ANNO SEPTIMO

GEORGII IV. REGIS.

****

Cap. XV.

An Act for maintaining and improving the Road leading from *Pengate* in the Parish of *Westbury* to a Place formerly called *Price's Warren Gate*, at *Tinhead* in the Parish of *Edington* in the County of *Wilts*, and other Roads near or adjoining the said Roads, in the Counties of *Wilts* and *Somerset*. [22d *March* 1826.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His Majesty King *George* the Second, intituled *An Act for amending the Road leading from* 31 G. 2. c. 68. Pengate, *in the Parish of* Westbury *in the County of* Wilts, *to* Latchett's Bridge, *near the East End of* Market Lavington, *and also the Road leading from* Market Lavington Down *to the Turnpike Road near* Dewey's Water, *and also the Road leading from* Bolesborough *to* Studley Lane End, *and also the Road leading from* Yarnbrook *to the Turnpike Road at* Melksham *in the said County of* Wilts, whereby the several Roads therein particularly mentioned and described were divided into Two Districts: And whereas an Act was passed in the Ninth Year of the Reign of His late

9 G. 3. c. 73. Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act passed in the Thirty-first Year of His late Majesty, for amending the Road from* Pengate *to* Latchett's Bridge, *and other Roads in the County of* Wilts, *and for amending several Roads near adjoining to the said Roads:* And whereas an Act was passed in the Forty-fifth Year of the Reign of His said late
45 G. 3. c. 15. Majesty King *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two Acts, passed in the Thirty-first Year of King* George *the Second, and in the Ninth Year of His present Majesty, for amending the Road leading from* Pengate *to* Latchett's Bridge, *and other Roads therein described, in the County of* Wilts, *so far as the same relate to the First District of Road therein mentioned, and for amending other Roads near or adjoining to the said Roads:* And whereas the Trustees appointed in or by virtue of the said recited Acts for the First District of Road in the said Acts mentioned have proceeded to put the same in Execution as regards such District of Road, and have for that Purpose borrowed considerable Sums of Money on the Credit of the Tolls thereby granted, which Sums of Money remain undischarged, and cannot be paid off, nor can the said First District of Road be properly widened, altered, improved, or preserved in a proper State of Repair, unless the Powers and Provisions of the said recited Acts be amended and enlarged: And whereas the Roads comprising the said First District of Road are in some Parts narrow, steep, circuitous, and incommodious, and it would be of much Convenience and Advantage to the Public if the said Roads were in such Parts widened and diverted or turned: And whereas it would be advantageous to the Neighbourhood, and of public Utility, if the Trustees for the Care of the said Roads were discharged from the Care and Management of so much of the said Roads as leads from the Top of *Long River* aforesaid to the Top of *New Town* in the Parish of *Westbury* aforesaid, and if instead thereof the Road leading from a House belonging to *William Bailey*, situate in *Westbury* aforesaid, to the Road leading from *Westbury* to *Bratton* in the County of *Wilts*, near *Westbury Pound*, were put under the Care and Management of the Trustees for the said Roads: And whereas it would be more convenient to the Trustees, and beneficial to the said Roads and to the Public, if the said recited Acts, so far as the same relate to the said Roads, were repealed, and further and other Provisions granted instead thereof: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King
3 G. 4. c. 126. *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fourth Year
4 G. 4. c. 95. of the Reign of His said present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fifth Year of the Reign of His said present
5 G. 4. c. 69. Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* 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 Acts of the Thirty-first Year of the Reign of His Majesty King *George* the Second, and of the Ninth Year of the Reign of His said late Majesty King *George* the Third, so far as the same Acts relate to the said First District of Road in the same Acts included and described, and the said Act of the Forty-fifth Year of the Reign of His said late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed; and this Act shall from thenceforth commence and take effect, and shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, diverting, and from Time to Time improving and keeping in Repair, the Roads herein-after described; (that is to say), the Road leading from *Pengate* in the Parish of *Westbury*, through *Westbury Leigh* and *Chalford*, to and through the Town of *Westbury*, and thence to a Place formerly called *Master Price's Warren*, situate in the Parish of *Edington*; and from the Town of *Westbury*, towards *Warminster*, through *Chalford*, to a Place called *Madbrook*, and from the Top of *New Town* in the Parish of *Westbury*, through the Town of *Westbury*, across *All Marsh Field*, by *Yarnbrook*, towards *Trowbridge*, to a Place formerly called *Studley Lane End* in the County of *Wilts*; and also the Road leading from *Yarnbrook* aforesaid, up *West Ashton Hill*, through *Semington*, to the Turnpike Road at *Melksham* in the County of *Wilts*; and also the Road leading from the Town's End of *Westbury* aforesaid to *Ball's Water*, commonly called the *Lower Road* from *Westbury* to *Westbury Leigh*; and also the Road leading from *Pengate* aforesaid, through a Place called *Dilton's Marsh*, adjoining the Turnpike Road leading from *Warminster* in the County of *Wilts*, to *Beckington* in the County of *Somerset*, on *Standerwick Common*, near a House late of *John Baily*; and the Road leading from a House belonging to *William Bailey*, situate in *Westbury* aforesaid, to the Road leading from *Westbury* to *Bratton* in the County of *Wilts*, near *Westbury Pound*, in the Parish of *Westbury* aforesaid.

