



ANNO QUARTO

GEORGIIV. REGIS.

Cap. xxx.

An Act for improving the Roads from *Darlaston Bridge*, through *Newcastle-under-Lyme*, to *Butt Lane* and *Linley Lane*, and from the *Black Lion* to *Shelton Wharf*, all in the County of *Stafford*.

[12th May 1823.]

WHEREAS an Act was passed in the Nineteenth Year of the Reign of His late Majesty King George the Third, intituled *An Act for reducing into one Act of Parliament the several Laws now in force for repairing the Road leading from the Town or Village of Tittensor to the most Northern Part of Talk-on-the-Hill in Butt Lane in the County of Stafford; and for repairing the Road from Darlaston Bridge, over Tittensor Heath, through the Town or Village of Tittensor aforesaid:* 19G.3.c.119. And whereas another Act was passed in the Thirty-first Year of the Reign of His said late Majesty King George the Third, intituled *An Act to enlarge the Term and Powers of an Act passed in the Nineteenth Year of the Reign of His present Majesty, intituled 'An Act for reducing into one Act of Parliament the several Laws in force for repairing the Road leading from the Town or Village of Tittensor to the most Northern Part of Talk-on-the-Hill, in Butt Lane in the County of Stafford; and for repairing the Road from Darlaston Bridge, over Tittensor Heath, through the Town or Village of Tittensor aforesaid;'* 31G.3.c.129. and for making and keeping in Repair a Road branching out of the said Turnpike Road near the House known by the Sign of The Black Lion, to or nearly to Shelton Wharf, all in the Parish of

[Local.]

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Stoke-

56 G. 3.
c. xlix.

Stoke-upon-Trent, in the said County of Stafford: And whereas another Act was passed in the Fifty-sixth Year of the Reign of His said late Majesty King George the Third, intituled *An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from Darlaston Bridge to the most Northern Part of Talk-on-the-Hill, in Butt Lane in the County of Stafford; and also the Road branching out of the said first mentioned Road to Shelton Wharf in the said County*: And whereas the Trustees appointed by or under the Authority of the said several recited Acts, have proceeded to put the same into Execution, and have borrowed several large Sums of Money on the Credit of the Tolls granted by the said Acts, of which Sums of Money a considerable Part still remains due and owing: And whereas the main Line of Road, comprised in the said recited Acts, forms Part of the direct Line of Communication between *London and Liverpool*, and also Part of the direct Lines of Communication from *Birmingham to Liverpool and Manchester*, and every Improvement upon the same Road is therefore of great Importance to the public Intercourse between those Places, as well as of local Advantage to the immediate Neighbourhood: And whereas there are sundry Projections and narrow Places in the said main Line of Road, as well as Hills and Declivities, which are inconvenient and dangerous to Travellers; and it is therefore expedient that effectual Provision should be made by Law for removing such Projections, and for widening such narrow Places, and for avoiding such Hills and Declivities: And whereas it will be of public Utility and Convenience, and will materially improve the Lines of Communication from *London to Liverpool*, and from *Birmingham to Liverpool*, to make a new Road, branching from and out of the main Road before mentioned, at or near a Place called *The Hollins*, in the Township of *Talk-on-the-Hill* and Parish of *Audley* in the said County of *Stafford*, into the *Linley Lane* Turnpike Road, in the same Township, Parish, and County: And whereas it is expedient to enlarge the Term, and to alter some of the Powers of the said recited Acts, and to grant further Powers for the Improvement and Management of all the said Roads: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, 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 it would facilitate the Execution of the Purposes aforesaid, if the said first Three recited Acts were repealed, and other Provisions made for the Maintenance and Repair of the said 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 recited Acts of the Nineteenth, Thirty-first, and Fifty-sixth Years of the Reign of His late Majesty shall be and the same are hereby declared to be repealed; and that this Act shall from thenceforth commence and take Effect, and shall be and continue in full Force, and be executed for and during the Term herein-after mentioned, as well for the Purpose of attending, widening, altering, improving, and keeping in Repair the Roads comprehended in the Provisions of the said first Three recited Acts, or any of them; that is to say, the main Line of Road from *Darlaston Bridge*, through *Tittensor, Trentham*, and *Newcastle-under-Lyme*, to the most Northern Part of the Township of *Talk-on-the-Hill* in *Butt Lane*, and the Road branching out of the said Road

3 G. 4. c. 126.

Recited Acts
repealed.New Term
granted.

Road at the *Black Lion* in the Township of *Penkull*, through *Stoke-upon-Trent*, to *Shelton Wharf*, as for the Purpose of making and maintaining the new Branch of Road herein-before mentioned, which is intended to branch from and out of the main Line of Road comprehended in the said first Three recited Acts, at or near a Place called *The Hollins* in the said Township of *Talk-on-the-Hill* and Parish of *Audley*, into the *Linley Lane* Turnpike Road, in the same Township of *Talk-on-the-Hill* and Parish of *Audley*; and this Act, and the Tolls hereby granted, shall and the same are hereby declared to be subject and liable to the Payment of all Monies now due and owing upon the Credit or on account of the said first Three recited Acts, or any of them, and of all Interest due and to grow due for the same, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected; and all and every Persons and Person owing any Sum or Sums of Money to the Trustees for executing the said first Three recited Acts, shall be liable to the Payment thereof to the Trustees herein-after appointed or directed to be appointed for executing this Act; and all Conveyances, Bonds, Covenants, Agreements, Contracts, and Securities made to or by, or entered into by any Person or Persons to or with the Trustees for executing the said first Three recited Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed, on account and for the Benefit of the Trusts created by this Act; and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the said first Three recited Acts, with or to any Person or Persons, for any Purpose relating to the said Roads, or to the Execution of the said Acts, or any of them, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said first Three recited Acts.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Stafford* for the Time being, together with the Right Honourable *Henry Charles Howard* commonly called Earl of *Surrey*, the Right Honourable *George Granville Leveson Gower* commonly called Earl *Gower*, the Right Honourable *Robert Sewallis Shirley* commonly called Lord Viscount *Tamworth*, the Right Honourable *Charles Thomas Chetwynd Talbot* commonly called Lord Viscount *Ingestrie*, the Right Honourable *Richard Grosvenor* commonly called Lord Viscount *Belgrave*, the Right Honourable *Dudley Ryder* commonly called Lord Viscount *Sandon*, the Right Honourable *Francis Leveson Gower* commonly called Lord *Francis Leweson Gower*, the Honourable *Thomas Windsor*, the Honourable and Reverend *John Chetwynd Talbot* Clerk, the Honourable *William Jervis Ricketts*, the Honourable *John Edward Ricketts*, the Honourable *John Crewe*, the Honourable *William Scott*, Sir *Roger Gresley* Baronet, Sir *John Chetwode* Baronet, Sir *John Fenton Boughy* Baronet, Sir *Edmund Antrobus* Baronet, *Joseph Adams*, *Thomas Adams*, *Benjamin Adams* Clerk, *William Adams* of *Cobridge*, *John Adams*, *William Adams* the younger, *William Adams* of *Stoke*, *Ralph Adderley*, *Robert Ellis Aitkens* Clerk, *Thomas Allen*, *John Anderton* Clerk, *Laurence Armitstead*, *John Astbury*

Trustees.

