composition Money and the reasonable Charges of such Distress and Sale, to the Owner or Owners thereof: Provided always, that the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor, who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways and Means, and in such Manner, as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the Highways.

**Surveyors, &c. may recover the same.**

LXXVII. And

Truſtees may contract for altering or repairing the Roads, &c.

LXXVII. And be it further enacted, That the ſaid reſpective Truſtees, or any Five or more of them reſpectively, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authorize or appoint, ſhall and may, and they and he are and is hereby empowered to contract with any Perſon or Perſons for making, altering, ſtraightening, diverting, widening, or repairing the ſaid Roads, or any Part or Parts thereof, and for erecting Mile or Direction Stones or Poſts thereon, or for doing any other Works to be performed in the Execution of this Act, in ſuch Manner and for ſuch Sum or Sums of Money as the ſaid reſpective Truſtees, or any Five or more of them reſpectively, ſhall think proper; and that all Contracts or Agreements in Writing entered into purſuant to any Order of the ſaid reſpective Truſtees, or any Five or more of them reſpectively, by their Clerk or Treaſurer, Surveyor or other Officer, with any Workmen or other Perſon or Perſons, relating to any Matter or Thing to be done by virtue of this Act, ſhall be binding upon all ſuch Parties and Perſons as ſhall ſign the ſame, his, her, or their Executors and Adminiſtrators; and that Actions and Suits ſhall and may be maintained thereon by the ſaid reſpective Truſtees, or any Five or more of them reſpectively, or by their reſpective Clerk or Clerks, and in his or their Name or Names reſpectively, and Damages and Coſts recovered againſt the Party or Parties or Perſon or Perſons failing in the Performance of ſuch Contracts or Agreements reſpectively; and ſuch Sum or Sums of Money as ſhall be requiſite for making or repairing the ſaid Roads or any Part thereof, or any other Matter or Thing to be done by virtue of this Act, and which by ſuch Contracts or Agreements reſpectively the Parties ought to have done, ſhall be the Meaſure of the Damages to be recovered in any Action or Suit againſt ſuch Party or Parties or Perſon or Perſons ſo as aforeſaid making default in fulfilling his, her, or their Contract or Agreement; any Law or Uſage to the contrary in anywiſe notwithſtanding.

Truſtees not to repair the Pavement in Streets of Towns, &c.

Perſons chargeable to the Repairs of Bridges, Drains, and Sewers, to continue ſo.

LXXVIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall authorize the ſaid Truſtees to repair or amend the Foot Pavement in the Streets of any Town through which the ſaid Roads do lead, or any County or Hundred Bridge or Bridges (ſave and except the Footways or Cauſeways by the Sides of that Part of the ſaid Roads which paſſes through the Town of *Beaminſter*, and which ſaid Footways or Cauſeways have been from Time to Time kept in Repair by the Truſtees of the ſaid Second Diſtrict of Roads); and that ſuch Bridges, Drains, and Sewers, lying and being in either of the ſaid Roads, and ſuch Parts of the ſaid reſpective Roads as have been heretofore and ought to be maintained and repaired by any particular Perſon or Perſons, or Bodies Politic or Corporate, or by the Inhabitants of any Town or Place, ſhall from Time to Time be repaired, maintained, and kept in Repair by ſuch Perſon or Perſons, Bodies Politic or Corporate, or by the Counties, Pariſhes, Townſhips, Hamlets, Villages, and Places, and the Inhabitants thereof reſpectively, liable to the ſaid Repairs, in ſuch Manner as the ſame were or ought to be reſpectively kept in Repair before the paſſing of this Act; and that no ſuch Perſon or Perſons, Bodies Politic or Corporate, Counties, Pariſhes, Townſhips, Hamlets, Villages, Places, or Inhabitants ſhall, by virtue of this Act or any thing herein contained, be diſcharged from any ſuch Repairs.

Penalties for Offences againſt the Act.

