ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

****

Cap. cxvi.

An Act for improving the Roads leading from *Newcastle-under-Lyme* to *Blyth Marsh*, from *Cliff Bank* to *Shelton*, from *Fenton* to *Hem Heath*, and from *Shelton* to *Newcastle-under-Lyme;* and for making and completing certain new Pieces of Road to communicate therewith; all in the County of *Stafford*. [23d *July* 1840.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for improving and maintaining in repair* 4 G. 4. c. 51. *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, which Roads are designated in the said Act " The *Newcastle-under-Lyme* District of Roads :" And whereas by virtue of the said recited Act the Principal Sum of One thousand two hundred and fifty Pounds, being one Moiety of Two thousand and five hundred Pounds, heretofore constituting the Mortgage Debt charged on the said *Newcastle-under-Lyme* District jointly with another District of Roads called " The *Uttoxeter* District," is now chargeable on the Tolls arising within the said *Newcastle-under-Lyme* District, as well as a further Sum which has been advanced and is now due and owing

upon the Credit of the Tolls authorized to be taken by the said recited Act on the said Roads comprised therein; and which Sums cannot be paid off, nor can the said Roads be improved and effectually maintained and kept in repair, unless the Term and Powers of the said Act are enlarged and amended, and the Tolls authorized by the said Act to be taken on the said Roads altered and increased: And whereas certain Parts of the said Roads are narrow and circuitous, and as the same pass through a very populous Country, it is of much Importance to the public Safety and Accommodation that effectual Powers should be granted for widening, diverting, and improving such narrow and circuitous Parts of the said Roads: And whereas it would improve the public Lines of travelling, and would be of great public Utility, if Three new Roads were made and maintained, all communicating with the Roads comprised in the said recited Act; that is to say, a new Road (to be called the *Endon* Branch) to commence at the South-west Corner of the Churchyard of the Parish of *Stoke-upon-Trent*, lying in the Township of *Penkhull* in the last-named Parish, and to pass in or through the several Parishes or Townships of *Stoke-upon-Trent*, *Burslem*, *Norton-on-the-Moors*, *Leek*, *Penkhull*, *Shelton*, *Hanley*, *Bucknall*, *Abbey-Hulton*, *Bagnall*, *Norton*, and *Endon*, or some of them, and to terminate in the Township of *Endon* and Parish of *Leek* aforesaid, at or near a Toll Gate called *Endon* Toll Gate, standing across the Turnpike Road leading from *Newcastle-under-Lyme* to *Leek*; another new Road (to be called the *Fowley* Branch) to lead out of the before-mentioned Road from *Shelton* to *Newcastle-under-Lyme* at a Point a little to the Eastward of *Fowley Brook*, and to pass through Part of the Township of *Shelton*, and to terminate in the Road from *Cliff Bank* to *Snape Marsh* at a Point a little to the Westward of the *Trent* and *Mersey* Canal Bridge at *Shelton* Wharf; and another new Road (to be called the *Shelton* Toll Gate Branch) to lead out of the said intended new Road (so to be called the *Endon* Branch) at a Place within and Parcel of the *Trent-Hay* Farm, and to pass from thence through Part of the said Township of *Shelton* to the before-mentioned Road from *Cliff Bank* to *Snape Marsh* at a Point a little to the Eastward of the *Shelton* Toll Gate, and from thence in a Westward Direction through other Part of the said Township of *Shelton*, and to terminate within the said Township in the said intended new Road (so to be called the *Fowley* Branch) near a Cottage in the Holding of *John Knight*: And whereas an Act was passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for more effectually repairing the Road from* Tunstall *in the County of* Stafford *to* Bosley *in the County of* Chester, *and from* Great Chell *to* Shelton *in the said County of* Stafford, *and for making a new Line and Diversion of Road to communicate therewith*, by which last-mentioned Act the said Road from *Great Chell* to *Shelton* aforesaid, together with the new Line and Diversion of Road therein authorized to be made, were declared to be the Second District of Roads therein comprised; and by the same Act Powers were granted to the Trustees therein appointed for the said Second District of Roads to make and maintain a new Line of Road from or near the *Albion* Inn in *Shelton* aforesaid to or near a Manufactory at *Fenton Culvert* in the Occupation of Messieurs *Mason*, in the said Parish of *Stoke-upon-Trent*: And

3 & 4 W. 4. c. 54.

