ANNO QUARTO

# GEORGII IV. REGIS.

## *Cap.* li.

**An Act for improving and maintaining in Repair divers Roads in the County of *Stafford*, leading from *Newcastle-under-Lyme* to *Blyth Marsh*, from *Cliff Bank* to *Snape Marsh*, from *Lower Lane* to *Hem Heath*, and from *Shelton* to *Newcastle-under-Lyme*.**

**[23d *May* 1823.]**

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing and widening the Road from the Town of* Derby *to the Town of* Newcastle-under-Lyme *in the County of* Stafford, whereby the several Roads therein described were divided into Two Districts, and the Road leading from the Town of *Uttoxeter* in the said County of *Stafford*, to the Town of *Newcastle-under-Lyme* aforesaid, was thereby declared to be the Second District of Roads comprized therein: And whereas another Act was passed in the Third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing and enlarging the Term and Powers of an Act made in the Thirty-second Year of the Reign of His late Majesty King* George *the Second, for repairing and widening the Road from the Town of* Derby *to the Town of* Newcastle-under-Lyme *in the County of* Stafford; *and for repairing and widening the Road from* Cliff Bank *to* Snape Marsh *in the Village of* Shelton *in the County of* Stafford; by which now reciting Act, the said Road from *Cliff Bank* to *Snape Marsh* in *Shelton* was included in and made Part of the Second District constituted by the said first recited Act: And whereas another Act was passed in the Eighteenth Year of the Reign of His said late Majesty King *George*

32 G. 2. c. 60.

3 G. 3. c. 57.

18G.3.c.109. the Third, intituled *An Act to empower the Trustees for amending the Road from* Uttoxeter *to* Newcastle-under-Lyme *in the County of* Stafford *to repair and widen the Road branching out of the said Road at* Lower Lane *to the Turnpike Road on* Hem Heath *in the same County*: And whereas another Act was passed in the Forty-second Year of the
42G.3.c.98. Reign of His said late Majesty King *George* the Third, intituled *An Act for continuing the Term, and altering and enlarging the Powers of several Acts, passed in the Thirty-second Year of the Reign of His late Majesty King* George *the Second, and in the Third and Eighteenth Years of the Reign of His present Majesty, for repairing, widening, and amending the Roads from the Town of* Uttoxeter *to the Town of* Newcastle-under-Lyme, *and from* Cliff Bank *to* Snape Marsh, *and also from* Lower Lane *to* Hem Heath, *all in the County of* Stafford; by which now reciting Act, the Roads comprehended in the said Second District, were again subdivided into Two other Districts, One of which Districts was thereby directed to be called *The Newcastle-under-Lyme District*, and to comprize the Road from the Town of *Newcastle-under-Lyme*, to and through the Villages and Places of *Stoke-upon-Trent*, *Lane Delph*, *Lane End*, and *Meer*, and from thence to a Dwelling House on *Blyth Marsh*, then in the Tenure of *Thomas Bromley*, and also the Roads from *Cliff Bank* to *Snape Marsh* aforesaid, and from *Lower Lane* to *Hem Heath* aforesaid; and in and by the now reciting Act it was provided, that One Moiety or Half Part of the Debts which were then owing upon the Credit of the said before-mentioned Second District, should thereafter be charged (as between the Two Districts created by the now reciting Act) upon the said *Newcastle-under-Lyme* District, and that the other Moiety or Half Part of the same Debts should thereafter be charged (as between the same Two Districts) upon a District of Roads constituted by the now reciting Act, and thereby directed to be called *The Uttoxeter District*; and the Repayment of the Entirety of the said Debts was guaranteed to the several Creditors, upon the Tolls arising as well within the said *Newcastle-under-Lyme* District, as within the said *Uttoxeter* District: And whereas the principal Sum of Two thousand and five hundred Pounds besides Interest, (being the Amount of the Debts charged in the Manner aforesaid upon the said Two last mentioned Districts) is now due upon Mortgage of the Tolls arising as well within the said *Newcastle-under-Lyme* District, as within the said *Uttoxeter* District, and in conformity with the Provisions of the said lastly recited Act, the Interest of the said Debt is defrayed at the joint and equal Charge of the said Two Districts: And whereas the Term and Powers of the said recited Acts will shortly expire, and it is expedient to make Provision by Law, not only for the Security and Repayment of the said Debt so due and owing as aforesaid, but also for the Maintenance and Repair of the several Roads comprized in the said *Newcastle-under-Lyme* District: And whereas certain Parts of the Roads comprized in the said *Newcastle-under-Lyme* District are narrow and inconvenient, and as the said Roads pass through a very populous Country, it is of great Importance to the Public Safety and Accommodation that effectual Powers should be granted for widening and improving such narrow and inconvenient Parts of the said Roads: And whereas it would improve the Communications between the Town of *Newcastle-under-Lyme* and Part of the neighbouring Potteries of *Staffordshire*, and would be of considerable public Utility, if a new Branch of Road were made and maintained,