LXXIX. And be it further enacted, That if any Perſon or Perſons ſhall wilfully pull up or damage any Direction or Mile Poſt or Stone erected or fixed, or to be erected or fixed in or near the Side or Sides of the ſaid Roads, or ſhall obliterate or deface any of the Letters, Figures, or Marks inſcribed thereon; or if any Perſon ſhall turn any Horſe, Aſs, Beaſt, or Swine upon the ſaid reſpective Diſtricts of Roads, or ſuffer any Horſe, Aſs, Beaſt, or Swine to be turned or to be or remain upon the ſaid Roads, or any of them, or any Part thereof, to graze or depaſture on the Sides thereof; or if any Perſon or Perſons ſhall ride upon any Footway or Footways, Cauſeway or Cauſeways, or any other Way or Ways to be made upon the ſaid Roads for the Uſe of Foot Paſſengers, or ſhall lead or drive any Horſe or Horſes, Carriage or Carriages, Cattle or Swine, upon any ſuch Footway or Cauſeway; or ſhall draw, carry, or wheel any Hurry, Truck, or Wheelbarrow upon any ſuch Footway or Footways, Cauſeway or Cauſeways, or ſhall cauſe any Injury or Damage to be done to the ſame, or to any Hedges, Fences, Breaſt Walls, Poſts, Rails, or Paling ſet up along the Side of or upon any ſuch Footway or Cauſeway; or if any Perſon or Perſons ſhall haul or draw, or cauſe to be hauled or drawn upon any Part of the ſaid Roads, any Timber, Stone, or other Thing, otherwiſe than upon wheeled Carriages, or ſhall ſuffer any Timber, Stone, or other Thing which ſhall be carried upon Wheeled Carriages, to drag upon any Part of the ſaid Roads to the Prejudice thereof; or if any Perſon ſhall turn looſe or ſuffer to be turned looſe, or to wander or ſtray on the ſaid Roads or any Part thereof, any Horſe, Aſs, Beaſt, or Swine, or to be or remain to graze or depaſture on the Sides thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Roads, ſhall ſuffer ſuch Pigs or Swine to root up and damage the ſaid Roads, or the Fences or Banks on either Side thereof; or if any Perſon driving any Carriage, Waggon, Wain, or Cart upon the ſaid Roads, and meeting another Carriage, Waggon, Wain, or Cart, ſhall not keep his or her Carriage, Waggon, Wain, or Cart upon his or her left or neareſt Side of the ſaid Roads; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him or her, or any Carriage, Waggon, Wain, or Cart under his or her Care upon the ſaid Roads; or if any Perſon ſhall kill or bleed any Horſe, Cattle, or other Beaſt, except by or in conſequence of any ſudden Illneſs or Accident to ſuch Beaſt; or ſhall dry any Flax by Fire, or make any Bonfire or Bonfires on the ſaid Roads or within the Diſtance of Twenty Yards of the Sides of the ſaid Roads, or ſhall ſet fire to or let off or throw any Squib, Rocket, Serpent, or Fire-work whatſoever, on any Part of the ſaid Roads, or on the Side or Sides thereof, or on the Banks or Lands adjacent thereto; or play at Football or any other Game or Games to the Annoyance of any Paſſenger or Paſſengers upon the ſaid Roads, or any Part thereof; or ſhall ſpin any Hemp, Flax, Wool, or other Article upon or on the Sides of the ſaid Roads; or if any Perſon ſhall leave any Carriage, Waggon, Wain, or Cart (except in caſe of Accident), upon any Part of the ſaid Roads, or on the Side or Sides thereof, longer than may be neceſſary to load or unload the ſame, or ſhall not place the ſame, during the Time of ſuch loading or unloading thereof, as near to the Side of the Roads as conveniently may be, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or ſhall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever upon any Part of the ſaid Roads, or on the Side or Sides thereof within Thirty

Feet of the ſame, to the Prejudice of the ſaid Roads or Annoyance of Perſons travelling thereon; or if any Perſon or Perſons ſhall ſcrape off any Mud, Soil, or other Matter or Thing which ſhall be or lie upon the ſaid Roads or any Part thereof, without the Leave of the ſaid Truſtees or their Surveyor or Surveyors; or if the reſpective Surveyor or Surveyors of the ſaid Roads, or any Undertaker or Undertakers for the Repairs of the ſaid Roads or any Part thereof, or any Perſon or Perſons acting by or under their Authority, ſhall lay or cauſe to be laid upon the ſaid Roads, or the Sides thereof, or upon any Part of the ſaid Roads, any Heaps of Stones or other Materials for repairing the ſaid Roads or any Part thereof, and ſhall permit or ſuffer the ſame to remain in Heaps longer than ſhall be neceſſary for ſpreading or laying ſuch Stones and Materials over or upon the ſaid Roads; or if any Perſon ſhall, after having blocked or ſtopped any Cart or other Carriage in going up a Hill or riſing Ground, cauſe or ſuffer to be or remain on the ſaid Roads or any Part thereof the Stone or other Thing with which ſuch Cart or other Carriage ſhall have been blocked or ſtopped; every Perſon offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that nothing herein contained ſhall extend to prevent or hinder the erecting, placing, or putting up any Hurdles, Coops, or Pens for Sheep, Hogs, or Cattle, or any Standing for the vending of Goods or other Purpoſes at Markets and Fairs in any of the Streets through which the ſaid Roads lead, in ſuch Manner as the ſame hath been heretofore immemorially uſed and accuſtomed.