Recited Acts 31 G. 2. and 9 G. 3. so far as they relate to the First District of Road, and also the Act 45 G. 3. repealed, and this Act to take effect as to the Roads herein described.

II. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized to be taken by the said Acts of the Thirty-first Year of the Reign of King *George* the Second, and of the Ninth and Forty-fifth Years of the Reign of King *George* the Third, hereby repealed, or any or either of them, and of all Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for executing the said recited Acts of the Thirty-first Year of the Reign of King *George* the

New Term and Tolls liable to Debts.

the Second, and of the Ninth Year of the Reign of King *George* the Third, (in respect of the First District of Roads in the said Acts mentioned), or the said recited Act of the Forty-fifth Year of the Reign of His said late Majesty King *George* the Third, hereby respectively repealed, or any or either of them, or to any Person or Persons for the Benefit of the said Roads, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

Bonds, &c. under former Acts, to be good under this Act.

III. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, and Securities, made or entered into by any Person or Persons to or with any of the Trustees for executing the said recited Acts of the Thirty-first Year of the Reign of King *George* the Second, and of the Ninth Year of the Reign of His said late Majesty King *George* the Third, (in respect of the said First District of Roads in the said Act mentioned), or the said recited Act of the Forty-fifth Year of the Reign of His said late Majesty King *George* the Third, hereby repealed, or any or either of them, according to the Provisions and Directions of such Acts, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, notwithstanding the Repeal of the said Acts, until the same are or shall be fully satisfied and performed on account of or for the Benefit of the Roads included in this Act; and all Contracts, Agreements, Demises, Mortgages, and Securities, made or entered into by such Trustees to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act and the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, and be observed and kept by them according to the Terms, Stipulations, and Tenor thereof respectively.

Books used under former Acts to be Evidence.

IV. And be it further enacted, That all and every Book and Books of the Proceedings of the Trustees in Execution of the said recited Acts of the Thirty-first Year of the Reign of King *George* the Second, and the Ninth Year of the Reign of His said late Majesty King *George* the Third, (in respect of the said First District of Roads in the said Acts mentioned), and the said Act of the Forty-fifth Year of the Reign of His said late Majesty King *George* the Third, hereby repealed, or of any Act then in force and made Evidence thereby, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and all such Books, and also all Books of Accounts of Receipts and Disbursements kept, had, or made under the said Acts, and all Books for registering Mortgages or Assignments made in pursuance thereof, shall be preserved and kept by the Clerk for the Time being to the said Trustees, and 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, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees or such Creditors,

Creditors, or any of them, to inspect the said Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Officers to account.