Astbury Doctor of Physic, *James Astbury*, *James Astbury the younger*, *Edward Astbury*, *John Astbury*, *John Aston*, *Thomas Aston*, *Isaac Aston*, *Ralph Aston*, *Samuel Bagshaw*, *William Bailey*, *William Bailey the younger*, *William Baker*, *William Baker the younger*, *John Bull*, *Thomas Bamford*, *John Birch* *Basnett* Clerk, *James Bateman*, *John Bateman*, *James Beech*, *John Cooper Beckett*, *Henry Stephens Belcombe* Doctor of Physic, *John Bennett*, *Richard Bent* Doctor of Physic, *John Bent*, *William Bent*, *Rowland Bent*, *John Warburton Berry*, *John Bill*, *Edmund John Birch*, *Edmund John Birch the younger*, *Thomas Phillips Birks*, *William Bishop*, *John Blant* Clerk, *John James Blunt* Clerk, *Hugh Booth*, *Joseph Booth*, *George Booth*, *Ralph Bourne*, *John Bourne*, *Charles Bourne*, *Thomas Fletcher Fenton Boughy*, *John Fenton Fletcher Boughy*, *George Fenton Fletcher Boughy*, *John Isaac Brasier* Clerk, *Thomas Brooke* Clerk, *Ralph Brown*, *Richard Bull*, *Robert Bull*, *Thomas Butt* Clerk, *James Caldwell*, *James Stamford Caldwell*, *John Carey*, *Charles Chester*, *John Chetwode*, *George Chetwynd*, *Roylance Child*, *Baddeley Child*, *Ralph Clews*, *James Clews*, *Bernard Coombe*, *Thomas Gorton Coombe*, *James Cope*, *Walter Hill Coyney*, *Walter Weston Coyney*, *Foster Cunliffe*, *John Smith Daintry*, *John Davenport*, *John Davenport the younger*, *Henry Davenport*, *Henry Dobbs*, *Benjamin Eardley*, *John Eardley*, *Thomas Eaton*, *George Wood Eaton*, *Charles Eaton*, *Thomas Edwards*, *William Edwards*, *John Fenton* Clerk, *Thomas Fenton*, *Robert Fenton*, *John Thomas Fenton*, *Thomas Firmstone*, *George Fitchett*, *Thomas Fitzberbert*, *John Fitzberbert*, *George Fitzberbert*, *John Ford*, *Richard Sutton Ford*, *James Nelthorpe Fowler*, *John Gardner*, *James Gardner*, *Samuel Glover*, *James Godwin*, *Thomas Fenton Grosvenor*, *Henry Guest*, *John Hadderton*, *John Hales*, *George Hall*, *Robert Hall*, *Robert Hamilton*, *Benjamin Harding*, *William Harrison*, *Charles Harvey*, *John Harvey*, *Charles Hassells*, *Charles Stephen Hassells*, *Richard Hatton*, *Richard Edensor Heathcote*, *Nigel W. Heathcote*, *Charles B. Heathcote*, *Samuel Henshall*, *William Henshall*, *Richard Hicks*, *Robert Hill* Clerk, *Richard Clarke Hill*, *Caleb Hill*, *Robert Hill*, *William Hill*, *Robert Hill*, *William Holland*, *John Hollins*, *Richard Hollins*, *Thomas Hollins*, *William Hyatt*, *William Stevenson Hyatt*, *Swynfen Jerwis*, *Terrick Jones*, *William Shepherd Kinnersly*, *Thomas Kinnersly*, *Edward Kinnersly*, *John Kirkham*, *William Lawton*, *Charles Bourne Lawton*, *John Lawton* Clerk, *James Leech*, *Thomas Leech*, *James Leech the younger*, *Clement Leigh* Clerk, *Edward John Littleton*, *James Loch*, *John Lockett*, *James Macdonald*, *Edward Mainwaring*, *Charles Mainwaring*, *Rowland Mainwaring*, *James Mainwaring* Clerk, *Matthew Mare*, *Samuel Mare*, *Jacob Marsh*, *George Miles Mason*, *Charles James Mason*, *John Mason*, *Samuel Mayer*, *Samuel Mayer the younger*, *Thomas Mayer*, *Thomas Mayer the younger*, *Joseph Mayer*, *William Bewley Meek*, *Job Meigh*, *Charles Meigh*, *Hugo Charles Meynell*, *Thomas Minton*, *Thomas Webb Minton*, *Herbert Minton*, *John Morris*, *Richard Mountford*, *William Nickisson*, *John Nickisson*, *Francis Hickin Northen* Doctor of Physic, *Thomas Hawe Parker*, *Samuel Peake*, *Thomas Peak*, *John Berks Peak*, *John Phillips*, *John Eldershaw Phillips*, *Thomas Phillips*, *Thomas Plant of Walton*, *Thomas Plant of Newcastle*, *James Poole*, *Daniel Poole*, *George Ridgway*, *John Ridgway*, *William Ridgway*, *John Robison*, *Spencer Rogers*, *John Rowley*, *John Shaw*, *Samuel Shelley*, *William Shelley*, *John Smith of Fenton*, *John Smith of Penkull*, *Robert Smith*, *James Smith*, *John Gabriel Smith*, *Walter Sneyd*, *Ralph Sneyd*, *William Sneyd of Bradwell*, *John Sneyd* Clerk, *Lewis Sneyd* Clerk, *William Sneyd of Ashcombe*, *William Debank Sneyd*, *Thomas Sparrow*, *Richard Speakman*, *Josiah Spode*, *Josiah Spode the younger*,

younger, Thomas Stanier, Jacob Stanley, William Swift, Thomas Swinnerton, Thomas Tait, Thomas Thompson, Josiah Timmis, John Timmis, George Tollet, John Tomlinson, John Wickes Tomlinson, Frederick Wright Tomlinson, Charles Tryon, John Turner, Thomas Twemlow, Francis Twemlow, Peter Walthall, Peter Walthall Clerk, Thomas Walthall, Jacob Warburton, John Warburton, Thomas Ward, Richard Rowland Ward Clerk, John Wedgwood of Betley, Josiah Wedgwood, Josiah Wedgwood the younger, John Wedgwood of Bignall End, Thomas Wedgwood of Burslem, John Whalley Clerk, John Whalley the younger, Daniel Whalley, John Turner Whieldon, George Whieldon, Edward Whieldon Clerk, Charles Wicksted, Randle Wilbraham, Randle Wilbraham the younger, Robert Williamson, Hugh Henshall Williamson, John Wilson, Alexander Wilson, George Wood, John Chappel Woodhouse Doctor of Divinity, Samuel Wright, John Yates, William Yates, and William Wingfield Yates, and their Successors, shall be and they are hereby appointed Trustees for putting the said last recited Act and this Act into Execution; with regard to the whole of the Roads herein-before mentioned.