whereas the Trustees for the said Second District of Roads comprised in the lastly-recited Act have made some Progress in the Formation of One Portion of the said last-mentioned new Line of Road, but such Portion is at present in an incomplete State, and Difficulties have occurred which are likely to impede the Progress of the said Line unless further Powers are granted by Parliament: And whereas it would be of public Advantage to have the said last-mentioned new Line of Road completed in an effectual Manner, and placed under the same Management as the Roads which are comprised in the said firstly-recited Act, and if the said new Line were extended Two hundred and eighty-six Yards, or thereabouts, from its Northern Termination at the *Albion* Inn in *Shelton* aforesaid, so as to form a Junction in the Township of *Shelton* aforesaid with the before-mentioned Road from *Cliff Bank* to *Snape Marsh*: And whereas all the Purposes aforesaid might be more conveniently effected if the said recited Act of the Fourth Year of the Reign of King *George* the Fourth were repealed, and if such further and other Powers and Provisions were granted and made as herein-after mentioned: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 upon the Day of the Commencement of this Act the said recited Act passed in the Fourth Year of the Reign of King *George* the Fourth shall be and the same is hereby declared to be repealed.

Repeal of 4 G. 4. c. 51.

II. Provided always, and be it further enacted, That the Repeal by this Act of the said recited Act of the Fourth Year of the Reign of King *George* the Fourth shall not extend to revive any former Acts relating to the said Roads which were repealed by the said last-mentioned Act, but the same Acts shall remain and be and are hereby declared to be repealed.

Repeal of said Act not to revive former repealed Acts.

III. And be it further enacted, That this Act shall be put into execution for and during the Term herein-after mentioned, for the Purpose of repairing, maintaining, and improving the Roads comprised in the said recited Act of the Fourth Year of the Reign of King *George* the Fourth; that is to say, the Road from the *Compasses* Inn in *Newcastle-under-Lyme*, to and through *Stoke-upon-Trent*, *Fenton* (formerly called *Lane Delph*), *Lane End*, *Longton*, and *Meer*, and from thence to a Dwelling House on *Blyth Marsh* in the Possession of *Samuel Lowe* and formerly in the Tenure of *Thomas Bromley*; and the Road from *Cliff Bank* in *Stoke-upon-Trent* to *Snape Marsh* in *Shelton*; and the Road from the *Royal Oak* Inn at *Fenton* (formerly called *Lower Lane*), through *Blurton*, to the House of *Thomas Finney* at *Hem Heath*; and the Road from the East End of *Chatterley Street* in *Shelton* to the East End of *George Street* (formerly the *King's Field*) in *Newcastle-under-Lyme*, and from the West End of *George Street* aforesaid, through *Hassells Street*, to the *London* and *Liverpool* Turnpike Road at the North End of *Penkhull Street* in *Newcastle-under-Lyme* aforesaid; and also for making, completing, and maintaining the said new Road from the South-west Corner

This Act to be put in force for repairing the Roads comprised in the Act 4 G. 4. c. 51.; also the Endon Branch, and Fowley

Branch, and Shelton Toll Gate Branch.

Corner of the Churchyard of *Stoke-upon-Trent* to or near to *Endon* Toll Gate aforesaid, and which Road shall be called the *Endon* Branch; and also the said new Road to lead out of the Road from *Shelton* to *Newcastle-under-Lyme* at or near *Fowley Brook* to *Shelton* Wharf aforesaid, and which shall be called the *Fowley* Branch; and likewise the said new Road to lead from the said Road called the *Endon* Branch to or near to *Shelton* Toll Gate aforesaid, and from thence westwardly to the said Road called the *Fowley* Branch near to the Cottage in the Holding of *John Knight*, and which shall be called the *Shelton* Toll Gate Branch.

Tolls liable to Debts under former Act.

