ANNO SEXTO

GULIELMI IV. REGIS.

Cap. lxxxvii.

An Act to vary and alter the Line of the *Marlborough* and *Salisbury* Road, and for making a Road from the same to *Amesbury*, in the County of *Wilts*.

[21st *June* 1836.]

WHEREAS an Act was passed in the Second Year of the Reign of His present Majesty, intituled *An Act for more effectually repairing and amending the* Marlborough *District of the Road from* Swindon *to* Marlborough *and from* Marlborough *to* Everley *in the County of* Wilts, *and also the Branch Road from the same to the present Turnpike Road from* Andover *to* Devizes; *and for making a Road from the said Branch Road at* Collingbourn Ducis *to join the present Turnpike Road from* Andover *to* Salisbury *in the said County*: And whereas it is expedient that a certain Portion of the Line of the said Road in and by the said Act authorized to be made should be altered: And whereas it would be of great public Utility if a new Line of Road were made from the Road proposed to be made by the aforesaid Alteration to the Village of *Great Amesbury* in the said County of *Wilts*: 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 all the Powers, Authorities, Provisions, Directions, Payments, Exemptions, Remedies, Regulations, Clauses, Tolls, Matters, and Things contained in the said recited Act (except

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Powers of recited Act (except as hereby al-

tered) extended to this Act.

(except such of them or such Parts thereof respectively as are by this Act repealed, altered, or otherwise provided for,) shall extend and be construed to extend to this Act, and to the Alteration and new Line hereby authorized to be made, and shall be applicable to, operate, and be in force in respect of the Objects and Purposes of this Act as fully and effectually to all Intents and Purposes whatsoever as if the same Powers, Authorities, Provisions, Directions, Payments, Exemptions, Remedies, Regulations, Clauses, Matters, and Things were repeated and re-enacted in this Act.

New Line to be made.

II. And be it further enacted, That it shall be lawful for the Trustees in and by virtue of the said recited Act and this Act appointed to alter the Line of the new Road in and by the said recited Act authorized to be made by making a new Road from the said Line at a Point where the same is crossed by the Highway leading from *Winterbourn Gunner* to *Amesbury* to a certain Point in the Highway from *Everley* to *Salisbury*, opposite to the Door of the *Castle* Inn at *Old Sarum;* and all the Powers, Authorities, Privileges, and Directions which by the said recited Act are given for making and maintaining the new Line of Road in and by the said recited Act authorized to be made, so far as the same relate to such Portion of the said last-mentioned new Line of Road as is situate between the Point where the same is crossed by the first-mentioned Highway and *Saint Thomas's Bridge* aforesaid, shall, from and after the passing of this Act, cease and determine; and likewise it shall be lawful for the Trustees in and by the said recited Act and this Act appointed to make and maintain a new Road from the said Alteration by this Act authorized to be made at a Point to the Northward of the *Castle* Inn at *Old Sarum* aforesaid to and unto the Village of *Great Amesbury* aforesaid, and which said new Road shall, when completed, be and be deemed and considered to all Intents and Purposes whatsoever added to and consolidated with and comprised within the District of Roads comprised in the said recited Act.

Trustees.

III. And be it further enacted, That all and singular the Persons mentioned and appointed in and by the said recited Act, together with *John Lush Alford, William Andrews, William Andrew Arney, William Baker, Frederick Bastowe, George Bathe, James Cobb, Charles John Coleman, William Cox, Samuel Cusse, Thomas Cusse, John Cusse, Edward Davies, Henry Everett, Samuel Foot, W P Hayward, Edward Hinxman, Robert Hughes, Francis Stephen Long, George Pain, Robert Pinckney, Philip Pinckney, Joseph Purnell, James Read, Charles Philip Rendall, Edward Smallbone, Charles Sutherland, Job Sutton, John Swayne, Joseph Tanner, Joseph Bouverie Hussey Tanner, William B Taplin, Thomas Waters, Richard Webb* of *Melchet, William Dyke Whitmarsh, William Williams, Robert M Wilson*, and their Successors, being duly qualified according to the Laws respecting Trustees of Turnpike Roads in *England*, shall be, and they and their Successors, to be duly elected according to the Laws respecting Trustees of Turnpike Roads in *England*, are hereby appointed Trustees for amending, widening, altering, and otherwise improving the said several Roads comprised in the said recited Act and this Act, and for making and maintaining the Alteration and new Lines of Road by this Act authorized to be made, and for otherwise carrying the several

Acts for regulating Turnpike Roads in *England* and this Act into execution.

Power to appoint additional Trustees.

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

Meeting of the Trustees.