Penalty on Drivers of Carriages miſbehaving.

LXXX. And be it further enacted, That if the Driver, or any other Perſon or Perſons having the Care of any Wain, Waggon, Cart, or other ſuch like Carriage, ſhall, by Negligence or wilful Miſbehaviour, cauſe any Hurt, Damage, or Injury to any Perſon or Perſons, or to any Coach, Chaiſe, or other ſuch like Carriage travelling on the ſaid Roads, or ſhall quit the ſaid Roads, and go on the other Side of the Hedge or Fence incloſing the ſaid Roads, or wilfully be at ſuch a Diſtance from ſuch Wain, Waggon, Cart, or other ſuch like Carriage, or be in ſuch a Situation whilſt the ſame ſhall be paſſing on the ſaid Roads that he or they cannot have the Direction, Care, and Management of the Horſes drawing the ſame, or ſhall by Negligence or wilful Miſbehaviour prevent, hinder, or interrupt the free Paſſage of any other Carriage whatever, or of any of His Majeſty's Subjects; or if the Driver of any empty and unloaded Wain, Waggon, Cart, or other ſuch like Carriage, ſhall refuſe or neglect to turn aſide and make way for any Coach, Chariot, Chaiſe, Curricle, Gig, loaded Waggon, Cart, or other loaded Carriage; or if any Perſon ſhall drive or act as the Driver of any Coach, Chaiſe, Poſt Chaiſe, or other Carriage let to Hire, or any Waggon, Wain, or Cart, not having the Name or Names of the Owner or Owners thereof painted thereon, as by Law required; or ſhall cover over and conceal ſuch Name or Names from being ſeen and read, or ſhall refuſe to diſcover the real and true Chriſtian and Surname, and Place or Places of Abode, of the Owner or Owners of ſuch Carts or other Carriages, or ſhall be found riding in any ſuch Waggon, Wain, or Cart, not authorized by Law ſo to do, every Perſon or Perſons ſo offending in any of the Caſes aforeſaid, and being lawfully convicted of any ſuch Offence, ſhall forfeit and pay any Sum of Money not exceeding Three Pounds, in caſe ſuch Driver be not the Owner of ſuch Cart or other Carriage; and in caſe the Offender

or

or Offenders be the Owner or Owners of such Cart or other Carriage, then any Sum not exceeding Five Pounds; and the Owner or Owners of any such Wain, Waggon, Cart, or other such like Carriage, shall be answerable for any Penalty or Penalties incurred by the Driver or Drivers thereof.

Recovery and Application of Penalties.

LXXXI. And be it further enacted, That all Penalties and Forfeitures hereby inflicted or authorized to be imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed), with the Costs and Charges attending the Conviction, shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of One of His Majesty's Justices of the Peace for the said County of *Dorset*, rendering the Overplus of such Distress (if any there be) to the Party or Parties, after deducting the Charges of making the same; which Warrant every such Justice is hereby empowered and required to grant, upon Conviction of the Offender by Confession or upon the Oath of One or more credible Witness or Witnesses; and such Penalties and Forfeitures when so levied shall be paid, the one Moiety to the Informer, and the other Moiety to the Surveyor of the respective Districts of the said Roads, to be applied towards the Repair thereof, unless otherwise directed by this Act; but if the Surveyor shall be the Informer, then the whole shall be applied towards the Repair of the said Districts of Roads respectively; and in case such Penalties and Forfeitures shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had thereupon, then it shall and may be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for such County, for any Time not exceeding Six Calendar Months, unless such Penalty or Forfeiture, with the Costs and Charges attending the Conviction and Commitment, shall be sooner paid: Provided nevertheless, that it shall be lawful for the said respective Trustees, or any Five or more of them, (if they shall see Cause) from Time to Time to pay and apply any Part of the said Penalties and other Forfeitures, or any of them, which is herein-before directed to be applied towards the Repair of the Roads, to and for the Use of the Informer or Informers or any Person or Persons (not being a Witness or Witnesses) aiding or assisting in the Apprehension or Discovery of any Offender or Offenders therein, or any of them; any thing herein contained to the contrary notwithstanding.