V. And be it further enacted, That all Persons who are or who have been employed, or who have received any Tolls or other Money on account of the Roads comprised in the said recited Act of the Forty-fifth Year of the Reign of His said late Majesty King *George* the Third, or who have or shall have in their Custody or Possession any Money, Books, Papers, Writings, or other Things relating to the said Roads, shall account for and pay and deliver over the same and every Part thereof to the Trustees for executing this Act, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and this Act, are required to pay or account for the same.

Powers of the recited Acts, 3, 4, & 5 G. 4. extended to this Act.

VI. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, and also save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), and also the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and the Power or Provision therein contained, shall respectively be as good, valid, and effectual for carrying this Act, and the several and respective Purposes thereof, into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Trustees.

VII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Wilts*, and all His Majesty's Justices of the Peace acting for the County of *Somerset* respectively, for the Time being, together with the Right Honourable *Thomas Thynne* commonly called Lord Viscount *Weymouth*, the Right Honourable *George Thynne* commonly called Lord *George Thynne*, the Right Honourable *John Thynne* commonly called Lord *John Thynne*, the Right Honourable *Henry Frederick Thynne* commonly called Lord *Henry Thynne*, Sir *Richard Colt Hoare* Baronet, the Right Honourable Sir *William A'Court* Baronet, Sir *Manasseh Masseh Lopes* Baronet, *Nathaniel Barton*, *Samuel Otto Bayer*, *Philip Ballard Blatch*, *Stephen Brown*, *Thomas Burgess*, *James Burgess*, *James Casswell*, *Thomas Cooke* Clerk, *John Cockell*, *Nicholas Cockell*, *Thomas Cockell* Clerk, *Nicholas Cockell* junior, *James Cockell*, *Edward Cockell*,

the Reverend *Charles Daubeny* Archdeacon of *Sarum*, *Thomas Davis*, *George Dyer*, *Harry Folkes*, *Edmund Edgell*, *James Eyre* Clerk, *Bryan Edwards*, *Ralph Franco*, *Edward Franklin*, *Joseph Flower*, *Humphry Whitaker Flower*, *John Gibbs*, *Richard Harris*, *Robert*, *Haynes*, *Simon Hiscocks*, *John Hooper*, *John Hooper* Clerk, *John Jones* the younger, *Henry Gaisford Gibbs Ludlow*, *Richard Godolphin Long*, *Walter Long*, *John Long*, *John Long* the younger, *Walter Long* Clerk, *William Matravers*, *William Matravers* of *Melksham*, *William Matravers* the younger, *John Matravers*, *Thomas Luke Meech*, *John Meech*, *Thomas Crosby Meech*, *Robert Meech*, *Benjamin Overbury*, *Nathaniel Overbury*, *Benjamin Overbury* the younger, *Robert Overbury*, *Thomas Henry Hele Phipps*, *Charles Lewis Phipps*, *Paul Phipps*, *Thomas Henry Hele Phipps* the younger, *John Lewis Phipps*, *William Phipps*, *Leckonby Phipps*, *Edward Phipps*, *Frederick Phipps*, *Arthur Phipps*, *Charles Phipps*, *William Phipps* of *Leigh*, *Henry Pinniger*, *John Methuen Rogers* Clerk, *Edward Frowd Seagram* Doctor of Medicine, *William Ballard Seagram*, *John Glasier Seagram*, *Edward Frowd Seagram* the younger, *Thomas Seagram* of *Penley*, *Frederick Seagram*, *William John Stump*, *James Singer*, *James Taylor Singer*, *George Watson Taylor*, *Simon Taylor*, *John Taylor*, *Henry Glass Turner*, *Thomas Timbrell*, *John Thring*, *John Whittaker*, *Philip Whitaker*, *Thomas Whitaker*, *William Whitaker*, *Alfred Whitaker*, *Joshua Whitaker*, *Edward Thomas Whitaker*, *Philip Whitaker* the younger, *Thomas White*, *Richard White*, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for repairing, widening, altering, diverting, improving, and keeping in Repair the said Roads, and for otherwise putting this Act into Execution.