V. And be it further enacted, That the said Trustees shall hold a Meeting at the Town Hall in *Marlborough* in the said County of *Wilts*, or at some other convenient House or Place on or near the Line of the said Roads, on the Third *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and there proceed to put this Act and the several Acts for regulating Turnpike Roads in *England* in execution, and shall then and there afterwards adjourn to and meet at such Time or Times and such Place or Places on or near to the said Roads as the said Trustees, or the major Part of them present at any such Meetings, shall think proper and appoint.

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

VI. And whereas a Map or Plan describing the Lines of the said intended new Roads hereby authorized to be made, and the Lands, Hereditaments, and other Premises in, upon, through, over, or along which the same are respectively intended to be made or carried, together with a Book of Reference to such Map or Plan, has been deposited at the Office of the Clerk of the Peace for the County of *Wilts*; 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 reasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying to the said Clerk of the Peace respectively the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Trustees, in making the said Alteration and new Line, shall not deviate more than One hundred Yards from the respective Lines described in the said Map or Plan without the Consent in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands and Premises the said new Roads shall respectively be made.

Limiting Deviations.

Altered Plan and Book of Reference, authenticated by the Speaker, to be also lodged with Clerk of the Peace.

VII. And whereas since depositing the said Map or Plan and Book of Reference certain Alterations of the Line of the said new Road to *Amesbury*, as laid down upon such Map or Plan, have been agreed upon, with the Concurrence of the Owners and Occupiers of the Land through which such Deviations are to be made; be it therefore enacted, That a Map or Plan describing the Deviations of the said last-mentioned new Road, as the same have been agreed to be deviated and altered, authenticated

ticated by the Signature of the Right Honourable the Speaker of the House of Commons, shall, together with Copies of the amended Books of Reference for such Deviation, be deposited with the Clerk of the Peace for the County of *Wilts*, 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 said Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Trustees in making the said last-mentioned new Road shall not, in such Part so agreed to be altered as aforesaid, deviate from the Line delineated on the Map or Plan so to be deposited as aforesaid more than One hundred Yards from the altered Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands and Premises respectively the same shall be made.

The Road in passing over the Land of the Earl of Malmesbury to be made according to the Line in the altered Plan.

VIII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the said Trustees to make the said new Road to *Amesbury* through the Estate in the Plan described as belonging to the Right Honourable the Earl of *Malmesbury* in the Parish of *Great Durnford*, according to the Line delineated in the Map or Plan herein-before mentioned to have been deposited with the said Clerk of the Peace, unless the Consent in Writing of the Owner or Owners for the Time being of the said Estate shall be first had and obtained; but that so much of the said Road as shall pass through or over the said Estate of the said Earl of *Malmesbury* shall be made according to the Line delineated or described in the Map or Plan to be authenticated by the Right Honourable the Speaker of the House of Commons, as herein-before mentioned.

Misnomers not to prevent the Execution of the Act.

IX. Provided always, and be it further enacted, That if any of the Lands and other Hereditaments and Premises to be taken or used for the Purposes of this Act shall happen not to be described in the said Maps or Plans, or any Part or Parts thereof shall happen to be omitted, misnamed, or inaccurately described in the said Books of Reference, such Omission, Misnomer, or inaccurate Description shall not prevent or retard the Execution of this Act, but the several Lands and other Hereditaments and Premises, and every Part thereof, shall and may be taken and used for the Purposes of this Act as fully and effectually to all Intents and Purposes as if the Names of the Owners and Occupiers of the same had not been omitted, or such Owners and Occupiers had been properly and accurately named; provided it shall appear to any Two or more Justices of the Peace for the County of *Wilts*, and be certified in Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake only.

Trustees not to pull down Dwelling Houses, &c. without Consent.

X. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making, maintaining, widening, diverting, altering, or improving the Roads comprised in this Act shall not extend or be construed to extend to authorize or empower the said Trustees to take or pull down, injure or damage, any Dwelling House or other Building, or

or to take or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, Plantation, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof or other Person interested therein first had and obtained.

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

XI. And be it further enacted, That in case any Lands shall, in pursuance of this Act or of the Acts for regulating Turnpike Roads in *England*, be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased shall (notwithstanding any Provisions in the said Acts or any of them to the contrary) by means of any such Purchase, or any Conveyance made in pursuance thereof, be vested in the said Trustees, but that the Freehold and Inheritance of and in the Lands so purchased shall, notwithstanding such Purchase and Conveyance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees; and the said Trustees shall, by means of such Purchase and Conveyance, be entitled to a perpetual Right of Way in, over, or upon the Lands purchased by them in pursuance of this Act and the said Acts, or any of them.

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

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

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

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

No more than One Toll to be taken.

XIV. And be it further enacted, That no more than One full Toll shall be demanded or taken for passing on the same Day for the same Horse, Beast, Cattle, or Carriage on the said new Line of Road by this Act authorized to be made to *Amesbury* aforesaid.

Public Act.

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

Term of Act.

XVI. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall thenceforth continue and be in force for and during the Term and Continuance of the herein-before recited Act.

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