tained, branching from One of the Roads comprized in the said *Newcastle-under-Lyme* District, near the Potworks now or lately in the Occupation of Messieurs *Ford*, in *Shelton*, to another of the said Roads near the East End of the *King's Field* in *Newcastle-under-Lyme* aforesaid, and from another Part of the last-mentioned Road, near the West End of the *King's Field* aforesaid, to the *London* and *Liverpool* Turnpike Road at the North End of *Penkhull Street* in *Newcastle-under-Lyme* aforesaid, and such new Branch of Road may be executed and maintained conveniently and beneficially for the Public, under the Care and Management of the Trustees for the said *Newcastle-under-Lyme* District: 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 Four recited Acts, so far as the same relate to the said *Newcastle-under-Lyme* District, 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 first Four recited Acts, and all and every the Tolls, Authorities, Powers, Enactments, Provisions, and Clauses therein contained, so far as the same Acts or any of them relate to the said *Newcastle-under-Lyme* District, shall be and the same are hereby declared to be repealed; and that this Act shall thenceforth commence and take effect, and continue in full Force and be executed for and during the Term herein-after mentioned, as well for the Purpose of amending, widening, altering, improving, and keeping in Repair all the before-mentioned Roads heretofore comprized in the said *Newcastle-under-Lyme* District; that is to say, the Road from the Town of *Newcastle-under-Lyme* to and through the Villages and Places of *Stoke-upon-Trent*, *Lane Delph*, *Lane End*, and *Meer*, and from thence to the said Dwelling House on *Blyth Marsh*, now or heretofore in the Tenure of *Thomas Bromley*, and also the Roads from *Cliff Bank* to *Snape Marsh* in *Shelton* aforesaid, and from *Lower Lane* to *Hem Heath* aforesaid; as also for the Purpose of making and maintaining the said new Branch of Road from *Shelton* aforesaid to the *London* and *Liverpool* Turnpike Road in *Newcastle-under-Lyme* aforesaid, which new Branch of Road is to form and constitute a Part of the Roads comprized in the said *Newcastle-under-Lyme* District; and this Act, and the Term and Tolls hereby granted, shall and the same are hereby declared to be subject and liable to the Payment of such Part and Proportion of the said Mortgage Debt herein-before recited to be owing jointly from the said *Newcastle-under-Lyme* District and the said *Uttoxeter* District, and the Interest thereof, with which the said *Newcastle-under-Lyme* District was previously to the passing of this Act justly chargeable, under the Provisions of the said recited Act of the Forty-second Year of King *George* the Third; and this Act, and the Term and Tolls hereby granted, shall and the same are hereby declared to be also subject and liable to the Payment not only of all Monies now due and owing in respect of the said *Newcastle-under-Lyme* District separately, upon the Credit or on account of the said first Four recited Acts or any of them, but of all Monies which shall or may be hereafter borrowed or become

3 G. 4. c. 126.

Four first recited Acts repealed.

become due in respect of the said *Newcastle-under-Lyme* District separately, upon the Credit or on account of this Act, and of all Interest due and to grow due for the same respectively, 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 Four recited Acts or any of them, so far as the same relate to the said *Newcastle-under-Lyme* District, 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 Four recited Acts or any of them, so far as the same relate to the said *Newcastle-under-Lyme* District, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed, on account and for the Benefit of the Trusts hereby created; and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the said first Four recited Acts or any of them, so far as the same relate to the said *Newcastle-under-Lyme* District of Roads, with or to any Person or Persons, for any Purpose relating to the said Roads, or to the Execution of the said first Four recited Acts or any of them, so far as the same relate to the said *Newcastle-under-Lyme* District, 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 Four recited Acts.