IV. And be it further enacted, That the Tolls hereby granted and authorized to be taken on the said Roads shall be and the same are hereby declared to be subject and liable to the Payment of all Monies now due and owing on the Credit or on account of the said recited Act of the Fourth Year of the Reign of King *George* the Fourth, or any former Act or Acts for making or maintaining the said Roads comprised therein, or any of them, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and had become due on the Credit of this Act; and all and every Person and Persons owing or who may owe any Sum or Sums of Money to the Trustees for executing the said recited Act hereby repealed, or for executing any former Act or Acts for making or maintaining the said Roads comprised therein, or any of them, shall be liable to the Payment thereof to the Trustees for executing this Act; and all Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts, and Securities duly and according to Law made or entered into or given by or to or with the Trustees for executing the said recited Act hereby repealed, or for executing any such former Act or Acts, shall be as available in all Courts of Law and Equity as if such Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts, and Securities were made or entered into by or to or with the Trustees for executing this Act; and all Bargains, Contracts, Agreements, or Notices duly and according to Law entered into or given by the Trustees for executing the said recited Act hereby repealed, with or to any Person or Persons, for any Purpose relating to the said Roads or to the Execution of the said Act, shall be and remain in as full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Bargains, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the last-mentioned Act.

Mortgage to the Exchequer Bill Loan Commissioners not to be prejudiced. 3 G. 4. c. 86.

V. And whereas the Commissioners acting in execution of an Act of Parliament passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act to amend Two Acts, of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor; and to authorizea further Issue of Exchequer Bills for the Purposes of the said Acts*, and the Acts therein recited or referred to, and the Acts subsequently passed for amending and extending the same,

same, did, under the Provisions of the said Acts, on the Thirtieth Day of *October* One thousand eight hundred and twenty-nine, advance to the Trustees of the said herein-before recited Act of the Fourth Year of the Reign of King *George* the Fourth Four thousand Pounds in Exchequer Bills, upon the Security of an Indenture of Mortgage bearing Date the said Thirtieth Day of *October* One thousand eight hundred and twenty-nine, whereby the said Trustees did, as therein mentioned, assign to *William Holden*, the then Secretary of the said Commissioners, all and every the Rates, Tolls, and Receipts of the several Roads therein particularly mentioned, to hold the same, subject to the Repayment of the said Sum of Four thousand Pounds, with Interest thereon, as therein is expressed; be it therefore further enacted and declared, That nothing in this Act contained shall extend or be construed to extend to invalidate, defeat, or in any Manner incumber or affect the said Indenture of Mortgage of the Thirtieth Day of *October* One thousand eight hundred and twenty-nine, but that the same shall be entitled to the like Priority of Security, and that the said Loan and Interest shall continue to be repaid in the Manner thereby provided, and in such and the like Manner as if this Act had not been passed; and that the Tolls and additional Term hereby granted shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing, or hereafter to become due and owing, under the said Indenture of Mortgage, any thing in the said recited Acts or this Act contained to the contrary thereof in anywise notwithstanding.

Trustees appointed.

VI. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Stafford*, together with the Honourable *Edward Swynfen Jervis*, the Honourable *William Bingham Baring*, Sir *John Yarde Buller* Baronet, Sir *George Chetwynd* Baronet, Sir *Thomas Fletcher Fenton Boughey* Baronet, *John Adams*, *Edward Adams*, *Lewis Adams*, *Ralph Adderley*, *Charles Bowyer Adderley*, *Robert Ellis Aitkens* Clerk, *Joseph Alcock*, *Samuel Alcock*, *Thomas Allen*, *Lawrence Armitstead*, *John Astbury* Doctor of Medicine, *Richard Mountford Baddeley*, *William Bailey*, *William Baker*, *Ralph Bourne Baker* Clerk, *William Baker*, *John Baker*, *George Baker*, *John Ridgway Bale*, *John Bateman*, *James Bateman*, *Joseph Bayley*, *John Bent*, *John Bennett*, *Luke Bennett*, *Robert Henry Bentley* Clerk, *John Warburton Berry*, *John Bill*, *William Bishop*, *William Chatterley Bishop* Clerk, *Frederic Bishop*, *Joseph Booth*, *John Bourne*, *John Boyle*, *Sampson Bridgwood*, *Philip Barnes Broade*, *Robert Bull*, *Edward Buller*, *Thomas Butt* Clerk, *James Stamford Caldwell*, *Thomas Carey*, *John Carey*, *Thomas Cartwright*, *Henry Cartwright*, *Smith Child*, *Roylance Child*, *Baddeley Child*, *William Clarke*, *William Taylor Copeland*, *Walter Hill Coyney*, *Charles Coyney*, *Richard Daniel*, *John Davenport*, *John Davenport* the younger, *William Davenport*, *Timothy Dimmock*, *William Dutton*, *Thomas Edwards*, *Edward James Justinian George Edwards* Clerk, *Thomas Fenton*, *Robert Fenton*, *Thomas Firmstone*, *Thomas Fitz Herbert*, *John Fitz Herbert*, *Richard Sutton Ford*, *William Ford* Clerk, *John Gardner*, *Thomas Garrett*, *Spencer Thomas Garrett*, *James Glover*, *Thomas Goddard*, *John Goodwin*, *James Greaves*, *John Hales*, *Lewis George Hales*, *James*