III. And be it further enacted, That all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things, enacted and contained in the said last recited Act, passed in the Third Year of the Reign of His present Majesty, (save and except such Parts thereof as are expressly varied, altered, or repealed by this Act), shall be of the same Force, Effect, and Validity, for carrying the Purposes of this Act and the said last recited Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Powers of the General Turnpike Act extended to this Act.

IV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time, at any of their Meetings to be holden in pursuance of this Act, to elect and appoint any Number of Persons (not exceeding Five in the whole, in addition to the Number of Trustees herein named and appointed to be Trustees for the Purposes of this Act.

Power to appoint additional Trustees.

V. And be it further enacted, That no Person shall be capable of acting as a Trustee for any of the Purposes of this Act (save as to the administering or receiving of the Oath or Affirmation mentioned in the said last recited Act, and the Oath or Affirmation herein-after mentioned) until at some Meeting of the said Trustees he shall have taken and subscribed the Oath, or being One of the People called *Quakers*, shall have made and subscribed the Affirmation herein-after mentioned, before any Two or more of the said Trustees, who are hereby empowered to administer or receive such Oath or Affirmation in the Words following; (that is to say,)

Trustees to take an Oath to act impartially.

‘ I do swear [or, being One of the People called *Quakers*, do solemnly affirm,] That I will faithfully and impartially, according to the best of my Judgment, act in the Execution and Performance of the several Trusts and Powers reposed in me as a Trustee by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King George the Fourth, intituled, [here set forth the Title of this Act.]

Oath.

‘ So help me GOD.’

‘ [Or in the Case of a *Quaker*, omit the Words ‘ So help me God.’]

[Local.]

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And

Penalty on acting without taking the Oath.

And if any Person, not having taken and subscribed the Oath hereinbefore mentioned, or, being a Quaker, not having made and subscribed the Affirmation hereinbefore mentioned, shall nevertheless presume to act as a Trustee in the Execution of this Act, (save only in the Case before excepted), every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered 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, Wager of Law, nor more than one Imparance shall be allowed; and the Person so sued or prosecuted shall prove that he has taken or made and subscribed the said Oath or Affirmation in the Manner aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Prosecutor than Proof of such Person having so acted, as a Trustee: Provided nevertheless, that no Act or Proceeding touching the Execution of this Act, which shall be done or performed by any such disqualified Person, previously to his being convicted of such Offence, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had duly conformed to the Provisions of this Act.

Meetings of Trustees.

Adjournments.

If no Adjournment be made, the Clerk or Two Trustees may call a Meeting by Notice.

Powers of the Act may be executed by Three or more Trustees at Meetings; and the Proceedings of the Ma-

VI. And be it further enacted, That the Trustees for executing this Act shall meet together at the Public Office, or some other convenient Place in the Borough of *Newcastle-under-Lyme*, on the Third *Saturday*, after the passing of this Act, or as soon after as conveniently may be, and shall and may then, and from Time to Time thereafter, 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; and in case a sufficient Number of Trustees to act in the Execution of this Act shall not appear at any Time and Place appointed for a Meeting, then the Trustees or Trustee appearing at such Time and Place, or if no Trustee shall appear, then the Clerk shall, and they and he are and is hereby respectively authorized to adjourn the Meeting to the Place where the same was appointed to have been held, and to such Time as they or he shall think fit, not being more than Fourteen Days nor sooner than Seven Days from the Day of such last intended Meeting; and in case at any Time no Adjournment of any Meeting or intended Meeting shall be made as aforesaid, then it shall and may be lawful for the Clerk to the said Trustees, or for any Two or more of such Trustees, although not assembled at a Meeting, to call a Meeting of the Trustees, by Notice to be inserted in some public Newspaper usually circulated in the County of *Stafford*, and affixed on all the Turnpike Gates on the said Roads, appointing the Trustees to meet at such Time and Place in the Neighbourhood of the said Roads as the said Clerk, or the said Trustees, respectively giving such Notice, shall think proper, not exceeding Fourteen Days nor sooner than Seven Days from the Date of advertising such Meeting; and all the Powers and Authorities by this Act or the said last recited Act given to, and all the Matters and Things by this Act or the said last recited Act directed or authorized to be done by the said Trustees, shall and may be executed and done by or before the Majority of the Trustees assembled at any Meeting to be held in pursuance of this Act, the whole Number present not being less than Three, and the same shall be of as full

full force and effect as if executed or done by or before all the Trustees for executing this Act, (except in such Cases where any such Power, Authority, Matter, or Thing is by this Act or the said last recited Act particularly directed or authorized to be executed or done by any other Number of Trustees, or in any other Manner); and at all Meetings to be held in pursuance of this Act a Chairman shall or may be appointed, and in all cases where there shall be an Equality of Votes upon any Question, (including the Vote of the Chairman), such Chairman shall have the decisive or casting Vote; and all Orders made under the Powers and Provisions of this Act, or of the said last recited Act, may be revoked or altered if Occasion shall require, provided that no such Order shall be revoked or altered, except at some Meeting where not less than Five Trustees shall be present, nor unless the Majority of the Trustees so present shall concur in such Revocation or Alteration, nor unless Three or more Trustees, although not assembled at a Meeting, shall give Notice in Writing to the Clerk under their Hands, and also cause Notice to be inserted in some public Newspaper usually circulated in the said County of *Stafford*, and affixed on all the Turnpike Gates on the said Roads, specifying that such Revocation or Alteration is intended to be moved for Ten Days at least previous to any Meeting to be holden for that Purpose.

Majority of the Trustees present, shall be as valid as if all the Trustees had been present.

No Order to be revoked unless Five Trustees present, and major Part concur.

VII. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees it shall at any Time be thought necessary, for the better Execution of this Act, that the said Trustees should meet on an earlier Day than the Day to which such Meeting shall be adjourned, it shall and may be lawful to and for the Clerk to the Trustees, by or under an Order in Writing signed by Two or more Trustees, or for any Two or more Trustees (although not assembled at a Meeting) to call a Meeting of the Trustees to be held at such Time and at such Place in the Neighbourhood of the said Roads, as they shall think proper, by Notice, mentioning the Time and Place and Purpose of such Meeting, to be inserted in some public Newspaper circulated in the said County of *Stafford*, and affixed on all the Turnpike Gates then standing on the said Roads, (such Time being not less than Fourteen Days after Publication of such Notice); and all Proceedings of the Trustees at such Meetings shall be as valid and effectual as they would have been in case the Trustees had met in pursuance of an Adjournment: Provided always, that no other Business than what shall be specified in such Notice shall be transacted at any such Meeting.

Meetings on Emergencies.

VIII. And be it further enacted, That all Books of Proceedings of the Trustees in the Execution of the said first Three recited Acts, kept according to the Directions or Provisions thereof, 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 made under the said first Three recited 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,

Books of Proceedings kept under former Acts to be Evidence, and, together with all Books of Accounts kept under former Acts, shall be open to the Inspection of

the Trustees
and Credi-
tors.