Trustees appointed.

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 *George Granville Leveson Gower* commonly called Earl *Gower*, the Right Honourable *Robert Sewallis Shirley* commonly called Lord Viscount *Tamworth*, the Right Honourable *Francis Leveson Gower* commonly called Lord *Francis Leveson Gower*, the Honourable *Thomas Windsor*, the Honourable *William Jervis Ricketts*, the Honourable *John Edward Ricketts*, the Honourable *William Scott*, Sir *John Fenton Boughey* Baronet, *William Adams* of Cobridge, *John Adams*, *William Adams* the younger, *Joseph Adams*, *Benjamin Adams* Clerk, *William Adams* of *Stoke*, *Robert Ellis Aitkens* Clerk, *Thomas Allen*, *John Anderton* Clerk, *Laurence Armitstead*, *John Astbury* Doctor of Physic, *James Astbury*, *John Aston*, *Ralph Aston*, *Samuel Bagshaw*, *William Baker*, *William Baker* the younger, *William Bailey*, *William Bailey* the younger, *John Ball*, *Thomas Bamford*, *John Birch Basnett* Clerk, *William Batkin*, *John Cooper Beckett*, *James Beech*, *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 Blunt* Clerk, *Hugh Booth*, *Joseph Booth*, *Thomas Fletcher Fenton Boughey*, *John Fenton Fletcher Boughey*, *George Fenton Fletcher Boughey*, *Ralph Bourne*, *John Bourne*, *Charles Bourne*, *Charles Bourne* the younger, *Thomas Brooke* Clerk,

Clerk, *Ralph Brown*, *Richard Bull*, *Robert Bull*, *Thomas Butt* Clerk, *James Caldwell*, *James Stamford Caldwell*, *John Carey*, *Charles Benjamin Charlewood* Clerk, *George Chetwynd*, *Roylance Child*, *Baddeley Child*, *William Clarke*, *Ralph Clews*, *James Clews*, *Bernard Coombe*, *Thomas Gorton Coombe*, *Walter Hill Coyney*, *Walter Weston Coyney*, *John Davenport*, *John Davenport* the younger, *Henry Davenport*, *Thomas Drewry*, *Benjamin Eardley*, *John Eardley*, *George Wood Eaton*, *Thomas Edwards*, *William Edwards*, *John Fenton* Clerk, *Thomas Fenton*, *Robert Fenton*, *John Thomas Fenton*, *Thomas Firmstone*, *Richard Sutton Ford*, *George Forrister*, *John Gardner*, *James Gardner*, *James Godwin*, *James Greaves*, *Thomas Fenton Grosvenor*, *John Hadderton*, *John Hales*, *George Hall*, *Robert Hamilton*, *Charles Harvey*, *John Harvey*, *Charles Hassells*, *Charles Stephen Hassells*, *Richard Edensor Heathcote*, *Nigel W. Heathcote*, *Charles B. Heathcote*, *Thomas Harley*, *Samuel Henshall*, *William Henshall*, *Richard Hicks*, *Caleb Hill*, *Robert Hill*, *William Hill*, *Richard Clarke Hill*, *Robert Hill*, *William Holland*, *John Hollins*, *Richard Hollins*, *Thomas Hollins*, *William Hyatt*, *William Stevenson Hyatt*, *William Shepherd Kinnersly*, *Thomas Kinnersly*, *Edward Kinnersly*, *John Kirkham*, *Samuel Langley* Clerk, *James Leech*, *Clement Leigh* Clerk, *Edward John Littleton*, *John Lockett*, *James Mainwaring* Clerk, *Matthew Mare*, *Samuel Mare*, *Charles Mare*, *Jacob Marsh*, *George Miles Mason*, *Charles James Mason*, *John Mason*, *Thomas Mayer*, *Thomas Mayer* the younger, *Joseph Mayer*, *Samuel Mayer*, *Samuel Mayer* the younger, *James Meakin*, *Job Meigh*, *Charles Meigh*, *Thomas Minton*, *Thomas Webb Minton*, *Herbert Minton*, *Richard Mountford*, *Richard Newbold*, *William Nickisson*, *John Nickisson*, *Francis Hickin Northen* Doctor of Physic, *Thomas Hawe Parker*, *Thomas Peak*, *John Phillips*, *John Eldershaw Phillips*, *Thomas Phillips*, *John Philips*, *Thomas Plant*, *James Poole*, *Edward Powys* Clerk, *John Pratt*, *Felix Pratt*, *George Ridgway*, *John Ridgway*, *William Ridgway*, *John Robison*, *Spencer Rogers*, *John Hendley Sheridan*, *Samuel Grey Simpson*, *John Smith* of *Fenton*, *John Smith* of *Penkhull*, *John Smith* Clerk, *Robert Smith*, *James Smith*, *John Gabriel Smith*, *Walter Sneyd*, *Ralph Sneyd*, *William Sneyd* of *Bradwell*, *William Sneyd* of *Ashcombe*, *William Debank Sneyd*, *Thomas Sparrow*, *Josiah Spode*, *Josiah Spode* the younger, *Thomas Stanier*, *Ralph Stevenson*, *Thomas Stirrup*, *William Swift*, *Thomas Swinnerton*, *Thomas Thompson*, *George Tollet*, *John Tomlinson*, *John Wickes Tomlinson*, *Frederick Wright Tomlinson*, *John Turner*, *Francis Twemlow*, *Peter Walthall*, *Peter Walthall* Clerk, *Thomas Walthall*, *Jacob Warburton*, *John Warburton*, *Thomas Ward*, *John Wedgwood* of *Betley*, *Josiah Wedgwood*, *Josiah Wedgwood* the younger, *John Whalley* Clerk, *John Whalley* the younger, *Daniel Whalley*, *John Turner Whieldon*, *George Whieldon*, *Edward Whieldon* Clerk, *Charles Wicksted*, *Robert Williamson*, *Hugh Henshall Williamson*, *Thomas Wilson*, *John Wilson*, *George Wood*, *John Chappel Woodhouse* Doctor in Divinity, *Samuel Wright*, *John Yates*, *William Yates*, and *William Wingfield Yates*, and their Successors, shall be and they are hereby appointed Trustees for putting this Act into Execution, within and for the said *Newcastle-under-Lyme* District of Roads.