LXXXII. And for the more easy Conviction of Offenders against this Act, be it further enacted, That all and every the Justices and Justice of the Peace, before whom any Person or Persons shall be convicted of any Offence

against

againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words (as the Caſe ſhall happen) or in any other Form of Words to the ſame Effect:

Form of Conviction.

'County of } BE it remembered, That on the Day of
'(to wit.) } in the Year of His Majeſty's Reign, and in the
'Year of our Lord *A. B.* is convicted before
'of His Majeſty's Juſtices of the Peace for the ſaid County,
'by virtue of an Act of the Fifty-ninth Year of the Reign of King *George*
'the Third, intituled *An Act* [*here ſet forth the Title of this Act, and ſpecify*
'*the Offence, when and where committed*]. Given under our Hands and
'Seals, [*or*, my Hand and Seal] the Day and Year firſt above written.'

Proceedings not to be quaſhed for Want of Form.

LXXXIII. And be it further enacted, That no Order or Proceeding to be made concerning any Matters in this Act contained, or the Conviction or Convictions of any Offender or Offenders by virtue of this Act, ſhall be quaſhed, ſet aſide, or vacated for Want of Form only, nor ſhall be removed or removable by Certiorari or otherwiſe, into any of His Majeſty's Courts of Record at *Weſtminſter*; and where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or any other Proceeding relating thereto; and if any Irregularity ſhall be afterwards committed by any Perſon or Perſons diſtraining, he, ſhe, or they ſhall not on that Account be deemed a Treſpaſſer or Treſpaſſers *ab initio*, but the Party or Parties aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage ſuſtained thereby in an Action upon the Caſe; but the Plaintiff or Plaintiffs ſhall not recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends ſhall be made by or on behalf of the Party diſtraining before ſuch Action brought.

Appeal to Quarter Seſſions.

LXXXIV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any thing done in purſuance of this Act, and for which no particular Mode of Relief hath been already appointed, ſuch Perſon or Perſons may within Six Days next after ſuch Cauſe of Complaint ſhall ariſe, appeal to the Juſtices of the Peace, at their General Quarter Seſſions to be holden for the County in which the Cauſe of Complaint ſhall ariſe, unleſs ſuch Complaint ſhall ariſe within Fourteen Days preceding ſuch Seſſions, in which Caſe ſuch Appeal may be brought at the Second Seſſion after ſuch Cauſe ſhall ariſe; and the ſaid Juſtices are hereby authorized and required to take Cognizance thereof, and to hear and determine ſuch Complaint or Complaints, and if they ſee Cauſe, ſhall and may by Order of ſuch Seſſion mitigate, at their Diſcretion, all or any Part of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or ſet aſide the Conviction or Convictions, and ſet the Parties at liberty, or otherwiſe may ratify or confirm the ſame, with ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable; and the ſaid Juſtices are hereby authorized and required to levy by their Order or Warrant, ſuch Coſts ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to pay the ſame, and for want of ſufficient Diſtreſs to commit ſuch Perſon or Per-

sons to the Common Gaol or House of Correction for such County, for any Time not exceeding Six Calendar Months, or until Payment of such Costs: Provided always, that the Person or Persons so appealing as aforesaid shall, and is and are hereby required to give Notice in Writing to the Clerk or Clerks of the Trustees of the respective Districts of Roads, or other the Respondent or Respondents, of such his or their Intention of bringing and prosecuting an Appeal, and of the Matter thereof, Fourteen Days before the said Quarter Sessions, and shall before such Notice given enter into a sufficient Recognizance before One or more Justice or Justices of the Peace, with Two sufficient Sureties, with Condition to prosecute such Appeal, and to pay all Costs in case such Appeal shall be determined against the Party or Parties so appealing.

Notice of appealing to be given.