Astley Hall, *Henry Hall*, *John Hallam*, *William Harding*, *John Plant Harding*, *Charles Harvey*, *John Harvey*, *Charles Harvey* the younger, *Charles Stephen Hassells* Clerk, *Richard Edensor Heathcote*, *John Edensor Heathcote*, *Charles Heaton*, *William Henshall*, *Richard Hicks*, *Robert Hill*, *William Hill*, *Richard Clarke Hill*, *Thomas Hindle*, *William Holland*, *James Hulse*, *John Hutchinson* Clerk, *Thomas Unett Hyatt*, *John Ford Hyatt*, *Robert Kidd*, *Thomas Kinnersly*, *Edward Kinnersly*, *Thomas Kirkham*, *John King Knight*, *John King Wood Knight*, *James Leech*, *Thomas Leech*, *John Leech*, *John Leigh*, *Clement Leigh* Clerk, *Thomas Mackenzie* Doctor of Medicine, *Rowland Mainwaring*, *Edward Pellew Mainwaring*, *Matthew Mare*, *William Salmon Mare*, *Jacob Marsh*, *John Riley Marsh*, *George Miles Mason*, *Charles James Mason*, *John Mason*, *William Mason*, *Joseph Mayer*, *Thomas Mayer*, *Samuel Mayer*, *Thomas Mayer*, *James Meakin*, *Job Meigh*, *William Mellor Meigh*, *Charles Meigh*, *Thomas Webb Minton* Clerk, *Herbert Minton*, *John Drewry Mort*, *John Nickisson*, *Thomas Hawe Parker*, *William Parker*, *Samuel Peake*, *Thomas Phillips*, *John Phillips*, *William Phillips*, *Edward Powys* Clerk, *Thomas Powys*, *John Pratt* the younger, *Felix Pratt*, *John Ridgway*, *William Ridgway*, *Edward John Ridgway*, *James Ralph* Clerk, *John Robinson*, *Spencer Rogers*, *Thomas Bailey Rose*, *John Hendley Sheridan*, *William Hanbury Sparrow*, *John Smith*, *Charles Smith*, *John Smith*, *Robert Smith*, *Ralph Sneyd*, *William Sneyd*, *John Sneyd* Clerk, *Francis Stanier*, *Thomas Stirrup*, *John Sparrow Taylor*, *William Kelsall Tait*, *Thomas Thompson*, *Richard Thompson*, *John Harrison Thompson*, *George Tollet*, *John Wickes Tomlinson* Clerk, *Frederick Wright Tomlinson*, *Thomas Turner*, *Francis Twemlow*, *Benjamin Vale* Doctor of Laws, *Peter Walthall*, *Thomas Ward*, *John William Ward*, *John Ward*, *John Wedgwood*, *Josiah Wedgwood*, *Josiah Wedgwood* the younger, *Francis Wedgwood*, *George Whieldon*, *Edward Whieldon* Clerk, *Frederic Wilkinson*, *Robert Williamson*, *Hugh Henshall Williamson*, *John Henshall Williamson*, *Edward Wilson* Doctor of Medicine, *John Ayshford Wise*, *George Wood*, *Enoch Wood* the younger, *Edward Wood*, *John Wood*, *Nicholas Price Wood*, *John Wedg Wood*, *Samuel Wright*, *Robert Wright*, *John Yates*, *William Yates*, *James Yates*, and *George Young*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for putting this Act into execution with regard to the whole of the Roads herein-before mentioned.

Power to appoint additional Trustees.

VII. 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 to act as Trustees of Turnpike Roads in *England*, (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, and being duly qualified, 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.

VIII. And

First Meeting of Trustees.

VIII. And be it further enacted, That the Trustees for executing this Act shall meet at the Police Office or some other convenient Place in the Borough of *Newcastle-under-Lyme*, on the Fourth *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall and may then and from Time to Time after adjourn to and meet at such Times, and at such Place or Places upon or near the said Roads, as they shall think proper.