Power to appoint additional Trustees.

VIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified as directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty (not exceeding Four in the whole in addition to the Number of Trustees herein named and appointed), to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Old Officers to continue.

IX. And be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, and not contrary to the Provisions or Directions of this Act, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under or by virtue of the said first Three recited Acts, hereby repealed, shall hold and enjoy such their several and respective Offices and Employments

until removed therefrom respectively by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Powers and Authorities for the Purposes of this Act, and for carrying the same into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he or they had been appointed under or by virtue of this Act.

Treasurer and Clerk not to be the same Person.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be 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, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit 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.

First Meeting of Trustees.

XI. And be it further enacted, That the Trustees for executing this Act shall meet at the *Lopes Arms Inn*, in *Westbury*, or at some other convenient House or Place in *Westbury* aforesaid, on the Fourth *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, and shall and may then, and from Time to Time after, adjourn to and meet at such Times and at such Place or Places in the Neighbourhood of the said Roads as they shall think proper.

Power to continue or erect Toll

XII. And for the Purpose of collecting and receiving the Tolls hereby granted and made payable, be it further enacted, That the said

Gates, Toll Houses, &c.

said Trustees may and they are hereby authorized and empowered, if they shall think proper, to continue, remove, take away, or alter the Situation of all or any of the Toll Gate or Gates, Bar or Bars, Chain or Chains, and Toll Houses, which have been erected in, upon, or across any Part of the said Roads herein-before described, and shall and may erect or cause to be erected such and so many other Toll Gate or Gates, Bar or Bars, Chain or Chains, Toll Houses, and Weighing Machine or Weighing Machines, in, upon, or across any Part or Parts of the said Roads, and also in, upon, and across any Part of the Diversion or Alterations by this Act authorized to be made, and upon the Side or Sides thereof respectively, as they the said Trustees shall think proper and expedient; and also shall or may erect or provide a Toll House, with suitable Outbuildings and other Conveniences; and may also take in and inclose from the said Roads convenient Garden Spots for the said Toll Houses respectively, not exceeding One Eighth Part of a Statute Acre to each Toll House.

Lamps to be lighted at Toll Houses.

XIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to order and direct One or more Lamp or Lamps to be placed and erected on or against or in front of each and every of the Toll Houses to be continued or erected by virtue of this Act, as they the said Trustees shall think proper, and also to order and direct at what Times of the Year and during what Hours such Lamp or Lamps, or any of them, shall be kept lighted; and all and every Collectors and Collector of the Tolls authorized by this Act to be taken and collected, appointed by the said Trustees, and also all and every Lessee and Lessees thereof, and all and every Person and Persons appointed by any such Lessee or Lessees, who shall neglect or omit to observe and fulfil the Orders of the said Trustees in respect to the keeping and lighting of such Lamp or Lamps, shall forfeit and pay any Sum not exceeding Forty Shillings for such Neglect or Omission; and in case any Person or Persons shall damage or injure any Lamp or Lamps to be set up as aforesaid, or extinguish the Lights therein, such Person or Persons shall forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied in such and the same Manner as Penalties for Offences against the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty are by such Acts directed to be recovered and applied.

Trustees to erect Toll Gates on each of the Branches, and to take Tolls thereat.

XIV. And be it further enacted, That the said Trustees shall and they are hereby required to erect and set up and continue upon each and every Branch of Road comprised in this Act, One or more Toll Gate or Toll Gates, Toll Bar or Toll Bars, or Turnpike or Turnpikes, and to demand and take thereat the Tolls by this Act granted, subject to the Provisions in this Act and the said recited Acts contained.

