



ANNO UNDECIMO

GEORGII IV. REGIS.

Cap. ci.

An Act for more effectually repairing and improving several Roads leading from the Market Cross in the Town of *Wareham*, and in *Purbeck*, in the County of *Dorset*. [29th May 1830.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act for amending, widening, altering, clearing, and keeping in repair several Roads leading from the Market Cross in the Town of Wareham, and in Purbeck, in the County of Dorset:* 6 G. 3. c. 92. And whereas another Act was passed in the Twenty-sixth Year of the Reign of His said late Majesty, intituled *An Act for continuing the Term of an Act made in the Sixth Year of His present Majesty, for amending, widening, altering, clearing, and keeping in repair several Roads leading from the Market Cross in the Town of Wareham, and in Purbeck, in the County of Dorset:* 26 G. 3. c. 122. And whereas another Act was passed in the Forty-ninth Year of the Reign of His said late Majesty, intituled *An Act for continuing Two Acts of the Sixth and Twenty-sixth Years of His present Majesty, for repairing several* 49 G. 3. c. 55.
[Local.] 29 X Roads

*Roads leading from the Town of Wareham, and in Purbeck, in the County of Dorset: And whereas the Trustees for executing the said several recited Acts have made great Progress in repairing and improving the said Roads, and have for that Purpose borrowed several considerable Sums of Money upon the Credit of the Tolls authorized to be taken upon the said Roads, the greater Part of which Sums still remains due, and the same cannot be discharged, nor can the said Roads be effectually repaired, amended, widened, improved, and kept in repair, unless further and other Tolls, Powers, and Provisions are granted and made for those Purposes for a further Term: And whereas it would be convenient if the said recited Acts were repealed, and further and more effectual Powers and Provisions granted and made instead thereof; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Third Saturday next after the passing of this Act the said recited Acts passed in the Sixth, Twenty-sixth, and Forty-ninth Years of the Reign of His late Majesty King George the Third shall be and the same are hereby severally declared to be repealed, and instead thereof this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, diverting, altering, and from Time to Time improving and keeping in repair the several Roads herein-after described; that is to say, the High Road leading from the Market Cross in the Town of *Wareham*, through the South Street of the said Town, and through the several Parishes, Hamlets, Tithings, Towns, and Villages of the *Holy Trinity, Stoborough, and Corfe Castle*, and through a Lane called *Lynch Lane*, and the Common Fields belonging to the Manor of *Kingston*; and through the several Parishes, Hamlets, Tithings, Towns, and Villages of *Langton Maltraverse, Worth, and Swanwich*, to the West End of the *Manor House Hotel* there, at the East End of the Town or Village of *Swanwich*, and from the said Town or Village of *Swanwich*, through the Hamlet or Tithing of *Utwell*, to the Top of *Ninebarrow Down*, at the East End of the said Down; and from the said High Road leading from the Town or Village of *Langton Maltraverse*, by a Mill called *Puddle Mill*, through the Parishes of *Knowle and Steeple and Tyneham*, to the Bottom of *Whiteway Hill*, in the High Road from *Langton Maltraverse* aforesaid to *East Lulworth*; and from the High Road passing through *Stoborough* aforesaid to the Gate near a Smith's Shop formerly in the Occupation of *John Coastfield Savage*, in the Road leading to *Grange* in the Parish of *Steeple* in the County of *Dorset*; also the High Road leading from the said Market Cross in *Wareham*, through the West Street of the said Town, and through the several Parishes, Hamlets, Tithings, Towns, and Villages of *Lady Saint Mary, Worgret, Stockford, and Wool*; also the High Road leading from *Worgret* aforesaid to a Place called *Cloud's Hill*; and Part of the High Road leading*

Recited Acts repealed, and this Act to take effect for the Purposes herein mentioned.