Power to continue the present Toll Gates, &c. and erect others.

IX. And be it further enacted, That all and every the several and respective Turnpikes, Toll Gates, Side Bars, Chains, and Toll Houses now standing and being in or upon or across or on the Sides of the aforesaid present Roads, or any of them, shall remain and be continued, until removed by any Order or Orders of the said Trustees; and it shall be lawful for the said Trustees to erect and set up or build, or to order and cause to be erected, set up, and built, upon, in, or across the said Roads, or upon, in, or across the several Roads by this Act authorized to be made or repaired or amended, or on the Sides thereof respectively, when, where, and as they shall judge necessary, any Turnpike or Turnpikes, Toll Gate or Toll Gates, Side Bar or Side Bars, Chain or Chains, or any Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with such Outhouses, Conveniences, and Appendages thereto as they shall judge suitable, at or near each Turnpike, Toll Gate, Side Bar, Chain, or Weighing Machine, and to take and enclose on the Sides of the said Roads suitable Garden Spots for each of such Toll Houses, not exceeding One Tenth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to take down and remove, or to order and cause to be taken down and removed, or to alter or discontinue the same, or any of them, or any Part thereof respectively, as the said Trustees shall direct.

Sale of useless Toll Houses.

X. And be it further enacted, That it shall be lawful for the Trustees for executing this Act absolutely to sell and dispose of any Toll House or Toll Houses standing and being upon the Sides of the said Roads, together with the Ground whereon the same may stand, or belonging thereunto, in case the Freehold or Inheritance if of Freehold Tenure, or the Estate and Interest if of any other Tenure, of and in such Ground, shall be vested in the Trustees of the said Roads, 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 Contract, 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 and Ground to the Purchaser or Purchasers thereof: Provided always, that such and the like Preference and Priority of purchasing Premises so to be sold shall always be given to the Owner or Owners of the next adjoining Land as is by the general Statutes for regulating Turnpike Roads in *England* 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.

XI. And

Present Tolls to be taken till 1st of September next.

XI. And be it further enacted, That notwithstanding the Repeal of the said recited Act of the Fourth Year of the Reign of King *George* the Fourth, the several Tolls which were in force during the Continuance of the said Act shall be continued to be demanded, paid, and received at the several and respective Turnpikes, Toll Gates, Side Bars, or Chains on the said Roads comprised in this Act, until Twelve of the Clock at Night on the First Day of *September* next.

Tolls to be taken after 1st of September next.

XII. And be it further enacted, That from and after Twelve of the Clock at Night of the said First Day of *September* next the several Sums of Money or Tolls herein-after mentioned shall and may be demanded and taken at the several Turnpikes, Toll Gates, Side Bars, or Chains which shall be continued, set up, or erected upon, across, or by the Side of any of the Roads comprised in this Act, or to be made or to be put under the Care and Management of the said Trustees by virtue of this Act, by the said Trustees, or by any Lessee or Lessees of the Tolls, or by any Person or Persons appointed or continued, or to be appointed, by the said Trustees, or such Lessee or Lessees, as Collector or Collectors of the Tolls, 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,

For every Horse or other Beast, drawing any Carriage of any Description, any Sum not exceeding Four-pence Halfpenny:

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

For every Ox, Cow, or Head of Neat Cattle, any Sum not exceeding Three Farthings:

For every Calf, Pig, Sheep, or Lamb, any Sum not exceeding One Halfpenny:

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, any Sum not exceeding One Shilling and Sixpence:

For every Dog drawing any Cart, Carriage, or other Vehicle, the Sum of One Penny:

Which respective Tolls or Sums of Money shall be demanded and taken as aforesaid before any Horse, Ass, Mule, Beast, or other Cattle or Animal as aforesaid, or any Carriage as aforesaid, or any Dog drawing as aforesaid, shall be permitted to pass through any such Turnpike, Toll Gate, Side Bar, or Chain; and such respective Tolls and 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.

Half Toll only on Lime for Manure.

XIII. Provided always, and be it further enacted, That there shall not be demanded or taken at any such Turnpike, Toll Gate, Side Bar, or Chain, 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 to be used solely for the Manure or Improvement of Land, any more than One Half of the Toll which is hereby made payable in other Cases of Horses or Beasts drawing Carriages: Provided always,

always, that if any Person shall, by fraudulent or collusive Means, claim or take the Benefit of such last-mentioned Reduction of Toll, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in every Case the Proof of Exemption shall be upon the Person claiming the same.