No Money to be laid out on Roads

XV. Provided also, and be it further enacted, That no Money arising from any of the Tolls hereby authorized to be collected and taken

taken shall be applied in or towards the Repair of any Branch Road comprised in this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Branch Road, nor unless the Tolls hereby granted shall be demanded and taken thereat, pursuant to the Powers and Provisions of this Act and the said recited Act. where there is no Turnpike.

XVI. And be it further enacted, That the respective Tolls hereinafter mentioned shall and may (subject to the Provisions, Restrictions, and Exemptions in this Act and in the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty contained), from and after the passing of this Act, be demanded and taken at each and every of the Toll Gates, Bars, Chains, and Side Gates now erected or set up, or hereafter to be erected or set up, on the said Roads, or any Part thereof, by such Person or Persons as the said Trustees, or their Lessee or Lessees for the Time being, shall from Time to Time appoint to be Collector or Collectors of such Tolls, before any Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same, and on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night); that is to say, Power to take Tolls.

Tolls.

For every Horse or other Beast drawing any Coach, Stage Coach, Chariot, Landau, Berlin, Curricle, Van, Caravan, Chaise, Chair, or other such Carriage, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Sledge, Dray, or other such Carriage, the Sum of Sixpence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two-pence:

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

And for every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Seven-pence Halfpenny *per* Score, and so in proportion for any less Number:

Which said respective Sums of Money shall be demanded and taken in the Name of or as Toll, and shall be and are hereby vested in the said Trustees, to be by them applied as herein-after directed. Tolls vested in Trustees.

XVII. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted and authorized, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part. When Tolls amount to the fractional Part of a Halfpenny.

XVIII. Provided always, and be it further enacted, That all Waggons, Carts, or other such Carriages, having at the Time of the using thereof Wheels which shall deviate more than One Quarter of an Inch from a flat Surface, or shall not have the Nails thereof countersunk so as to form a level Surface, shall be deemed liable Wheels deviating from a flat Surface, or not having the Nails countersunk.

and subject to the Payment of the same Toll as Carriages with Wheels of less than Three Inches in Breadth on the Soles thereof.

Tolls to be taken but Once a Day at the same Gate.

XIX. Provided always, and be it further enacted, That when the Toll hereby authorized to be taken shall have been paid for or in respect of any Horse, Cattle, Beast, or Carriage passing through any such Toll Gate or Turnpike or Side Gate, such Horse, Cattle, Beast, and Carriage shall, upon a Note or Ticket denoting such Payment on that Day being produced, be permitted to pass Toll-free through such Toll Gate or Turnpike or Side Gate, and also through such other Gate or Gates as the Ticket for such Payment shall free, at any Time or Times during the same Day, to be computed as aforesaid, except as herein-after mentioned or provided.

Tolls to be paid but Twice a Day for passing along the whole Line of Roads.

XX. Provided also, and be it further enacted, That no more than Two Tolls shall be demanded or taken for or in respect of the same Horses, Cattle, Beasts, or Carriages, for passing and repassing at any Time or Times in any One Day (to be computed as aforesaid) through all or any of the Toll Gates or Turnpikes along the whole Line of the said Roads hereby authorized or directed to be amended, made, and maintained, except as herein-after mentioned or provided; but after the Toll hereby authorized to be taken shall have been paid at any Two of such Toll Gates, Turnpikes, or Side Gates in any One Day (to be computed as aforesaid), for or in respect of any Horse, Cattle, Beast, or Carriage, such Horse, Cattle, Beast, and Carriage shall, on Notes or Tickets denoting such Payments being produced, be permitted to pass and repass Toll-free through all the Toll Gates, Turnpikes, and Side Gates along the whole Line of the said Roads or any of them, on the same Day (to be computed as aforesaid), except as herein-after mentioned or provided.

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

XXI. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Cart, Stage Waggon or other Stage Carriage, conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Roads, or any of them.