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

Appointment
of Officers.

IX. And be it further enacted, That the said Trustees at any of their Meetings shall and may from Time to Time appoint a Treasurer or Treasurers, a Clerk or Clerks, a Collector or Collectors of the Tolls, a Surveyor or Surveyors of the said Roads, and such other Officers as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death or Removal of any such Officer or Officers, may appoint another or others in his or their Stead; and every such Appointment and Removal shall be entered in the Book of the Proceedings of the Trustees; and the said Trustees shall and may and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and make such Allowances to such Officers, and any other Persons employed, or who shall assist in the Execution of this Act, for their Services in or about the carrying of this Act into Execution, as they the said Trustees shall think reasonable.

Old Officers
to continue
until new
ones elected.

X. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed pursuant to the Directions of the said last recited Act, and each and every Clerk, Collector, Surveyor, and other Officer appointed under and by virtue of the said first Three recited Acts, or any of them, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Clerk not to
act as Trea-
surer, and
vice versa.

XI. 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 who 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, to be the Treasurer for the Purposes of this Act; or to continue or appoint the Person who hath been or who may be appointed Treasurer, or 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, shall act as Treasurer, or being 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 Fifty Pounds to any Person or Persons 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, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

XII. And be it further enacted, That the said Trustees shall and they are hereby authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers acting by virtue of this Act, for the due and faithful Execution of his or their Office, and also shall or may take such Security from any Collector or Receiver of the Tolls, or any other Officer acting in the Execution of this Act.

Treasurer,
&c. to give
Security.

XIII. And be it further enacted, That when and as often as any Collector of the Tolls granted by this Act shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, or shall otherwise misbehave or misconduct himself, it shall and may be lawful for any Two or more of the said Trustees (although not assembled at a Meeting), to discharge such Collector, and in such Case to nominate and appoint a proper Person or Persons to be Collector or Collectors of the Tolls, and to officiate until the next Meeting of the said Trustees, or until removed by virtue of the Powers and Provisions of the said last recited Act and this Act; and which Person or Persons so appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects, as if he or they had been nominated and appointed at a Meeting of the said Trustees.

Temporary
Collectors of
Tolls may be
appointed.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, if they think proper, to continue all and every or any of the Toll Gates or Turnpikes and Toll Houses now standing and being in or upon or across the said Roads, or on the Sides thereof, and also to erect and set up or build, or cause to be erected, set up, and built, upon, in, or across the said Roads by this Act directed or authorized to be repaired and amended or made, or any Part thereof, or (subject to the Provisions of the said last recited Act), upon or across the Entrance to any public Road, Lane, or Way leading into the same, or any Part thereof, when, where, and as they shall judge necessary, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Bar or Side Bars, Chain or Chains, and also one or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Toll Gate, Turnpike, Side Bar or Chain, and to take in and inclose, on the Sides of the said Roads, suitable Gardens for the same respectively, not exceeding One-eighth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to take down and remove, or to alter and discontinue the same, or any of them, as they the said Trustees shall think proper, and direct or appoint.

Power to
erect Toll
Gates, Turn-
pikes, Side
Bars, &c.

XV. And be it further enacted, That it shall be lawful for the Trustees of the said Roads absolutely to sell and dispose of any Toll House or Toll Houses already erected on the said Roads, or any Part thereof, or hereafter to be erected or continued on the same by virtue of this Act, together with

Toll Houses
becoming
useless may
be sold by
the Trustees.

[*Local.*]

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the Ground whereon the same may stand, and all Outhouses, Gardens, and Appurtenances belonging thereunto, whenever the same shall be considered by the said Trustees to be useless or unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as the said Trustees can obtain for the same; and in case of any such Sale being made as aforesaid, it shall be lawful for the said Trustees to convey the said Toll Houses, Gardens, and Premises to the Purchaser or Purchasers thereof; and upon Payment of the Purchase Money to the Treasurer of the said Trustees for the Time being, such Purchaser or Purchasers shall hold and enjoy the Premises in Fee Simple, discharged from all Trusts, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of the Purchase Money, nor be answerable for the Misapplication or Non-application thereof: Provided always, that such and the like Preference and Priority of purchasing the Premises so to be sold shall always be given to the Owner or Owners of the next adjoining Land, as is by the said last recited Act directed to be given in case of the Sale of any Piece or Pieces of Ground not wanted for the Purposes of a Turnpike Road, and for that reason sold by the Trustees under the Powers of the said last recited Act.

Power to
take Tolls.

XVI. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued or to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls herein-after mentioned, at the several and respective Toll Gates or Turnpikes, or Side Bars or Chains, which are or shall be continued or erected by virtue of this Act, in, upon, across, or on the Side of the said Roads, or any Part or Parts thereof, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Tolls.

For every Horse drawing any Stage Coach or Diligence, wherein more than Two Horses shall draw, the Sum of Sixpence:

For every Horse, Ass, Mule, or other Beast of Draught, drawing any Coach, Landau, Barouche, Chariot, Chaise, Landaulet, Phaeton, Hearse, Curricule, Chair, Gig, Caravan, Van, Taxed Cart, or other Carriage of like Description, by whatsoever Name called or known, (except Stage Coaches or Diligences drawn by more than Two Horses), the Sum of Four-pence and One Halfpenny:

For every Horse, Ass, Ox, Mule, or other Beast of Draught, drawing any Waggon, Wain, Cart, Timber Carriage, Tumbrel, or other Carriage of like Description, by whatsoever Name called or known, having the Fellies of the Wheels of the Breadth of Six Inches or upwards, with the entire Sole of such Fellies of a flat Surface, or not deviating more than One Quarter of an Inch from a flat Surface, the Sum of Four-pence and One Halfpenny:

For every Waggon, Wain, Cart, Timber Carriage, Tumbrel, or other Carriage of like Description, by whatsoever Name called or known, having the Fellies of the Wheels of less Breadth than Six Inches, or having a Deviation of more than One Quarter of an Inch on the entire Sole of the Fellies from a flat Surface, and drawn by One Horse, Ass, Ox, Mule, or other Beast of Draught only, the Sum of Sixpence:

For

For every Horse, Ass, Ox, Mule, or other Beast of Draught, drawing any Waggon, Wain, Cart, Timber Carriage, Tumbrel, or other Carriage of like Description, by whatsoever Name called or known, having the Fellies of the Wheels of less Breadth than Six Inches, or having a Deviation of more than One Quarter of an Inch on the entire Sole of the Fellies from a flat Surface, and being drawn by more than One Horse, Ass, Ox, Mule, or other Beast of Draught, the Sum of Seven-pence :

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

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

For every Drove of Calves, Sheep, or Lambs, the Sum of Seven-pence and One Halfpenny *per* Score, and so in proportion for any greater or less Number.