Extending General Act to this Act.

III. And be it further enacted, That all and every the Powers, Provisoes, Exemptions, Penalties, Forfeitures, 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

of the same Force, Effect, and Validity, for carrying the Purposes of this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Five additional Trustees may be appointed.

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.

Trustees to take an Oath to act impartially.

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 herein-after 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),

Oath.

'I do swear [*or*, being one of the People called *Quakers*, 'I 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*].

'So help me GOD.'

[*Or, in the case of a Quaker, omit the Words* 'So help me God.']

Penalty on acting without taking the Oath.

And if any Person not having taken and subscribed the Oath herein-before mentioned, or being a Quaker, not having made and subscribed the Affirmation herein-before mentioned, shall nevertheless presume hereafter 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 Imparlance 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.

Meeting of Trustees.

VI. And be it further enacted, That the Trustees for executing this Act shall meet together at the Public Office, or at some other convenient Place

Place within the Borough of *Newcastle-under-Lyme*, upon the Third *Saturday* 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 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 said 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 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 first Four recited Acts, 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.

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 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

Meetings on Emergencies.

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 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 or being across 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.

Books of Proceedings kept under former Acts to be Evidence.

VIII. And be it further enacted, That all Books of Proceedings of the Trustees in the Execution of the said first Four 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.

Books kept of Accounts of Receipts and Disbursements under former Acts shall be open to the Inspection of the Trustees and Creditors.

IX. And be it further enacted, That all Books of Proceedings of the Trustees in the Execution of the said first Four recited Acts, and all Books of Accounts of Receipts and Disbursements made under the said Acts, and all Books for registering Mortgages or Assignments made in pursuance thereof, so far as the same respectively relate to the said *Newcastle-under-Lyme* District, shall be preserved and kept by the Clerk for the Time being to the said Trustees, and shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said 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.

X. 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.

XI. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed according 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 Four recited Acts, 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 Treasurer, and vice versa.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, 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.

Treasurer, &c. to give Security.

XIII. 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.

Trustees may appoint temporary Collectors.

XIV. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls hereby granted shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, or 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 or Receiver; and in such Case, and also in case any Collector or Receiver shall die, to nominate and appoint a proper Person to be Collector or Receiver of the Tolls, to continue until the next Meeting of the Trustees, or until removed by virtue of the Powers and Provisions of the said last recited Act and this Act; which Person or Persons so nominated and 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.

