ANNO NONO

GEORGII IV. REGIS.

Cap. iv.

An Act for repairing and improving the Road from *Newcastle-under-Lyme* to *Leek*, and several Branch Roads, all in the County of *Stafford*.

[21st *March* 1828.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Road from* Newcastle-under-Line *to* Hassop, *and from* Middle-Hills *to the* Macclesfield *Turnpike Road near* Buxton, *and also the Road, branching out of the said first-mentioned Road at* Cobridge, *to* Burslem, *and to the* Uttoxeter *Turnpike at* Shelton *in the County of* Stafford: And whereas an Act was passed in the Thirteenth Year of Reign of His late Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act made in the Fifth Year of His present Majesty, for repairing and widening the Road from* Newcastle-under-Line *to* Hassop, *and from* Middle-Hills *to the* Macclesfield *Turnpike Road near* Buxton, *and also the Road, branching out of the first-mentioned Road at* Cobridge, *to* Burslem, *and to the* Uttoxeter *Turnpike Road at* Shelton *in the County of* Stafford, *and for amending several other Roads adjoining thereto*: And whereas an Act was passed in the Thirty-third Year of the Reign of His late Majesty

5 G. 3. c. 84.

13 G. 3. c. 100.

33 G.3.c.141. King *George* the Third, intituled *An Act to enlarge the Terms and Powers of Two Acts of Parliament, the one passed in the Fifth Year of the Reign of His present Majesty, for repairing and widening the Road from* Newcastle-under-Line *to* Hassop, *and from* Middle-Hills *to the* Macclesfield *Turnpike Road near* Buxton, *and also the Road, branching out of the said first-mentioned Road at* Cobridge, *to* Burslem, *and to the* Uttoxeter *Turnpike Road at* Shelton *in the County of* Stafford, *and the other passed in the Thirteenth Year of the Reign of His said Majesty, to enlarge the Term and Powers of the said Act, and for amending several other Roads therein described:* And whereas by the said recited Act of the Thirteenth Year of the Reign of His late Majesty the Roads comprised in the said Act were divided into Two Parts or Districts, and the Road from *Newcastle-under-Line* to the *Cock Inn* in the Town of *Leek*, and the Roads, branching out of the same at *Cobridge*, to *Burslem*, and to the *Uttoxeter* Turnpike Road at *Shelton*, were constituted and directed to be called the First District of the said Roads: And whereas the Trustees appointed in or by virtue of the said recited Acts, in respect of the First District of the said Roads, have proceeded in the Execution thereof, and have borrowed a very considerable Sum of Money upon the Credit of the Tolls arising upon the same District, which still remains due, with a long Arrear of Interest, and which Monies cannot be repaid, nor can the said Roads constituting the said First District be properly amended, improved, and kept in repair, unless the Term and Powers of the said Acts, so far as the same relate to the First District of the said Roads, be enlarged, and the Tolls increased: And whereas the said Trustees have made and completed a new Piece of Road since the passing of the said Acts, leading from the Line of the First District of the said Roads, and commencing at a Place called *Smallthorne*, to the Town of *Burslem*, which is of great Convenience and Advantage to the Public, and it is therefore expedient that the same should be maintained by the said Trustees as Part of the same Turnpike Roads: And whereas it is expedient that the said recited Acts, so far as the same relate to the First District of the said Roads, should be repealed, and that further and other Provisions should be granted instead thereof: And whereas an

3 G. 4. c. 126. 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 an Act was passed in the Fourth

4 G. 4. c. 95. Year of the Reign of His 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

5 G. 4. c. 69. Year of the Reign of His present 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:* And whereas an Act was passed in the Seventh and Eighth Years of the Reign of

7&8 G. 4. c. 24. His present Majesty, intituled *An Act to amend the Acts for regulating*

ting Turnpike Roads in England: 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 passed in the Fifth, Thirteenth, and Thirty-third Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed, so far as the same respectively relate to the Roads therein comprised, and constituted or directed to be called "The First District of Road."

So much of recited Acts of 5, 13, & 33 G.3. as relates to the First District of Road, repealed.