Limitation of Actions.

LXXXV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any thing done or pretended to be done in pursuance of this Act, until after Fifteen Days Notice thereof shall be given to the Clerk or Clerks to the Trustees of the respective Districts of Roads, nor after a sufficient Satisfaction or a Tender thereof shall be made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County in which the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear that the same was so done, or that such Action or Suit was brought before Fifteen Days Notice thereof had been given as aforesaid, or after a sufficient Satisfaction had been made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County or Place, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall have been given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

Public Act.

LXXXVI. 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, without being specially pleaded.

Commencement and Term of Act.

LXXXVII. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

SCHEDULE

## SCHEDULE referred to in this Act.

GARDENS neceſſary to be taken in making the New Line of Road in the SECOND DISTRICT.

| Deſcription of Property. | Owners Names. | Occupiers Names. |
|---|---|---|
| Garden - | John Saunders - - - | John Saunders. |
| Do. - | John Huſſey, Eſq. - - | John Huſſey, Eſq. |
| Do. - | Thos. Brown - - - | Joſeph Pearce. |
| Do. - | John Brown - - - | Wm. Larkham. |
| Do. - | Hannah Sibley - - - | Hannah Sibley. |
| Do. - | Wm. Cox, Eſq. - - - | Henry Daubeney. |
| | FIRST DISTRICT. | |
| Garden - | Henry Saunders - - - | Samuel Conwhy. |
| Do. - | Samuel Gundry - - | Samuel Gundry. |
| Do. - | Richard Warr - - - | Richard Warr. |
| Do. - | Robert Sprake - - | Robert Sprake. |
| Do. - | Robert Sprake - - - | Robert Sprake. |
| Do. - | Elizabeth Snook - - | Elizabeth Snook. |
| Do. - | Honble. Colonel Strangeways - | John Pitfield. |
| Do. - | Mary Barnes - - - | Mary Barnes. |
| Do. - | Robert Wakeley - - | Robert Wakely. |
| Do. - | Same - - - | Same. |
| Do. - | Same - - - - | Same. |
| Do. - | Sarah Gare and Fooks - | Sarah Gare and Fooks. |
| Do. - | Tett - - - | Tett. |
| Do. - | John Legg - - - | Phebe Farwell. |
| Do. - | Samuel Hallett - - - | Samuel Hallett. |
| Do. - | Thos. and George Hewdell - | Thos. and George Hewdell. |
| Do. - | Benjamin Chaffey - - / Thomas Butcher - - | Thomas & George Hewdall. |
| Do. - | Ann Hewdell - - - | Robert William. |
| Do. - | Thos. Hewdell and others - - | Rt. Williams and T. Chapple. |
| Do. - | Thomas and George Hewdell - - | Samuel Toleman. |
| Do. - | Benjamin Chaffey - - | Benjamin Chaffey. |
| Do. - | Mary Sibley - - - | John Graves. |
| Do. - | Robert Graves, M. D. - - | Emanuel Whitemore. |

| Description of Property. | Owners Names. | Occupiers Names. |
|---|---|---|
| Garden - | James Farwell - - - | James Farwell. |
| Do. - | Thomas Foſs - - - | Thomas Foſs. |
| Do. - | Hugh Pain - - - | Hugh Pain. |
| Do. - | Joſeph Oxenbury - - | Joſeph Oxenbury. |
| Do. - | John Banfield - - | John Banfield. |
| Do. - | George Grey - - - | Samuel Clark. |
| Do. - | William Squire - - | William Squire. |
| Do. - | Henry Farwell - - - | Henry Farwell. |
| Do. - | John Hutchings - - | John Hutchings. |
| Do. - | George Gray - - - | George Gray. |
| Do. - | Horred - - | Horred. |
| Do. - | Hewdle - - - | Hewdle. |
| Do. - | William Collins - - - | William Collins. |
| Do. - | William Scadding - - | William Scadding. |
| Do. - | Mathew Bunn - - - | Thomas Hodder. |
| Do. - | Burridge - - | Burridge. |
| Do. - | Henry Diment - - - | Henry Diment. |
| Do. - | William Eyres - - - | William Eyres. |
| Do. - | William Roper - - | William Roper. |
| Do. - | John Haycroft - - - | John Haycroft. |
| Do. - | Richard Weſt - - - | Richard Weſt. |

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