Power to widen certain narrow Parts of the Roads.

XV. 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, to amend and improve Part of the said Roads, and to render the same more commodious, by widening certain narrow Parts of the Lines of the same Roads, which are described in a Map or Plan and Book of Reference herein-after mentioned, and which lie respectively in the several Townships of *Shelton*, *Penkhull*, *Fenton Vivian*, *Lane End*, and *Longton*; 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 Lines of the said Roads, any of the Houses, Buildings, Tenements, Courts, Yards, Gardens, Lands, and Hereditaments mentioned in the Schedule to this Act annexed, making Satisfaction to the Owners thereof and other Persons interested therein for the same, or for the Damage they may respectively sustain thereby.

Powers to make a new Branch from Shelton to Newcastle.

XVI. 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 the said intended new Branch of Road, leading out of and from One of the Roads comprised in the said District, near the before-mentioned Potworks in *Shelton*, to another of the said Roads near the East End of the before-mentioned *King's Field* in *Newcastle-under-Lyme* aforesaid, and from another Part of the last-mentioned Road, near the West End of the said *King's Field*, to the *London* and *Liverpool* Turnpike Road, at the North End of *Penkhull Street* in *Newcastle-under-Lyme* aforesaid; 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, together with such Footpaths, Causeways, Culverts, Fences, Ditches, and Drains as they shall think necessary or expedient, in, upon, over, or through any of the private Lands or Grounds described in a Map or Plan and Book of Reference herein-after mentioned, making Satisfaction to the Owners thereof and other Persons interested therein for the same, or for the Damage they may respectively sustain thereby: Provided always, that in the Execution of the said Powers, no open Spring shall be stopped up, or the Water thereof or any other Water be diverted, so as to prevent the same from running in the Course or Direction in which it has been accustomed to run previous to the passing of this Act.

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

XVII. And whereas Maps or Plans describing the 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 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 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 to 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 Lines described in the said Maps or Plans, without the Consent in Writing of the Person or Persons, or Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises any such Deviation shall be made.

Proviso for a Deviation being made in Part of the Line of the new Branch not exceeding 100 Yards.

XVIII. Provided always, and be it further enacted, That notwithstanding any thing herein-before contained, the said Trustees, in causing the said new Branch Road to be made from *Shelton* to *Newcastle-under-Lyme*, shall and may and they are hereby empowered and directed so far to deviate from the Map or Plan deposited as aforesaid, as to carry that Part of the said new Branch Road which is to pass between the old *Hartshill* Road and *Foulhay Brook*, so much further to the Southward of the Line described in the said Map or Plan, as will be the Means of opening a direct Communication between the said new Branch Road and the adjacent Lands respectively belonging to Sir *John Fenton Boughey* Baronet, and *Lawrence Armitstead* Esquire, *Mary Chatterley* Widow, and *John Tomlinson* Esquire, and as will give to each of their said Lands as much of the immediate Front along the said new Branch Road, as in the Judgment of the said Trustees can be allowed, without material Inconvenience to the same Road; but nevertheless, such Deviation shall not be made without the Consent of the Owners of the Lands through which the same is proposed to pass, nor in any case to any further or greater Distance than 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 Book of Reference.

XIX. Provided always, and be it further enacted, That 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 Owners or Occupiers of any Lands or Hereditaments 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.

XX. Provided

No Houses, &c. to be taken without the Owners Consent, except scheduled Houses, &c.

XX. 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 the said *Newcastle-under-Lyme* District, 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, Park, 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 Schedule annexed to this Act.

Certain Bridges to be enlarged.