from the Bridge over the River *Froome*, called *Holme Bridge*, in Length One Mile, beginning at the said Bridge, and leading across *Holme Bottom* towards *East Lutworth* in the said County of *Dorset*; also the High Road leading from the said Market Cross in *Wareham*, through the North Street of the said Town, and over a Bridge called *Sandford Bridge*, and through the several Parishes, Hamlets, Tithings, Towns, and Villages of *Saint Martin* and *Lytchett Minster* otherwise called *South Lytchett*, and over a Heath called *Holton Heath*, to a Gate or Gateway in the Road leading from the said Heath to a Bridge called *King's Bridge*; and from *Sandford Bridge* aforesaid, through the several Parishes, Hamlets, Tithings, Towns, and Villages of *Morden*, *Almer*, *Mapperton*, *Winterborne Zelston*, *Winterborne Thompson*, *Sturminster Marshall*, and *Spetisbury*, to the Turnpike Road leading from *Poole* to *Blandford*, at or near *Spetisbury*; and from a Gate called *North Port Gate*, through the several Parishes, Hamlets, Tithings, and Villages of *Saint Martin*, *Morden*, *Cold Harbour*, *Bloxworth*, and *Bere Regis*, to the East End or the South End of the Town or Village of *Bere Regis* in the said County of *Dorset*; being the Roads comprised in the said recited Acts.

II. And be it further enacted, That all Arrears of Tolls or Rents and other Monies due to, and all Property Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the Trustees under the said recited Acts hereby repealed, or any or either of them, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, who shall be and they are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act.

Former
Debts, &c.
vested in new
Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Dorset*, together with *Henry Bankes*, *William John Bankes*, *George Bankes*, *Edward Bankes* Clerk, *Thomas Oldfeld Bartlett* Clerk, *William Oldfeld Bartlett* Clerk, *Thomas Horlock Bastard*, *Samuel Beaton*, *Thomas Billett*, *William Bond* Clerk, *John Bond*, *Nathaniel Bond*, *Thomas Bond* Clerk, *John Brown*, *Dennis Browne*, the Right Honourable *John Calcraft*, *John Hales Calcraft*, *Granby Hales Calcraft*, *John Clavell* Clerk, *John Cockram*, *John Morton Colson* Clerk, *John Cree*, *Nathaniel Chinchen*, *John Dampier* Clerk, Admiral *Henry Digby*, *John Samuel Wanley Sawbridge Erle Diax*, *John Scott Viscount Encombe*, *Richard Fayle* Clerk, *George Filliter*, *James Frampton*, *Henry Frampton*, *James Chamness Fyler*, *William Hallett junior*, *Harry Hammond*, *Benjamin Lester Lester*, *Carrington Ley* Clerk, *Patrick Maxwell* Clerk, *George Pickard junior*, Clerk, *John Trenchard Pickard* Doctor of Laws, *Henry William Pickard*, *William Pike*, *William Morton Pitt*, *William Pitt*, *Edmund Morton Pleydell*, *James Pointer*, *William Francis Spenser Ponsonby*, *Thomas Rackett* Clerk, *Isaac Sparkes*,
Samuel

Trustees.

Samuel Townsend, Joseph Weld, Edward Weld, Joseph Willis, and Stephen White, and their Successors, being duly qualified to act as Trustees for repairing Turnpike Roads in England, shall be and they are hereby appointed Trustees for putting this Act into execution.

Power to
appoint
additional
Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at their First and Second Meetings, or either of them, to be holden by virtue of this Act, to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees when so elected and appointed, and being duly qualified to act as Trustees for repairing Turnpike Roads in *England*, shall be and they are hereby invested with the same Powers for executing this Act as if they had been named and appointed in and by this Act.

First Meet-
ings of
Trustees.

V. And be it further enacted, That the said Trustees shall meet at some convenient House or Place on or near the said Roads on the Third *Saturday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and there proceed to carry this Act into execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times, and such Place and Places either upon or near to the said Roads, as the said Trustees shall think proper and appoint.

Power to
take Tolls.

VI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Person or Persons to be appointed or continued Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take at the several and respective Turnpikes, Toll Gates, or Toll Houses, or Side Bars or Side Gates, or Chains, which by virtue of this Act shall be continued or erected in, upon, across, or on the Side or Sides of the said Roads, on every Day, before any Horse, Cattle, Beast, or Carriage shall be permitted to pass through the same, the several Tolls following; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Berlin, Landau, Chariot, Chaise, Chaise Marine, Calash, Curricule, Chair, Caravan, Car, Hearse, Waggon, Wain, Frame, Cart, Dray, or other Carriage, the Sum of Four-pence Halfpenny :

For every Horse or other Beast not drawing, the Sum of Three Halfpence :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Fifteen-pence *per* Score, and so in proportion for a greater or less Number.