Post Chaises, &c. on every new Hiring.

XXII. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Roads, or any of them, whenever any new Hiring thereof shall take place.

No Person to exercise Three Horses at Once abreast.

XXIII. And be it further enacted, That any Person who shall exercise Three Horses at the same Time, upon any Part of the said Roads, by riding one of them, and leading the others abreast, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied in such and the same Manner as Penalties for Offences against the Act are by the said recited

recited Act of the Third Year of the Reign of His present Majesty authorized and directed to be recovered and applied.

One Horse Carts may be weighed.

XXIV. And whereas it frequently happens that Carts drawn by One Horse, passing along the said Roads, carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses; be it therefore further enacted, That all Carts passing along the said Roads drawn by One Horse only shall and may be weighed at any Weighing Machine now erected or to be erected on the said Roads, and the like additional Tolls demanded, received, and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages drawn by more than One Horse, shall be applicable to Carts passing on the said Roads drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

Application of Monies.

XXV. And be it further enacted, That out of the Tolls and other Monies collected or received under or by virtue of the said recited Acts hereby repealed, or out of the first Monies arising under or by virtue of this Act, the said Trustees shall, in the first place, pay and discharge all the Costs, Charges, and Expences incurred in, about, and relating to the obtaining and passing of this Act; and then the Remainder of all such Monies shall (after Payment of the necessary Expences from Time to Time of erecting or repairing Toll Gates, Toll Houses, Milestones, or Posts or Fences, and for Books, Advertisements, Salaries of Officers, and other Expences incidental to the Execution of this Act) be applied in the first place in keeping down the Interest of the whole Monies now borrowed and due, or hereafter to be borrowed or grow due, upon the Credit of the said Tolls, as well now in arrear as hereafter to grow due, to be paid to all the respective Creditors equally and without Preference; and after Payment thereof, then in repairing, widening, diverting, improving, and maintaining in Repair the said Roads, and in otherwise putting this Act into Execution, and afterwards in repaying the Principal Monies which have been heretofore borrowed or advanced on the Credit of the Tolls arising on the said Roads, and the Principal Monies which may be hereafter borrowed or advanced upon the Credit of the Tolls hereby granted on the said Roads.

Power to make the Diversions.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully authorized and empowered to set out, make, and complete the Diversion and Alterations hereinbefore mentioned, in, over, or through any private Lands, Grounds, or Hereditaments; and also for that Purpose to pull down, take, and use any Houses, Buildings, Orchards, Gardens, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, marked (A.), first making or tendering Satisfaction to the Owners thereof, and Persons interested therein, for the same, or for any Damage they may sustain thereby.

XXVII. And

Restricting Trustees from deviating beyond certain Distances of the Line without Consent.

XXVII. And whereas a Map or Plan, describing the Lands through or over which the said Diversion and Alterations of the present Line of Roads are intended to be made or carried, together with a Book of Reference, containing Lists of the Names of the several Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Wilts*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace aforesaid, 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 therefrom at their Will and Pleasure, paying to the said Clerk of the Peace for the Time being the Sum of One Shilling for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts; and the said Trustees in making the said Diversion and Alterations 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 Premises such Deviation shall be made.

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

XXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Diversion and Alterations into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is or are or may be Owner or Owners of Lands or Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Wilts*, and be certified by Writing under their respective Hands, that such Error or Omission proceeded from Mistake.

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

XXIX. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Trustees, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Alterations or Diversion, any Dwelling House or other Building, or to take, enter upon, or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a 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, or other Person interested therein, first had and obtained, except such as are mentioned in the Schedule hereunto annexed, marked (A.)

Premises in Schedule to be purchased within Five Years.

XXX. Provided also, and be it further enacted, That in case the said Trustees shall not purchase the Lands, Buildings, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, within the Space of Five Years from the passing of this Act, all the

the Powers granted by this Act or the said recited Acts for purchasing, taking, or using the same, or such of them as shall not then have been purchased, shall cease and determine, save and except with the Consent of the Owners or Proprietors thereof for the Time being.