II. And be it further enacted, That this Act shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of repairing and improving the Road leading from the *Compasses Inn*, in the Township of *Newcastle-under-Lyme*, through *Etruria*, *Cobridge*, *Smallthorne*, *Norton-in-the-Moors*, *Endon*, and to a Place, or parallel with the Dwelling House of *John Sleigh*, at the Corner of *Spout Street*, in the Township of *Leek*; the Road leading out of the last-mentioned Road at *Etruria* Turnpike, by *Etruria* Wharf, to the Corner of the Manufactory in the Holding of *Noah Robinson*, and adjoining the *Uttoxeter* Turnpike Road at *Shelton*, and called the *Oldfield Lane*; the Road leading from the *Cobridge* Old Turnpike to the *Newhall* Manufactory, called *Booden Lane*; the Road from the *King's Head Inn* in *Shelton*, by *Snape Marsh*, *Newhall*, and by *Andrew Stevenson*'s Manufactory in *Cobridge*, to the Corner of a House belonging to *William Walker*, and now called *Waterloo Road*; also the Road leading from the old School House in *Cobridge*, through *Hot Lane*, to the Dwelling House of *Jonathan Adams*, where *Issac Cartlidge*'s House formerly stood, and now called *The Old Turnpike Road*; also the Road leading from *Smallthorne* to the first Sough or Culvert in *John Wedgwood*'s Land, now called *The Moorland Road*; also the Road leading from *Etruria* Turnpike, by *Bell's Mill*, to the Corner of the Dwelling House belonging to *Peter Ashley*, and joining the Branch of Road from the *King's Head Inn* in *Shelton*, to the House of *William Walker*, as above-named, and called *The Mill Street*; also the Road leading from *Hot Lane* Toll Gate, to the Corner of a House in the Occupation of *William Bourne*, and adjoining the Road leading from *Cobridge* to *Smallthorne*; and the said Roads shall be called "The *Newcastle-under-Lyme* and *Leek* Roads."

This Act to be put into Execution for repairing the Roads herein described.

III. 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 by the said first Three recited Acts hereby repealed, or any of them, to be taken at the several Turnpikes, Toll Gates, and Side Gates erected upon, across, or by the Sides of any Part of the First District of the Roads therein comprised, and of all Interest

New Term and Tolls liable to former Debts, &c.

Interest due and to grow due thereon, 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 carrying the said first Three recited Acts hereby repealed into Execution, so far as the same relate to the said First District of Roads, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

Conveyances, &c. under former Acts to continue in force.

IV. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, Contracts, and Securities, made or entered into by any Person or Persons to or with the Trustees for carrying the said first Three recited Acts hereby repealed into Execution, so far as the same relate to the said First District of Roads, or to or with their Clerk or Treasurer, or any other Person or Persons on behalf of the said Trustees, 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 fully satisfied and performed on account and for the Benefit of the Roads included in this Act; and all Contracts or Agreements, Demises, Mortgages, and Securities, duly made or entered into by the said Trustees, or their Clerk or Treasurer, or other Person or Persons on their Behalf, as aforesaid, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, the Repeal of the said recited Acts, or any Law to the contrary notwithstanding.

Books under former Acts to be Evidence.

V. And be it further enacted, That all and every Book and Books of the Proceedings of the Trustees in the Execution of the said first Three recited Acts hereby repealed, so far as the same relate to the said First District of Roads, 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 all Books of Accounts of Receipts and Disbursements relating to the said First District of Roads, 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 Trustees for executing this Act, or as they shall direct, 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 anything for the same; and in case the Clerk to the said Trustees, or other Person having the Care of any such Books, shall refuse to permit, or shall not permit, the said Trustees, or such Creditors,

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

Present Officers to continue.

VI. And be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, 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, for the Purposes of the said Acts, so far as the same relate to the said First District of Roads, 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.

Powers of General Turnpike Acts extended to this Act.

VII. 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 varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or by the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty, and also save and except such Parts thereof as are varied, altered, or repealed,) 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 varied, altered, or repealed,) 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, and also the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and all and every the Powers, Provisions, Directions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things 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 appointed.