Tolls payable only once a Day.

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

Limiting the Number of Tolls.

XV. Provided also, and be it further enacted, That no Person shall be liable to pay a greater Number of Tolls for passing or repassing at any Time or Times in any One Day (to be computed as aforesaid) with the same Horses, Cattle, and Carriages, through all or any of the Turnpikes, Toll Gates, Side Bars, or Chains continued or erected upon the said Roads than is herein-after mentioned; that is to say, no more than One full Toll on the Road from *Newcastle-under-Lyme* to *Blyth Marsh*; nor more than One full Toll on the Road from *Newcastle-under-Lyme* to *Hem Heath*; nor more than One full Toll on the Road from *Newcastle-under-Lyme* to *Snape Marsh* in *Shelton*, by way of *Cliff Bank*; nor more than One full Toll on the Road from *Snape Marsh* in *Shelton* to *Blyth Marsh*, by way of *Stoke-upon-Trent*; nor more than One full Toll on the Road from *Snape Marsh* in *Shelton* to *Hem Heath*; nor more than One full Toll on the Road from *Snape Marsh* in *Shelton* to *Newcastle-under-Lyme*, by way of *Chatterley Street* and *Lower Hart's Hill*; nor more than One full Toll on the intended new Road called the *Endon* Branch; nor more than One full Toll on the intended new Road called the *Fowley* Branch; nor more than One full Toll on the intended new Road called the *Shelton* Toll Gate Branch; nor more than One full Toll on any Road which shall be put under the Care and Management of the said Trustees by virtue of this Act; nor more in any Case than Two full Tolls upon the whole of the present and new Lines of Road herein comprised.

Horses, &c. drawing different Carriages to be again subject to Toll.

XVI. Provided also, and be it further enacted, That in case the Toll in this Act mentioned shall have been paid on any Day in respect of any Horse or other Beast drawing any Carriage of any Description for passing through all or any of the Turnpikes, Toll Gates, Side Bars, or Chains on the said Roads or any of them, and any such Horse or other Beast shall be afterwards employed on the said Roads, or any of them, during the same Day, in drawing a Carriage of a different Kind from that which such Horse or other Beast was employed in drawing at the Time of such Payment being made,

made, Toll shall again be payable for every such Horse or Beast so drawing, in respect of the Employment in drawing such Carriage of a different Kind, in like Manner as if no Toll had previously been paid for the same.

Tolls to be paid on Stage Coaches, &c. every Time of passing.

XVII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid and payable for or in respect of all Horses or Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, Stage Cart, or other Stage Carriage, and also for and in respect of every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, conveying Passengers or Goods for Hire, Pay, or Reward, every Time of passing or repassing along the said Roads or any of them: Provided also, that no further or additional Toll shall be payable in respect of any Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, Stage Cart, or other Stage Carriage, on account only of the Horses or Beasts drawing the same having been changed between any Gates freeing each other by Tickets.

Tolls to be paid on Post Chaises every Time of Hiring.

XVIII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of Horses or Beasts of 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.

Carriages with narrow Wheels drawing Road Materials not to be exempt from Toll.

XIX. Provided also, and be it further enacted, That no Exemption allowed by any Statute now in force from Payment of Tolls on any Turnpike Road in respect of any Horse or other Beast drawing any Carriage laden with or employed in conveying Materials for making or repairing any Highway, or for building or repairing any Bridge, shall be allowed in respect of the Tolls by this Act granted in any Case where the Fellies of the Wheels of such Carriage shall be of a less Breadth than Four Inches and a Half, any Law or Statute to the contrary notwithstanding.

Regulations and Penalties as to measuring Wheels of Carriages to extend to those subjected to Toll by the preceding Clauses.

XX. Provided also, and be it further enacted, That all the Powers, Provisions, and Regulations contained in any Statute now in force, or to be contained in any Statute hereafter to be made, relating to the measuring and gauging of the Breadth of the Wheels of any Carts and other Carriages, shall be applicable, and shall extend and be deemed and taken to extend, to all Carts and other Carriages passing over or along the said Roads, in respect of which Tolls will be chargeable under the Provisions herein-before contained; and the Owners and Drivers thereof respectively shall be subject to all such Powers, Provisions, and Regulations, and also to such Penalties, as are or shall be imposed by any such Statute for any Offence or Offences against any such Powers, Provisions, and Regulations.