Application of Compensation Money when amounting to or exceeding 200*l.*

XXXI. 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 for the Purposes of the said Roads, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, 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 or Persons 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 Court of Exchequer, to be placed to his Account there *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes,* and the General Orders of the said Court, and without Fee or Reward, and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or 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, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order 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, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or 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 Order can be made, the said Money may, by Order of the Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase

1 G. 4. c. 35.

of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities 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, or Government or Real Securities, shall from Time to Time be paid, by 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 such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Application when less than 200*l.* and amounting to 20*l.*

XXXII. 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 of the said Roads, 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, with the Approbation of the said Trustees, or any Three or more of them, 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 Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Trustees for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Where less than 20*l.*

XXXIII. 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 paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit; 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.

In case of not making out Titles, &c. the Money to be paid into the Bank.

XXXIV. 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 Trustees; 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 Trustees 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 said Court of Exchequer, 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 the said Court; 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 as aforesaid.

Where any Question shall arise touching the Title to Money, the Person in Possession to be deemed entitled.

XXXV. 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 said Court of Exchequer, 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 or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, 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

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 Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, 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 some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Exchequer may order reasonable Expences of Purchases to be paid by Trustees.

XXXVI. 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 said Court of Exchequer, or to 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 Court 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 Trustees out of the 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.

Power to make Causeways, Bridges, Drains, &c.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees, and the Surveyor or Surveyors of the said Roads, and such Persons as shall be appointed by Order of the said Trustees, 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, in, upon, or on the Sides of the said Roads, in such Manner as they shall think proper, and also Ditches or Drains in or upon the said Roads, and also through any Ground lying contiguous or near thereto (not being a Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), 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, 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 Trustees; and in case of any Difference concerning such Damages between such Owners or Occupiers and the said Trustees, then it shall and may be lawful for any Two or more Justices acting for either of the Counties of *Wilts* and *Somerset*, on Ten 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.

XXXVIII. And

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

XXXVIII. 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 Building 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 Roads may not be injured 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 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 Place of Residence by the Surveyor of the said Trustees, or other Person appointed by 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 any other Person acting by or under 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 Nonpayment 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 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 of the County where the Lands shall lie; and such 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 Expence 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.

Public Act.

XXXIX. 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.

Term and Continuance of this Act.

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

SCHEDULE (A.) to which the Act refers.

Description of Premises.	Names of reputed Owners.	Names of reputed Occupiers.
A Dwelling House, Smith's Shop, and Garden, at Bratton - -	Marquis of Bath - - Thomas Pepler Reeves, Lessee - - - -	Thomas Pepler Reeves.
Part of an Orchard at Bratton -	Marquis of Bath - - Thomas Whitaker, Lessee	Philip Whitaker.
A Dwelling House and Yard in Westbury Leigh - - -	Stephen Hunt, surviving Devisee in Trust and Executor of James Goring Troke - - - -	Henry Railton.
A Dwelling House in Westbury -	The Chantor of the Cathedral Church of Sarum -	Jeremiah Holdoway.
A Dwelling House in Westbury Leigh - - -	Caleb Bull - - -	Samuel Hayward.
A small Plot of Land in front of Two Tenements in Westbury Leigh - - - -	John Aldridge - - -	Andrew Gunstone. William Bluet.
A small Plot of Land in front of Four Tenements, and Part of a Garden adjoining, in Westbury Leigh - - - -	Edward Hooper - -	John Randall. Silas Harris. Stephen Randall. John Hall.
A Dwelling House in Westbury Leigh - - - -	Robert Tucker, Ann Spurway, and Elizabeth Tucker, Devisees of Robert Tucker, deceased - -	Jane Millard.
A Dwelling House in Westbury Leigh - - - -		Joseph Hedges.

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