XXI. And whereas the Line of the said new Branch of Road herein-before mentioned is intended to pass over and along Two several Bridges belonging to the Company of Proprietors of the navigable Canal from the *Trent* to the *Mersey*, which have been heretofore erected by and at the Expence of the said Company, one of them over the Main Trunk of the said navigable Canal, and the other over that Branch of it which is known by the Name of the *Caldon Canal*; be it enacted, That it shall be lawful for the said Trustees and they are hereby empowered, for the Purpose of rendering the said Bridges convenient for the Passage of Travellers, either to widen and enlarge the said Bridges, or if need be, to take down and rebuild the same in a more commodious Manner, and to defray all the necessary Expences of such widening and Enlargement or rebuilding of the said Bridges out of the Tolls and Revenues of the said Roads: Provided nevertheless, that whenever such Bridges, or either of them, shall be taken down and rebuilt, the Ascent to the same shall in future not be more than One Foot in Thirteen Feet, and that a good and sufficient Fence shall be made on each Side of the said Bridges respectively, which Fence shall not be less than Four Feet above the Surface of the Bridge; and provided also, that no Obstruction or Impediment shall be occasioned by or in the Course of any such Alteration of the said Bridges to the Transit of Vessels along the said Canals, and that no such Alteration shall be made by the said Trustees except under the Sanction and Superintendence of the Engineer of the said Company of Proprietors; and provided also, that when any necessary Repairs shall be wanted to the said Bridges or either of them, after the same shall have been so originally widened and enlarged or rebuilt at the Expence of the said Trustees, the Costs and Charges of all such subsequent Repairs shall, during the Continuance of this Act, from Time to Time be borne and defrayed by the said Company of Proprietors and the said Trustees in the Proportions herein-after mentioned; that is to say, One-third Part thereof by the said Company of Proprietors, and the remaining Two-third Parts thereof by the said Trustees.

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

XXII. 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 said Roads, where any new Line of Road shall pass through or over any private Lands or Grounds; and after such Fences shall be first made, the same

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.

Contracts may be made for altering or repairing Road, &c.

XXIII. And be it further enacted, That the said Trustees, or their Surveyor or Surveyors acting by their Order and under their Authority, shall and may and they are hereby severally empowered to contract with any Person or Persons for making or amending, repairing, and maintaining the Roads in the said District, or any Part or Parts thereof, or for erecting Mile or Direction Stones or Posts, or for making or continuing Fences, Ditches, Drains, Watercourses, Bridges, Arches, Culverts, Tunnels, or other Works, 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 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 Actions, Suit or Suits, 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 Person or Persons 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 Person or Persons so making Default as aforesaid, shall be the Measure of the Damages to be recovered in every such Action or Suit, against such Person or Persons so making Default in fulfilling his or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

In certain Cases, Lamps to be set up to prevent Accidents.

XXIV. 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 said 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.

Power to erect Toll Gates and Turnpikes.

XXV. 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, upon, or

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, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Toll Gate or Turnpike, and to take in and inclose, on the Sides of the said Roads, suitable Garden Spots 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 alter or discontinue the same or any of them, as they the said Trustees shall think proper and direct or appoint.

Power to take Tolls.

XXVI. 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 which are or shall be continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the Roads by this Act directed or authorized to be repaired and amended or made, or any of them, 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 or other Beast drawing any Carriage of any Description, the Sum of Three-pence:

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

For every Ox, Cow, or Head of Neat Cattle, the Sum of One Half-penny:

For every Calf, Pig, Sheep, or Lamb, the Sum of One Farthing.

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid, before any Horse or other Beast or Carriage whatsoever shall be permitted to pass through any such Toll Gate or Turnpike; 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.

Lime for Manure to pay Half Toll only.

XXVII. Provided always, and be it further enacted, That there shall not be demanded or taken at any Toll Gate or Turnpike erected or to be erected within the said *Newcastle-under-Lyme* District, for or in respect of any Horse, Beast, Cattle, or Carriage employed in carrying or conveying, or going unladen to fetch, carry, or convey, or returning unladen from carrying or conveying, having been employed only in carrying or conveying on the same Day any Lime for manuring or improving Lands only, any more than One Half of the Toll which is hereby made payable in other Cases of Horses or Beasts drawing Carriages: Provided always, that if any Person or Persons shall by any fraudulent or collusive Means what-

whatsoever claim or take the Benefit of the said last-mentioned Reduction of Toll, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered in the Mode by which Penalties imposed by the said last recited Act are thereby directed to be recovered; and in every Case the Proof of Exemption shall be upon the Person claiming the same.