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid, before any Cattle or Carriage whatsoever shall be permitted to pass through any such Toll Gate or Turnpike, or Side Bar or Chain ; and such several and respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

XVII. Provided also, and be it further enacted, That no Person shall be liable to pay more than One full Toll for passing at any Time or Times with the same Horses, Cattle, or Carriages, in the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night, through any one and the same Toll Gate, Turnpike, Side Bar, or Chain, erected or to be erected or continued by virtue of this Act ; but all and every such Person or Persons, after having paid such full Toll as aforesaid, shall, upon producing a Note or Ticket, denoting such Payment, afterwards pass through the same Toll Gate, Turnpike, Side Bar, or Chain, with such Horses, Cattle, Beasts, or Carriages, Toll-free, during such Day, to be computed as aforesaid.

Tolls to be paid only once a Day.

XVIII. Provided always, and be it further enacted, That no Person or Persons shall be liable to pay Toll at more than One Toll Gate, Turnpike, Side Bar, or Chain, for passing or re-passing at any Time or Times in any One Day, to be computed as aforesaid, with the same Horses, Cattle, or Carriages, through all or any of the Toll Gates, Turnpikes, Side Bars, or Chains already erected or to be erected or continued upon such Parts of the said Roads as lie Southward of the Town of *Newcastle-under-Lyme* ; and that no Person or Persons shall be liable to pay Toll at more than One Toll Gate, Turnpike, Side Bar, or Chain, for passing or re-passing at any Time or Times in any One Day, to be computed as aforesaid, with the same Horses, Cattle, or Carriages, through all or any of the Toll Gates, Turnpikes, Side Bars, or Chains already erected or to be erected or continued upon such Parts of the said Roads as lie Northward of the Town of *Newcastle-under-Lyme*.

Tolls not to be paid at more than Two Gates on the whole Roads ; viz. One Gate on each Side of Newcastle.

XIX. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught, drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon,

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

Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing along the said Roads, or any of them,

Horses drawing Post Chaises to be subject again to Toll on every new Hiring.

XX. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught let out to Hire, and drawing any Postchaise or other Carriage, every Time of passing along the said Roads, or any of them, whenever any new Hiring thereof shall take place, and a Ticket denoting such Hiring shall be produced.

Leases to be vacated;

but Satisfaction to be made to Lessees.

XXI. And be it further enacted, That all Demises, Leases, and Agreements for letting of the Tolls on the said Roads, heretofore granted, shall, on the Tenth Day of *July* next after the passing of this Act, cease and be void; and in case any Lessee or Lessees, Farmer or Farmers of such Tolls, or any other Person or Persons, shall, on the Vacation or Avoidance of such Demises, Leases, or Agreements for letting, refuse or neglect to deliver up the Possession of any Toll House, Toll Gate, Bar or Chain, or the Buildings and Appurtenances thereunto belonging, to the said Trustees, or to any Persons acting under their Authority, after Demand thereof made, then it shall be lawful for the said Trustees to remove such Lessee or Lessees, Farmer or Farmers, or Person or Persons from the Possession thereof, in such Manner as is herein-after directed with respect to the Removal of the Lessee or Lessees, Farmer or Farmers of the Tolls to arise and be made payable under this Act, whose Lease or Leases, Contract or Contracts, shall be avoided or vacated, as is herein-after mentioned: Provided always, that the said Trustees shall on or before the said Tenth Day of *July* next after the passing of this Act, and they are hereby authorized, directed, and required, to make or tender a fair and just Compensation and Satisfaction to the present Lessees or Lessee of such Tolls, for the Loss or Damage which they, he, or she may or might thereby sustain (such Loss or Damage being calculated according to the Amount of the Tolls which were payable at the Time of such Leases or Contracts being entered into, and not according to the Amount of the Tolls hereby made payable); and in case any such Lessees or Lessee shall be dissatisfied with the Amount of such Compensation, then and in such Case such Lessees or Lessee shall and may recover Compensation for the Loss or Damage sustained, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*; and also (unless the Amount recovered shall be less than the Sum tendered by or on Behalf of the said Trustees) shall have and recover their full Costs of Suit; provided also, that in case the said Trustees and the present Lessees of the said Tolls, or any of them, shall be desirous that such Demises, Leases or Agreements for letting, shall continue in force for the Remainder of the respective Terms for which the same or any of them shall have been granted or made, then and in such Case such Lessees or Lessee shall pay such Sums of Money, or such additional Rent, to the said Trustees, as such Trustees shall think fit, as a Consideration for the continuing of such Leases or Agreements for letting; and in case of any Difference or Dispute respecting the Amount of such Sum or Rent, such Difference or Dispute shall be settled by any Two Justices of the Peace for the said County of *Stafford*, which such Justices are hereby empowered to do, on

Application

Application being made to them for that Purpose by such Lessees or Lessee, and on Proof of Fourteen Days Notice of the Intention of such Lessees or Lessee having been given in Writing by such Lessees or Lessee to or at the Office of the Clerk of the said Trustees.

XXII. And be it further enacted, That during such Time as the Tolls arising on the said Roads, or any Part thereof, shall be demised or let to any Person or Persons whomsoever, it shall be lawful for the Lessee or Farmer thereof, or such other Person or Persons as he shall appoint, to occupy and enjoy the Toll House or Toll Houses at which the said Tolls so let are to be collected, with all the Appurtenances and Conveniencies thereto belonging, during such Time only as such Lessee or Farmer shall duly pay his Rent and perform the Covenants, Agreements, and Conditions contained in his Lease or Contract for the said Tolls, but not further or otherwise.

Lessees of Tolls may occupy Toll Houses.

XXIII. And be it further enacted, That in case all or any of the Tolls arising on the said Roads shall be demised or let to farm to any Person or Persons, in any Manner whatsoever, and the Lessee or Farmer thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent agreed to be paid by such Lessee or Farmer, or any Part thereof, shall be in arrear or unpaid for the Space of Three Days next after any of the Days on which the same ought to be paid, pursuant to the Lease or Contract for demising or letting the same; or in case such Lease or Contract shall in any Manner become void; then and in any of the said Cases it shall be lawful for any Justice of the Peace for the said County of *Stafford*, upon Application made by the said Trustees, or by any Person authorized on their Behalf, by Warrant under the Hand and Seal of such Justice, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of the Toll House, Toll Gate, Bar or Chain, demised or let along with such Tolls, and the Buildings and Appurtenances thereunto belonging, in the Day-time only, and to remove and put such Lessee or Farmer of the Tolls, or other Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and from the Possession thereof, and from the Collection of such Tolls, and to deliver the Possession thereof to the said Trustees, or such other Person acting under their Authority as aforesaid; and thereupon it shall be lawful for the said Trustees, if they shall so think fit, to vacate and determine the Lease or Contract for demising or letting the said Tolls to such Lessee or Farmer, and the same shall thereupon be utterly void, save only so far as respects the Covenants or Agreements therein contained for Payment of Rent, and the other Obligations or Agreements therein, which may then remain unpaid or unperformed on the Part of such Lessee or Farmer; and it shall and may be lawful for the said Trustees, in every such Case, again to demise or let to farm the said Tolls to any other Person or Persons, or cause them to be collected, in such and the same Manner as if no former Lease or Contract had been made relative thereto.