VIII. 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 *George Granville Leveson Gower*

Gower commonly called Earl *Gower*, the Right Honourable *Richard Grosvenor* commonly called Lord Viscount *Belgrave*, the Honourable *Francis Leveson Gower* commonly called Lord *Francis Leveson Gower*, the Honourable *John Crewe*, Sir *Edmund Antrobus* Baronet, Sir *George Chetwynd* Baronet, *William Adams* of *Cobridge*, *John Adams*, *Thomas Adams*, *William Adams* the younger, *Robert Ellis Aitkins* Clerk, *Thomas Allen*, *Richard Arkwright*, *Robert Arkwright*, *Jonathan Adams*, *Samuel Bagshaw*, *James Bateman*, *John Bateman*, *Richard Bent* Doctor of Physic, *John Bent*, *William Bent*, *Rowland Bent*, *William Bishop*, *Hugh Booth*, *Ralph Bourne*, *John Bourne*, *Thomas Brindley*, *James Bagnall*, *Joseph Brindley*, *Robert Bucknall*, *James Caldwell*, *James Stamford Caldwell*, *John Catlow*, *John Cook*, *Toft Chorley*, *Ralph Clews*, *James Clews*, *John A Christian*, *William Challinor*, *John Cruso*, *John Cruso* the younger, *Charles Coupland*, *John Davenport*, *John Davenport* the younger, *Henry Davenport*, *William Davenport*, *John Smith Daintry*, *Thomas Fenton*, *Robert Fenton*, *Hugh Ford*, *Thomas Firmstone*, *John Gardner*, *Arthur Godwin*, *Thomas Godwin*, *Stephen Godwin*, *Benjamin Godwin*, *Hugh Garner*, *Richard Gaunt*, *Matthew Gaunt*, *John Hales*, *Charles Hales*, *Lewis George Hales*, *John Ford Hyatt*, *William Hand*, *Richard Edensor Heathcote*, *John Heathcote* Clerk, *Robert Hill*, *Thomas Kinnersly*, *Samuel Keeling*, *Clement Leigh* Clerk, *Charles Bourne Lawton*, *John Lawton* Clerk, *Joseph Locker*, *Matthew Mare*, *Joseph Mayer*, *Thomas Minton*, *Job Meigh*, *Joseph Machin*, *Thomas Mansfield*, *Charles Meigh*, *Francis Hickin Northen* Doctor of Physic, *Thomas Phillips*, *Samuel Phillips*, *William Phillips*, *John Ridgway*, *William Ridgway*, *Richard Riley*, *John Riley*, *Spencer Rogers*, *John Repton*, *Samuel Shelley*, *Ralph Stevenson*, *Andrew Stevenson*, *John Sneyd* Clerk, *William Sneyd* (*Ashcomb*), *John Sleigh*, *John Tomlinson*, *Thomas Tomkinson*, *John Wickes Tomlinson* Clerk, *Frederick Wright Tomlinson*, *Josiah Wedgwood*, *Josiah Wedgwood* the younger, *Francis Wedgwood*, *Thomas Ward*, *Edward Whieldon* Clerk, *Charles Wickstead*, *Robert Williamson*, *Hugh Henshall Williamson*, *Alexander Wilson*, *Samuel Wright*, *Enoch Wood*, *Enoch Wood* the younger, *John Wood*, *Frederick Wilkinson*, *John Wedgwood*, *Wildig* Clerk, and their Successors, being duly qualified according to the Directions of the said recited Acts passed in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for putting this Act into Execution.

Power to appoint additional Trustees.

IX. 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 Three 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.

First Meeting of Trustees.

X. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *Dolphin Inn* in *Cobridge*, or some other convenient Place on the Line of the said Roads, on the Second *Thursday* 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.

Toll Gates may be continued and others erected.

XI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to continue all or any of the Toll Gates and Toll Houses now standing and being in and upon or across the said Roads, or on the Sides thereof, or any Part thereof, and to erect, set up, or build, or cause to be erected, set up, and built, in, upon, or across the said Roads or any Part thereof, or upon the Sides thereof, such and so many Toll Gates, Turnpikes, Side Bars, Chains, and Weighing Machines, with Toll Houses, Outbuildings, and other Conveniences thereto, and also to take in and inclose, on the Sides of the said Roads or any Part thereof, convenient Garden Spots for each of such Toll Houses (not exceeding One Eighth Part of a Statute Acre to each Toll House), as the said Trustees shall direct or appoint; and also shall and may from Time to Time alter or take down and discontinue the same, or any of them, as they the said Trustees shall think expedient.