Liberty to take on the new Branch One Half more Toll than on the old Line of Road.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons appointed by them in that Behalf, and they are hereby authorized and empowered, to demand and take at the several Toll Gates or Turnpikes which shall be erected or set up in, upon, across, or on the Side of any Part of the said new Branch of Road, not only such and the same Tolls which by virtue of this Act and the said last recited Act may be lawfully demanded and taken at any of the Toll Gates or Turnpikes in, upon, across, or on the Side of the other Roads comprised in the said District, but also such additional Tolls as the said Trustees shall from Time to Time order to be demanded and taken upon the said new Branch of Road, not exceeding One Half of the Amount of the Tolls which by virtue of this Act and the said last recited Act may be lawfully demanded and taken at such last-mentioned Toll Gates or Turnpikes: Provided nevertheless, that nothing herein contained shall compel or oblige the said Trustees to demand or take any such additional Tolls upon the said new Branch of Road any longer than they shall consider it proper and expedient so to do.

Tolls to be paid but Once a Day.

XXIX. Provided always, and be it further enacted, That if any Person shall upon any Day have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage, through any one of the Toll Gates or Turnpikes herein-before authorized to be continued or erected upon any Part of the said Roads, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass Toll-free through the same Toll Gate or Turnpike, and also through all the other Toll Gates and Turnpikes erected or to be erected upon the whole Line of the said Roads, at any Time or Times during the same Day, to be computed as aforesaid: Provided always, that no Person shall be entitled to claim the Benefit of the Provision lastly herein-before contained, at any Toll Gate or Turnpike to be erected upon the said new Branch of Road, during such Time as the additional Toll herein-before authorized to be demanded and taken upon the said new Branch of Road shall continue to be demanded and taken, by the Order of the said Trustees, until such Person shall first have paid the Amount of such additional Toll at some Toll Gate or Turnpike upon the said new Branch of Road.

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

XXX. 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, 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 let out to Hire, and drawing Post

XXXI. 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

Chaises, &c. to be subject again to Toll on every new Hiring.

Draught let out to Hire, and drawing any Post Chaise 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.

Lessees of Tolls may occupy Toll Houses.

XXXII. 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 Conveniences 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.

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

XXXIII. 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 and Toll Gate or Turnpike 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 the Person or Persons who shall be found therein, together with his 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 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.

Toll Houses becoming useless may be sold by the Trustees.

XXXIV. 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

of this Act, together with 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 Nonapplication 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.

Subscribers to pay their Subscriptions.

XXXV. 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, either for or towards the improving, widening, or altering of any of the Roads heretofore comprised in the said *Newcastle-under-Lyme* District, or for or towards the making or maintaining of the said intended new Branch of Road, 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, or any of them, 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, nor 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 Overplus of such Monies shall afterwards remain, then such Overplus shall be applied for the general Purposes of this Act in regard to the said *Newcastle-under-Lyme* District.

Certain Subscriptions for widening or

XXXVI. And whereas several Sums of Money, amounting altogether to One thousand one hundred and twenty Pounds, have been subscribed

Roads to be paid off to the Lenders within Seven Years.

or agreed to be advanced by sundry Persons, for the Purpose of enabling the Trustees of the said *Newcastle-under-Lyme* District to widen the narrow Parts of the said Roads, lying in the several Townships of *Shelton*, *Penkhull*, *Fenton Vivian*, *Lane End* and *Longton*, to which reference is herein-before made, upon an express Condition that the Principal Sums so subscribed shall be repaid by Seven equal Instalments within Seven Years after the same shall be respectively advanced; be it therefore further enacted, That the Treasurer to the said Trustees for the Time being is hereby empowered and directed, by and out of the Tolls arising from the said Roads, yearly and every Year after the said before-mentioned Sums of Money or any of them shall be respectively advanced, until the whole of the same shall be respectively repaid, not only to keep down the Interest to accrue for or in respect of the said Sums so advanced as aforesaid, but also to set apart such yearly Sum of Money as shall be equal to One-seventh Part of the Amount of the said Principal Sums, or so much thereof as shall from Time to Time have been advanced as aforesaid, and to pay and divide the same to and amongst the several Persons who shall have so advanced such Principal Sums, or their respective Executors, Administrators, or Assigns, in part liquidation of the same, and so and in such Manner as that all the said Principal Sums shall be wholly repaid within Seven Years after the same shall be respectively advanced as aforesaid.

For continuing the Security of the Creditors, to whom the old Debt is due from this District, jointly with the Uttoxeter District.