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

XXIV. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered, in the Manner by this Act directed,

[Local.]

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Power to widen certain Parts of the Roads.

directed, to amend the said Main Line of Road in the said first Three recited Acts mentioned, and render the same more commodious, by widening and improving certain Parts of the Line of the said Road which are described in the Maps or Plans and Books of Reference herein-after mentioned, and which lie respectively in the several Townships of *Darlaston* and *Pentbull*, and in the Borough of *Newcastle-under-Lyme*; and for the aforesaid Purpose or Purposes it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered to purchase and take, and to pull down, use, and lay into the said Main Line of Road, any of the Houses, Buildings, Tenements, Yards, Gardens, and Hereditaments mentioned in the Schedule to this Act annexed marked (A), making Satisfaction to the Owners thereof, and other Persons interested therein, for the same, or for the Damage they may respectively sustain thereby.

Power to
make Three
Deviations
from the
Main Line of
Road.

XXV. And be it further enacted, That it shall and may also be lawful for the said Trustees and they are hereby empowered, in the Manner by this Act directed, to divert and alter a certain Part of the said Main Line of Road which lies in the several Townships of *Trentham* and *Hanford* in the Parish of *Trentham*, commencing at a Point about Two hundred and twenty Yards to the Southward of a House called the *Bank House*, now or lately in the Occupation of *Samuel Glover*, and terminating at or near certain Houses now or lately in the several Occupations of *Peter Parrott*, *William Parrott*, *Thomas Key*, and *Richard Cooper*, and to make in lieu thereof a shorter and more level and commodious Line of Road within and through other Parts of the said Townships of *Trentham* and *Hanford* in the said Parish of *Trentham*, to the Westward of the present Line; and also to divert and alter a certain other Part of the said Main Line of Road which lies within the Borough of *Newcastle-under-Lyme* aforesaid, commencing in *Bridge Street* and terminating at the North End of a Place called *The Green*, and to make in lieu thereof a shorter and more level and commodious Line of Road within and through other Parts of the same Borough, to the North-eastward of the present Line; and also to divert and alter a certain other Part of the said Main Line of Road which lies within the Township of *Talk-on-the-Hill* and Parish of *Audley*, commencing at a Point about One hundred and fifty Yards Southward of a Lane leading from *Talk-on-the-Hill* to *Tunstall*, and terminating near the South Side of a Farm House called *The Hollins*, and to make in lieu thereof a shorter and more level and commodious Line of Road within and through other Parts of the said Township of *Talk-on-the-Hill* and Parish of *Audley*, so as to pass near *Harecastle House*, to the Eastward of the present Line; and for the Purpose or Purposes of making and completing the said several new and improved Lines of Roads, it shall be lawful for the said Trustees and they are hereby authorized and empowered to make and carry the said several new and improved Lines of Roads in, upon, over, or through any private Lands or Grounds described in the Maps or Plans and Books of Reference herein-after mentioned, of such Width as they shall think proper, not exceeding Forty-two Feet, together with such Footpaths, Causeways, Bridges, Culverts, Fences, Ditches, and Drains as they shall think necessary or expedient; and for the better Execution of such Purpose or Purposes, or any of them, to purchase and take, and to pull down, use, and lay into the said new and improved Lines of Road, any

of the Houses, Buildings, Tenements, Yards, Gardens, and Hereditaments mentioned in the Schedule to this Act annexed, marked (B.), making Satisfaction to the Owners thereof, and other Persons interested therein for the same, or for the Damage they may respectively sustain thereby.

XXVI. And be it further enacted, That it shall and may also be lawful for the said Trustees, and they are hereby empowered, in the Manner by this Act directed, to make and maintain a new Branch of Road, leading out of the said Main Line of Road, near the South Side of the said Farm House called *The Hollins*, in the said Township of *Talk-on-the-Hill* and Parish of *Audley*, to the *Linley Lane* Turnpike Road in the same Township of *Talk-on-the-Hill* and Parish of *Audley*; and for the Purpose of making the said new Branch of Road, it shall be lawful for the said Trustees, and they are hereby authorized and empowered to make and carry the same of such Width as they shall think proper, not exceeding Forty-two Feet, partly in, upon, over, or through any of the private Lands or Grounds described in the Maps or Plans and Books of Reference herein-after mentioned, and partly in, upon, over, or through the adjacent Lands of *James Caldwell* Esquire, which are also herein-after mentioned, together with such Footpaths, Causeways, Culverts, Fences, Ditches and Drains, as they shall think necessary or expedient; and for the better Execution of such Purpose, to purchase and take and to lay into the said new Branch of Road such Part as may be necessary of the Hereditaments mentioned in the Schedule to this Act annexed, marked (C); making Satisfaction to the Owners thereof, and other Persons interested therein, for the same, or for the Damage they may respectively sustain thereby.

Power to make a new Branch to *Linley Lane*.

XXVII. And whereas Maps or Plans describing the several improved and new Lines of Road herein-before authorized to be made, and the Lands and Hereditaments through or over which the same are intended to be made or carried, have been deposited, together with Books of Reference containing Lists of the Names of the Owners and Occupiers of such Lands and Hereditaments, at the Office of the Clerk of the Peace for the said County of *Stafford*; be it therefore enacted, That the said Maps or Plans and the said Books of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may, at all seasonable Times, have Liberty to inspect and peruse the same, and take Copies and Extracts thereof, at their Will and Pleasure, paying to such Clerk of the Peace 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 of the said Maps or Plans and Books of Reference; and that the said Trustees, in making such improved and new Lines of Road, shall not deviate more than One hundred Yards from the respective Lines described in the said Maps or Plans, without the Consent in Writing of the Person or Persons, or Bodies Politic, Corporats or Collegiate, through whose Lands or Premises any such Deviation shall be made.

New Lines of Road to be made according to Plans deposited with the Clerk of the Peace.

XXVIII. Provided always, and be it further enacted, That notwithstanding any thing herein-before contained, the said Trustees, in causing the said new Branch of Road to be made from or near *The Hollins* afore-

Prviso for a Deviation from the Plan being said

made in the Line of the new Branch, but not exceeding One Hundred Yards.

said to the said *Linley Lane* Turnpike Road, shall and may and they are hereby empowered and directed (with the Consent of the Land Owners interested therein) to deviate from the Map or Plan of the same Branch Road, deposited as aforesaid, to such Extent and in such Manner as that the Eastern Commencement of the said Branch Road may be made and carried partly over the Land of *John Shaw*, in the said Map or Plan described, and partly over the adjoining Land of *James Caldwell* Esquire; and that the Line of the said Branch Road may be continued Westward from such Commencement, so as to form the future Boundary between the Lands of the said *John Shaw*, in the said Map or Plan described, and the adjoining Lands of the said *James Caldwell*, so far as the Lands of the said *John Shaw* extend; and so that no Part of the Lands of the said *John Shaw* shall be left to intervene between the said Branch Road and the Lands of the said *James Caldwell*; and may thence be continued Westward from the Termination of the Lands of the said *John Shaw*, through the other Lands in the said Map or Plan described, so as to join the *Linley Lane* Turnpike Road at a Point which will leave a Barn, now standing upon the Lands belonging to *Talk Chapel*, at the Distance of not less than Thirty-seven Yards from the North Side of the said new Branch Road: Provided nevertheless, that the Deviation hereby authorized and directed to be made shall in no case exceed the Distance of One hundred Yards from the Line described in the said Map or Plan.