VII. And

VII. And be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any Toll Gate or Turnpike to be continued or erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall (upon a Ticket being produced denoting such Payment) be permitted to pass Toll-free through the same Toll Gate or Turnpike, and also through such other Gate or Gates as the Ticket for such Payment shall free, at any Time during the same Day.

Tolls to be paid but once for passing and repassing on the same Day.

VIII. And be it further enacted, That no more than Two full Tolls shall be demanded or taken for or in respect of the same Horse, Beast, Cattle, or Carriage, except as next herein-after provided or mentioned, for passing and repassing, on the same Day, through all the Toll Gates or Turnpikes to be continued or erected on either of the South, West, and North Branch Roads leading from the Market Cross in *Wareham* aforesaid, by virtue of this Act.

Limiting the Number of Tolls to be taken on the Roads.

IX. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage, carrying or conveying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing or repassing along the said Roads; and also for and in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Roads, whenever a new Hiring thereof shall have taken place: Provided nevertheless, that no further or additional Toll shall be payable in respect of Stage Coaches on account only of the Horses drawing the same having been changed.

Stage Coaches, &c. to pay every Time of passing and repassing.

Post Chaises on every fresh Hiring.

X. And be it further enacted, That the several Principal Sums now due and owing on the Credit of the Tolls granted by the said recited Acts, and the Interest thereon, and all Arrears of such Interest, shall be charged on the Tolls to arise by virtue of this Act on the said South, West, and North Branches of Road, in the Proportions and Manner following; that is to say, Twelve equal Twenty-fifth Parts of the said Principal Sums, and Interest and Arrears of Interest, the whole Monies due upon all the said Branches of Road being considered as divided into Twenty-five equal Parts, shall be and the same are hereby charged exclusively on the Tolls or Revenues arising or to be produced on the said South Branch of Road; Five other equal Twenty-fifth Parts of the said Principal Sums, and Interest and Arrears of Interest, shall be and the same are hereby charged exclusively on the Tolls or Revenues arising or to be produced on the said West Branch of Road; and Eight other equal Twenty-fifth Parts of the said Principal Sums, and Interest and Arrears of Interest, shall be and the same are hereby charged

Regulating the charging of the Debt upon the several Branches of the Road.

[*Local.*]

29 Y

exclusively

exclusively on the Tolls or Revenues arising or to be produced on the said North Branch of Road.

This Act not to prejudice the existing Securities.

XI. And in order that the Securities of the Creditors to whom the several Principal Sums of Money and Arrears of Interest are now due and owing on the Credit of the said recited Acts may not be prejudiced or lessened by any of the Provisions in this Act contained; be it further enacted, That the whole of the Tolls or Revenues to arise or to be produced on the said respective Branches of Road shall from henceforth be, remain, and continue, and be subject to and charged and chargeable with the whole of the said several Principal Sums of Money, and of all Interest and Arrears of Interest thereon.

Expences of the Act how to be paid.

XII. And be it further enacted, That the Costs, Charges, and Expences incurred in or incidental to the obtaining and passing of this Act, shall be paid out of any Monies remaining in the Hands of the Treasurer to the said Trustees, or undisposed of on the Day of the Commencement of this Act, or out of the first Monies to arise by virtue of this Act.

Application of the Monies arising on the South Branch Road.

XIII. And be it further enacted, That Twelve equal Twenty-fifth Parts of all such Monies (if any) as shall remain in the Hands of the Treasurer to the said Trustees, or undisposed of, on the Day of the Commencement of this Act, (after Payment of such Costs, Charges, and Expences as aforesaid,) and all Monies which shall arise and be produced from the Tolls to be collected on the said South Branch Road, shall be applied, in the first place, in Payment of Twelve equal Twenty-fifth Parts of the Expences of Books, Advertisements, Salaries of Officers, and other such general current Expences of the Trustees in the Execution of this Act, and in the Payment of the Expences of repairing, altering, or erecting Toll Gates and Toll Houses, Fences, Ditches, Stones, and Posts on the same Branch Road; and in the next place, in paying and discharging the aforesaid Proportion of Twelve equal Twentieth-fifth Parts of the Interest of the Monies now due and owing on the Credit of the said recited Acts, and of the Arrears now due thereon; and in the next place, in Payment of the Interest of any Monies which shall be hereafter borrowed on the Credit of the Tolls arising on the same Branch Road; and in the next place, in paying the Expences of making, completing, diverting, altering, widening, improving, repairing, and keeping in repair the same Branch Road; and afterwards in reducing, paying off, and discharging the aforesaid Proportion of Twelve equal Twenty-fifth Parts of the Principal Sums secured on the Credit of the said recited Acts; and lastly, in paying off and discharging all Principal Sums which shall hereafter be borrowed on the Credit of the Tolls arising on the same Branch Road.