Power to take Tolls.

XII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person appointed or continued or to be appointed Collector 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 and 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 on the next succeeding Night; (that is to say),

Tolls.

For every Horse, Ass, Mule, or other Beast drawing any Coach, Stage Coach, Landau, Barouche, Chariot, Chaise, Landaulet, Phaeton, Hearse, Curricle, Chair, Gig, Caravan, Van, Taxed Cart, or other Carriage of like Description, by whatsoever Name called or known, any Sum not exceeding Sixpence:

For every Horse, Mule, Ass, Ox, or Bullock drawing any Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, any Sum not exceeding Four-pence; and having the Fellies of the Wheels thereof of the Breadth of Four

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and a Half Inches or upwards, and less than Six Inches, at the Bottom or Soles thereof, any Sum not exceeding Five-pence; and having the Fellies of the Wheels thereof of the Breadth of Three Inches or upwards, and less than Four and a Half Inches, at the Bottom or Soles thereof, any Sum not exceeding Sixpence; and having the Fellies of the Wheels thereof of less Breadth than Three Inches at the Bottom or Soles thereof, any Sum not exceeding Seven-pence:

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

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 than a Score:

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Seven-pence Halfpenny *per* Score; and so on in proportion for any less Number than a Score.

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.

Tolls to be paid but Once a Day.

XIII. Provided always, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any One of such Toll Gates, Turnpikes, or Side Gates or Chains, such Horse, Beast, or Cattle shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass Toll-free during the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) through the same Toll Gate, Turnpike, or Side Gate or Chain, and also through the next Toll Gate, Turnpike, or Side Gate or Chain erected on the said Roads, or the Sides thereof.

Limiting the Number of Tolls on the whole Line.

XIV. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees to demand or take more than Two Tolls for or in respect of the same Horse, Beast, or Cattle, for passing or repassing at any Time or Times in any One Day (to be computed as aforesaid) through all or any of the Toll Gates, Turnpikes, or Side Gates along the whole Line of the said Roads: Provided also, that the Toll Gate lately erected at *Smallthorne*, and the old Toll Gate, and the Chain erected or being at or near the same Place, shall for the Purposes of this Act be considered and be deemed and taken to be together One Gate only.

XV. Pro-

XV. 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, Stage Waggon, or other Stage Carriage conveying any Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing along the said Roads or any of them. Stage Coaches, &c. to pay every Time of passing.

XVI. 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. Post Chaises, &c. on every new Hiring.

XVII. And be it further enacted, That the Monies already received by virtue of the said first Three recited Acts hereby repealed, on account of the said Roads, and the Monies which shall be raised or received by virtue of this Act, shall be applied and disposed of by the said Trustees in manner following; (that is to say,) in the first place, in paying and discharging all the Costs and Expences relative to the procuring and passing of this Act, together with lawful Interest on any Money which shall be awarded or borrowed for that Purpose; in the next place, in paying and discharging the Interest accruing and becoming due upon the several Mortgages and Securities which have been already made and granted, or which shall be at any Time made and granted upon the said Tolls in pursuance of this Act; and in the next place, in defraying the Expences of providing and erecting Toll Houses and Turnpike Gates upon the said Roads, and repairing and improving the said Roads, and in putting this Act in execution in all other respects; and lastly, in reducing, paying off, and discharging the Principal Sums for the Time being or to become due on Security of the Tolls and Duties by this Act granted. Application of Tolls and Money borrowed.

XVIII. Provided always, and be it further enacted, That no Money arising from any of the Tolls hereby authorized to be collected and taken shall be applied in or towards the Repair of any Branch Road 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 Acts; provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Branch Road than shall be collected thereon, or received in lieu of Statute Labour in respect thereof. No Money to be laid out on the Roads where there is no Turnpike erected or no Tolls taken.

XIX. 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.

Term of Act.

XX. And be it further enacted, That this Act shall commence and take effect 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.

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