Lands marked in the Plans may be used, notwithstanding Errors in the Books of Reference.

XXIX. Provided also, and be it further enacted, That notwithstanding any thing contained in the said last recited Act, it shall and may be lawful for the said Trustees to make and carry the said improved and new Lines of Road into, through, across, or over the Lands of any Person or Persons, who is or are or may be Owner or Owners of any Lands, over which the same Lines of Road are set out and described in the said Maps or Plans, as being intended to be carried, although the Name or Names of such Owner or Owners, or of his or their Tenant or Tenants, may happen to be omitted, or erroneously stated, in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Stafford*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Inadvertence or Mistake.

No Houses, &c. to be taken without the Owner's Consent, except scheduled Houses, &c.

XXX. Provided also, and be it further enacted, That neither the Powers and Authorities given by this Act for making the said improved and new Lines of Road herein-before mentioned, nor the Powers and Authorities given by the said last recited Act for amending, altering, turning, widening, or improving any of the Roads comprised in this Act, shall extend or be construed to extend to empower or authorize the said Trustees to take or use, for any of the Purposes of this Act, any Dwelling House or other Building, or any Garden, Yard, Paddock, Lawn, Planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, except such as are mentioned in the said Schedules to this Act annexed.

Fences to be made on the Sides of the new Lines of Road.

XXXI. And be it further enacted, That the said Trustees shall and they are hereby required to make and erect sufficient Fences on the Sides of the said Roads in all Cases where any new or diverted Line of such Roads,

to

to be made under the Authority of the said last recited Act or this Act, shall pass through or over any private Lands or Grounds; and after such Fences shall be first made the same shall be, for ever thereafter, the Property of the Persons or Parties on whose Lands or Grounds the same shall have been made and erected, and shall be supported and maintained by or at the Expence of the Occupiers of the Lands or Grounds whereon such Fences shall have been so made and erected.

XXXII. And be it further enacted, That the several and respective Persons who have subscribed for or agreed to advance any Sum or Sums of Money, for or towards the making, altering, diverting, or improving of the said Roads, or any Part thereof, shall and they are hereby required to pay the Sum or Sums of Money so subscribed by them respectively, within such Time and Times, and in such Parts and Proportions as is or are expressed in the Writing or Writings subscribed by them respectively, or as the said Trustees shall order and direct, and the same shall be demanded by and paid to such Person or Persons as the said Trustees shall by any Writing authorize to receive the same; and if any Person or Persons having so subscribed or agreed to advance any Sum or Sums of Money for the Purposes aforesaid, shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for the same, in the Name of any Two of such Trustees, or of their Clerk, and to recover the same, together 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, or more than One Imparlance shall be allowed; and all such Monies shall be vested in the said Trustees, and shall be applied, as far as may be necessary, for or towards the Purposes specified in the several written Agreements by which the same were respectively subscribed or agreed to be advanced; and if any Surplus of such Monies shall afterwards remain, then such Surplus shall be applied for the general Purposes of this Act.

Subscribers
to pay their
Subscrip-
tions.

XXXIII. And be it further enacted, That out of the Monies already received by virtue of the said first Three recited Acts, and now in the Treasurer's Hands, or out of the first Money which shall arise or be received from the Tolls by this Act granted, or otherwise, the said Trustees shall in the first Place pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, with Interest for the same; and the Remainder of all such Monies shall from Time to Time be applied, in the second Place, in keeping down the Interest of the principal Monies advanced or borrowed on the Credit of the said first Three recited Acts, and which may be borrowed on the Credit of this Act, and in paying off such yearly Instalments of a Debt due on the Credit of the Tolls of the said Roads to the Commissioners for the Loan of Exchequer Bills, as the said Commissioners are entitled to receive from the Trustees of the said Roads, until the said Debt is wholly satisfied; and in the next Place in erecting Turnpikes and Toll Houses, and in making the said new Branch of Road, and in amending, altering, turning, widening, improving, and keeping in Repair all the said Roads, and in otherwise putting this Act into Execution; and lastly, in repaying the other principal Monies already borrowed by virtue of the said first Three recited Acts, or any of them, or hereafter to be borrowed by virtue of this Act, or the said last recited Act.

Application
of the Tolls
and Money
to be bor-
rowed.

[*Local.*]

7 P

XXXIV. And

Statute
Labour.

XXXIV. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work upon, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto as heretofore; and it shall and may be lawful for any Two or more Justices of the Peace for the said County of *Stafford*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, Hamlets, Divisions, or Places liable thereto, or in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, Hamlet, Division or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees, or to their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, Hamlet, Division, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses) of the Names of the several Persons who within such Parish, Township, Hamlet, Division, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject or liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Roads, as the said Trustees, or their Surveyor or Surveyors, by their Order, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Surveyor or Surveyors of every such Parish Township, Hamlet, Division, or Place, to pay over to the said Trustees or their Treasurer such Proportion of the Composition Money for Statute Work as aforesaid as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, (after Notice in Writing given to or left for him or them at his or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees), shall for every Day of his or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him or them, be subject and liable to such Pains, Penalties, and Forfeitures, as any Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a
Labourer,

Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off or discharge the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, Hamlets, Divisions, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two or more Justices of the Peace for the County or Place wherein such Surveyor or Surveyors of the Highways shall live or reside, on Complaint made to such Justices by the Surveyor or Surveyors to the said Trustees.

XXXV. And, in order to prevent Accidents from occurring at Night to Travellers and Passengers along the said Roads, be it enacted, That it shall be lawful for the said Trustees, whenever any Alteration or Improvement of any of the said Roads shall be commenced by Order of the said Trustees, in the Progress of which it may be apprehended that Danger would otherwise arise, to set up and erect Posts along or by the Side of the same Roads, in such Places as they may deem proper, and to affix Lamps thereto, and to cause such Lamps to be lighted at Night, during the Progress of any such Alteration or Improvement as aforesaid, and to order all necessary Expences thereby incurred to be paid out of the Tolls and Revenues of the said Roads.

In certain cases Lamps may be set up to prevent Accidents.