Application of the Monies arising on the

XIV. And be it further enacted, That Five equal Twenty-fifth Parts of all such Monies (if any) as shall remain in the Hands of the

the Treasurer to the said Trustees, or undisposed of, on the Day of the Commencement of this Act, (after Payment of such Costs, Charges, and Expences as aforesaid,) and all Monies which shall arise and be produced from the Tolls to be collected on the said West Branch Road, shall be applied, in the first place, in the Payment of Five equal Twenty-fifth Parts of the Expences of Books, Advertisements, Salaries of Officers, and other such general current Expences of the Trustees in the Execution of this Act, and in the Payment of the Expences of repairing, altering, or erecting Toll Gates, Toll Houses, Fences, Ditches, Stones, and Posts on the same Branch Road; and in the next place, in paying and discharging the aforesaid Proportion of Five equal Twenty-fifth Parts of the Interest of the Monies now due and owing on the Credit of the said recited Acts, and of the Arrears now due thereon; and in the next place, in Payment of the Interest of any Monies which shall be hereafter borrowed on the Credit of the Tolls arising on the same Branch Road; and in the next place, in paying the Expences of making, completing, diverting, altering, widening, improving, repairing, and keeping in repair the same Branch Road; and afterwards in reducing, paying off, and discharging the aforesaid Proportion of Five equal Twenty-fifth Parts of the Principal Sums secured on the Credit of the said recited Acts; and lastly, in paying off and discharging all Principal Sums which shall hereafter be borrowed on the Credit of the Tolls arising on the same Branch Road.

XV. And be it further enacted, That Eight equal Twenty-fifth Parts of all such Monies (if any) as shall remain in the Hands of the Treasurer to the said Trustees, or undisposed of, on the Day of the Commencement of this Act, (after Payment of such Costs, Charges, and Expences as aforesaid,) and all Monies which shall arise and be produced from the Tolls to be collected on the said North Branch Road, shall be applied, in the first place, in the Payment of Eight equal Twenty-fifth Parts of the Expences of Books, Advertisements, Salaries of Officers, and such other general current Expences of the Trustees in the Execution of this Act, and in the Payment of the Expences of repairing, altering, or erecting Toll Gates and Toll Houses, Fences, Ditches, Stones, and Posts on the same Branch Road; and in the next place, in paying and discharging the aforesaid Proportion of Eight equal Twenty-fifth Parts of the Interest of the Monies now due and owing on the Credit of the said recited Act or Acts, and of the Arrears now due thereon; and in the next place, in Payment of the Interest of any Monies which shall be hereafter borrowed on the Credit of the Tolls arising on the same Branch Road; and in the next place, in paying the Expences of making, completing, diverting, altering, widening, improving, repairing, and keeping in repair the same Branch Road; and afterwards in reducing, paying off, and discharging the aforesaid Proportion of Eight equal Twenty-fifth Parts of the Principal Sums secured on the Credit of the said recited Acts; and lastly, in paying off and discharging all Principal Sums which shall hereafter be borrowed

Application
of the Monies
arising on the
North Branch
Road.

borrowed on the Credit of the Tolls arising on the same Branch Roads.

Turnpikes to be erected on Branch Roads, and Tolls applied in repair thereof.

XVI. And be it further enacted, That the Trustees shall and they are hereby required to continue or erect upon each of the said Branch Roads One or more Toll Gate or Toll Gates, Toll Bar or Toll Bars, Turnpike or Turnpikes, and to demand and take thereat the Tolls by this Act granted, subject to the Provisions of this Act: Provided also, that no Money arising from any of the Tolls hereby authorized to be collected and taken shall be applied in or towards the Repair of any Branch Road upon which there shall not be a Toll Gate or Bar continued under the Authority of the Trustees for carrying this Act into execution: Provided also, that no more of the Monies arising by virtue of this Act shall be laid out or expended upon the said Branch Roads, or in the Payment of any Principal Money borrowed on the Credit of the Tolls arising or payable upon such Branch Roads, or the Interest thereof, than shall be actually raised or received upon or in respect of such Branch Roads; any thing in this Act or the said recited Acts contained to the contrary thereof in anywise notwithstanding.