XXXVII. And be it further enacted, That the several Creditors to whom the said Debt of Two thousand and five hundred Pounds is owing jointly from the said *Newcastle-under-Lyme* District and the said *Uttoxeter* District, as is herein-before recited, shall during the Continuance of this Act respectively be entitled to and have such and the same Powers, Authorities, and Remedies for recovering and receiving the Interest of the said Debt from the Treasurer of the said *Newcastle-under-Lyme* District, as previously to the passing of this Act they respectively enjoyed, or were entitled to, by virtue of the said recited Act passed in the Forty-second Year of the Reign of King *George* the Third, and hereby repealed; and that the Treasurer of the said *Newcastle-under-Lyme* District for the Time being shall during the Continuance of this Act be subject to the same Liabilities, and be entitled to the same Powers and Remedies in respect to the Payment and Apportionment between the said Two Districts of the Interest of the said Mortgage Debt, as belonged to the Treasurer of the said *Newcastle-under-Lyme* District for the Time being, by virtue of the said recited Act passed in the Forty-second Year of the Reign of King *George* the Third.

Application of the Tolls and Money to be borrowed.

XXXVIII. And be it further enacted, That out of the Monies already received by virtue of the said first Four recited Acts hereby repealed, and now in the Hands of the Treasurer of the said *Newcastle-under-Lyme* District, 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 in the next place shall keep down the Interest of the said Sums herein-before recited to have been subscribed for widening the said Roads, and set apart such Sum in liquidation of the said Sums as before mentioned; and the

Remainder of all such Monies shall from Time to Time be applied in keeping down the Interest of such Proportion of the Principal Monies already due as before mentioned upon Mortgage, on the joint Credit of the said *Newcastle-under-Lyme* District and the said *Uttoxeter* District, as is justly chargeable to the said *Newcastle-under-Lyme* District by virtue of the Provisions herein-before contained, and in keeping down the Interest of all Monies hereafter to be borrowed or advanced by virtue of this Act and the said last recited Act, and afterwards in erecting or providing and keeping in Repair Turnpikes and Toll Houses for the Purposes of the said Roads, and in making the said new Branch of Road, and amending, altering, turning, widening, improving, and keeping in repair the whole of the Lines of Roads comprised in the said *Newcastle-under-Lyme* District, and in otherwise putting this Act into Execution; and lastly in repaying such Proportion of the Principal Monies already due upon Mortgage as aforesaid as is justly chargeable to the said District, and likewise the Principal Monies hereafter to be borrowed or advanced by virtue of this Act or the said last recited Act.

Statute Labour.

XXXIX. 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

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, 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 of 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.

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

XL. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered by any Justice or Justices of the Peace, in pursuance of the Directions of this Act or the said last recited Act, to be paid 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

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, all such Costs, Charges, and Expences as he shall be put unto by virtue of any such Order as aforesaid.

Trustees not to be personally liable for Mortgages.

XLI. 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 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.

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

XLII. 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.

Public Act.

XLIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Term of the Act.

XLIV. 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.

## The SCHEDULE referred to by this Act.

| Townships. | Description of Premises. | Owners. | Occupiers. |
|---|---|---|---|
| Shelton | Barn, small Hovel and Yard | Sir John Fenton Boughey, Bart. and Lawrence Armitstead, esq. | John Sedgley. |
| | House | William Yates, Esq. | Elizabeth Moor. |
| | House | Same | John Hill. |
| | House | Same | Thomas Forester. |
| | House | Joshua Twiford | Roger Tinsley. |
| | House | Same | John Cradock. |
| | House | Same | William Simpson. |
| | House | Same | Jonathan Lockart. |
| | Court | Ellen Lomas, Widow | Joseph Timmis. |
| | House, Court and Part of a Garden | Thomas Tams | John Mills. |
| Penkhull | Garden, Workshop, and Part of another Shop and Yard | Hugh Booth, Esq. | Messrs. Ward and Company. |
| | Terrace or Yard in front of Houses | Josiah Spode, Esq. | John Cornwall, William Tunnicliff, John Cadman, and William Moor. |
| | Part of a Yard and Palisades in front of Houses | Hugh Booth, Esq. and Joseph Booth, Esq. | Catherine Hays & Richard Cliff. |
| Fenton Vivian | Paddock and Plantation | J. Turner Whieldon, Esq. | J. Turner Whieldon, Esq. |
| Lane-End | House | Kitty Bridgwood | Jane Adams. |
| Longton | Part of a Hovel, Warehouse and Yard | Richard Plant | Messrs. Platt and Bridgwood. |

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