XXXVI. And be it further enacted, That notwithstanding any thing in the said last recited Act contained, it shall be lawful for the said Trustees, and they are hereby empowered, to cause such Part of the paved Carriageways, Causeways, and Footpaths along the Line and Course of the said Roads, as passes through the Borough of *Newcastle-under-Lyme*, to be repaired and maintained, as heretofore, by and out of the Tolls and Revenues of the said Roads: Provided nevertheless, that nothing herein contained shall authorize the said Trustees to lay down, maintain, or repair any Pavement, or any paved or pitched Causeway or Footpath, in, upon, or on the Side of the said new Line of Road intended to be made through the said Borough, nor to continue, maintain, or repair any Part of the Carriageways, Causeways, or Footpaths which are intended to be quitted and avoided by means of the said new Line of Road.

Pavements hitherto maintained by the Trustees, to be repaired in future.

XXXVII. And be it further enacted, That the said Trustees, or their Surveyor or Surveyors acting by the Order and under the Authority of the

Contracts may be made for altering the

or repairing
the Roads,
&c.

the said Trustees, shall and may and they are hereby respectively empowered to contract with any Person or Persons for making, repairing, altering, widening, improving, and maintaining the said Roads, or any Part thereof, or for erecting Mile or Direction Stones or Posts, or for making or repairing Fences, Drains, Watercourses, Bridges, Arches, or Culverts thereon, or for the Purchase of Materials, Tools, or Implements for the Use of the said Roads, or for the Carriage of any Materials, Soil, Earth, or other Matters to or from the said Roads, or for executing or performing any other Works necessary to be done or performed in the Execution of this Act, in such Manner, and for such Sum or Sums of Money as the said Trustees shall think proper; and all Contracts or Agreements in Writing, entered into pursuant to any Order of the said Trustees, by their Surveyor or Surveyors; with any Workmen or any other Person or Persons, relating to any of the Matters or Things aforesaid, shall be binding on the said Trustees, and upon all other Parties who shall sign the same, and the Executors and Administrators of such other Parties; and any Action or Suit shall and may be maintained by the said Trustees upon and in virtue of such Contracts or Agreements, and Damages and Costs shall and may be recovered against the Party or Parties making Default in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall be requisite for the Purchase, Execution, or Performance of the several Matters or Things which by such Contracts or Agreements respectively ought to have been done or provided by the Party or Parties so making Default as aforesaid, shall be the Measure of the Damages to be recovered in every such Action or Suit against such Party or Parties so making Default in fulfilling his or their Contract or Agreement, any Law or Usage to the contrary in anywise notwithstanding.

To compel
Payment of
Compensa-
tion, &c. by
Distress on
the Goods of
the Trustees
or their
Treasurer.

XXXVIII. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act or of the said last recited Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees or their Treasurer (which such Treasurer is hereby authorized and empowered to pay out of any Monies received or to be received by him as such Treasurer) to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk of the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act and the said last recited Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or

Sums of Money as or by way of Compensation or Satisfaction as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall receive in pursuance of this Act or the said last recited Act, all such Costs, Charges, and Expences as he shall be put unto by virtue of any such Order as aforesaid.

XXXIX. And be it further enacted, That the Trustees appointed by virtue of this Act shall not be personally subject to or charged with the Payment of any Sum or Sums of Money, by reason of their having signed or executed any Mortgage, or Assignment by way of Mortgage, or other Security to be made to any Person or Persons lending or advancing any Sum or Sums of Money to the said Trustees upon the Credit of the Tolls and Revenues of the said Roads, in pursuance of the Provisions contained either in this Act or the said last recited Act, but all such Sums of Money shall be repaid out of the Tolls by this Act granted.

Trustees not to be personally liable for Mortgages.

XL. And be it further enacted, That where by the said last recited Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties, for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, and shall and may be levied and recovered, by such and the like Ways and Means as any such Penalty or Penalties may be recovered by virtue of the said last recited Act.

Damages, &c. in certain Cases how to be ascertained.

XLI. 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.

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

Term of the Act.

The SCHEDULE (A.) referred to by this Act.

Townships.	Description of Premises.	Owners.	Occupiers.
Darlaston - - -	Carthouse, and Parts of Two Gardens - - - -	Swynfen Jervis, Esq. -	Thomas Dawson.
Penkhull - - -	Coal House, and Part of a Garden - - - -	John Smith - - -	Robert Whitfield.
	Coal House, and Part of a Garden - - - -	Same - - -	Thomas Bloore.
Newcastle-under-Lynie - - -	Part of a Garden - - -	Same - - -	Richard Lockett.
	House - - - -	Amelia Shipley - -	Joseph Stockton.
	The Rising Sun Public House and Out-buildings - -	The Marquess of Stafford	William Blaney.
	Part of a Yard - - -	The Earl Ferrers - -	Joseph Allen.
	Part of a Garden - - -	Same - - -	Robert Fenton.
	Part of a Court - - -	Delicia Clownam - -	Delicia Clownam.

The SCHEDULE (B.) referred to by this Act.

Townships.	Description of Premises.	Owners.	Occupiers.
Hanford - - -	Garden - - - -	Samuel Arrowsmith -	Void.
	House, Yard, and Garden -	Same - - -	Peter Parrott.
	House, Court, and Garden -	Peter Parrott - -	William Parrott.
	Garden - - - -	Same - - -	Void.
	House, Yard, Court, Garden, and Passage - - - -	Martha Hopkins - -	Thomas Key.
	House, Garden, Privy, and Pigsty - - - -	Richard Cooper - -	Richard Cooper.
	House, Garden, Privy, and Pigsty - - - -	The Marquess of Stafford	Charlotte Bentley.
	House, Court, Privy, and Pigsty - - - -	Robert Williams - -	John Cooper.
	House - - - -	Same - - -	Mary Cooper.
	Newcastle-under-Lyme - - -	Eagle and Child Public House, Privy, Passage, Yard, and Pigsties - - - -	William Turner, Esq. -
House, Yard, Privy, and Pigsty -		Same - - -	Richard Cartlich.
Pump, Passage, and Privy -		Joseph Griffith - -	Joseph Griffith.
Passage and Privy - - -		Thomas Sparrow, Esq. -	William Wilson.
Part of a Malt House and Passage - - - -		Same - - -	Void.
Part of a House, Privy, and Yard - - - -		Messrs. Sparrow & Co. -	Josiah Pepper.
Yard, Croft, and Fish Pond -		Same - - -	Part in Hand, and Part held by Thomas Eardley.
Talk-on-the-Hill - - -	Garden - - - -	The Earl Ferrers - -	Thomas Blakeman.
	Garden - - - -	Same - - -	John Wilson.
	Two Plantations - - -	Thomas Kinnersly, Esq. -	Thos. Kinnersly, Esq.
	Plantation - - - -	Richard Edensor Heathcote, Esq. - - -	Richard Edensor Heathcote, Esq.

The

The SCHEDULE (C.) referred to by this Act.

Township.	Description of Premises.	Owner.	Occupier.
Talk-on-the-Hill -	Plantation - - - -	James Caldwell, Esq. -	James Caldwell, Esq.

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