No Money to be expended in repairing Streets.

XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to collect any Tolls, or to apply, expend, or appropriate any of the Tolls hereby granted, or any of the Monies now borrowed or hereafter to be borrowed on the Credit thereof, in or towards the repairing, lighting, or improving any Street, Highway, or Place in the Towns of *Wareham*, *Corfe Castle*, *Swanwich*, and *Bere Regis*, or either of them, any thing herein contained to the contrary notwithstanding.

Trustees may remove Gates.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, if they think proper, to remove any Gate or Gates which now is or are or hereafter may be erected upon or across any Part of the said Roads, and the Posts of such Gate or Gates.

Penalty for hanging out Clothes, &c.

XIX. And be it further enacted, That if any Person or Persons shall hang or put or place out any Linen or other Clothes on any Line, Rail, Bank, or Fence adjoining the said Roads, or shall hang or put or place any Hook or Hooks, or other Thing or Things, to, from, or in any House, Shop, or Place adjoining or being near to the said Roads, so as to project into the said Roads, or be an Annoyance to any Persons or Cattle passing thereon, or prevent the free and safe Use of the whole Breadth of the said Roads, every Person offending in any of the Cases aforesaid shall pay a Sum not exceeding Forty Shillings for every Offence; and such Penalty shall be levied and recovered (together with the necessary Costs and Charges of levying the same) by the same Ways and Means as any Penalty or Forfeiture for any Nuisance committed in or upon any Turnpike Road may by Law be levied or recovered; and One Moiety of such Penalty shall be paid to the Informer, and the other One Moiety thereof shall be paid to

to the Treasurer to the said Trustees, and be applied and disposed of for the Purposes of this Act.

XX. And be it further enacted, That in all Places throughout the said Roads hereby directed to be repaired, where any Entrance shall be from the said Roads to any Field, Garden, Yard, or other Land or Ground, or to any Buildings from the said Roads, or any Part thereof, such Entrance shall be properly covered with Stone, Gravel, or other hard Materials, and a proper Culvert or Drain made, by or at the Expence of the Proprietor or Occupier of such Field, Garden, Yard, Land, Ground, or Building, so that such Road may not be injured by the Stoppage or Running of Water, or by Carriages or Horses passing to or from the same by such Entrance; and in case such Proprietor or Occupier shall neglect to cover with proper Materials such Entrance, or to make such Culvert or Drain, or to put and keep the same respectively in proper Order, for the Space of One Calendar Month after Notice in Writing given to such Proprietor or Occupier, or left for him or her at his or her usual or last Place of Residence, by the Surveyor or Surveyors to the said Trustees, or other Person or Persons appointed by him or them, requiring such Proprietor or Occupier so to make or repair the same, then it shall be lawful for the said Trustees, or their Surveyor or Surveyors, or any other Person or Persons acting by or under his or their Authority, to cover such Entrance with Stone, Gravel, or other hard Materials, and to make such Culvert or Drain, or to repair the same respectively, as the Case may be; and the Expences thereof shall be reimbursed and paid to the said Trustees by such Proprietor or Occupier, as the Case may be; and in case of Non-payment of such Expences within Fourteen Days after the same shall have been demanded by or on behalf of the said Trustees, then such Expences shall and may be recovered, together with the Costs and Charges attending the recovering the same, by Distress and Sale of the Goods and Chattels of such Proprietor or Occupier, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the County or Place within which such Default in Payment shall be made, or for the County or Place within which the Goods and Chattels of such Proprietor or Occupier shall be or be situate, and which Warrant of Distress any such Justice or Justices is or are hereby authorized and empowered to grant, on Proof made before him or them, on Oath, of such Expences having been incurred, and of such Notice having been given as aforesaid; and any Overplus shall be returned, on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Entrance to Fields, &c. to be made with hard Materials.

XXI. 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.

Public Act.

XXII. And be it further enacted, That this Act shall commence and take effect upon the Third *Saturday* next after the passing thereof,

[*Local.*]

[29 Z]

Term and Continuance of Act.

2666

11° GEORGII IV. *Cap. ci.*

thereof, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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