Application of Monies.

XXI. And be it further enacted, That out of the Tolls and other Monies collected or received under or by virtue of the said recited Act hereby repealed, or out of the Tolls and other Monies arising under or by virtue of this Act, the said Trustees shall, in the first place, pay and discharge the Costs, Charges, and Expences incurred

incurred in, about, and relating to the obtaining and passing of this Act, and of making the necessary Surveys, Plans, Sections, and Estimates, and otherwise relating thereto; and then the Remainder of all such Monies shall (after Payment of the necessary Expences from Time to Time of erecting or repairing Toll Gates, Toll Houses, Mile Stones, and Fences, and for Books, Advertisements, Salaries of Officers, and other current Expences incidental to the Execution of this Act,) be applied, in the first place, in keeping down the Interest of the Monies heretofore borrowed or advanced and now due on the Credit of the Tolls granted by the said recited Act hereby repealed; and, in the next place, in the Payment of the Interest of the Monies to be hereafter borrowed or to grow due upon the Credit of the Tolls hereby granted; and, in the next place, in repairing, widening, altering, diverting, and otherwise improving the present Roads included in this Act, and in making, repairing, altering, widening, diverting, and improving the several new Lines of Road comprised in this Act, or to be put under the Care and Management of the said Trustees by virtue of this Act, and in reducing and repaying the Principal Monies which have been heretofore borrowed or advanced on the Credit of the Tolls arising on the said Roads; and afterwards in payment of the Principal Monies which may be hereafter borrowed or advanced upon the Credit of the Tolls arising under or by virtue of this Act, and in otherwise putting this Act into execution.

Tolls not to be applied to repair Roads unless Toll Gates are erected and Tolls taken thereon.

XXII. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any Road authorized to be repaired by this Act, unless some Turnpike, Toll Gate, or Toll Bar shall be erected and continued upon such Road or on the Side thereof, nor unless the said Tolls shall be demanded and taken thereat, pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Road than shall be collected thereon, or borrowed on the Credit of the Tolls collected thereon.

No Monies to be expended in repairing Roads in any Town, &c.

XXIII. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to apply or expend any of the Monies now in the Hands of the Treasurer of the said Trustees, or any Money to arise from any of the Tolls by this Act granted, in the Repair of any Road or Way in any Town or Place which is or shall be paved or repaired by any Commissioners or Trustees for executing any Local Act of Parliament, nor to collect any Tolls therein, or in the Towns of *Newcastle-under-Lyme* or *Stoke-upon-Trent*.

Power to widen and divert any narrow and inconvenient Places, and to make Three new Branches of Road.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered to amend the said present Lines of Road, and render the same more direct, safe, and commodious, by widening certain Parts and diverting other Parts of the same Roads, which are respectively described in the Maps or Plans and Books of Reference herein-after mentioned, and which lie in the several Townships of *Penkhull*, *Shelton*, *Fenton-Vivian*, and *Fenton-Culvert* in the Parish of *Stoke-upon-Trent* aforesaid; and also to make and maintain the Three several new Roads

Roads herein-before mentioned, and called respectively the *Endon* Branch, the *Fowley* Branch, and the *Shelton* Toll Gate Branch, and which are also respectively described in the Maps or Plans and Books of Reference aforesaid.

Power to take down Houses, &c. specified in the Schedule.

XXV. And be it further enacted, That for the Purpose of widening and diverting such Parts of the said present Lines of Road as before mentioned, and of effectually making and completing the said intended new Lines or Pieces of Road, it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to make and complete the same respectively to such Width as they shall think proper, not exceeding Forty-two Feet, in, upon, over, or through any of the Lands, Grounds, Tenements, or Hereditaments described in the Maps or Plans and Books of Reference herein-after mentioned, together with such Footpaths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, Embankments, Fences, and other Works, as they shall think necessary or expedient; and for the better Execution of such Purposes to purchase, take or pull down, remove and use, any Dwelling Houses, Outhouses, Edifices, Buildings, Curtilages, Courts, Yards, Gardens, Orchards, Paddocks, Lawns, Shrubberies, planted Walks or Avenues to any House or Houses, Nurseries, or any inclosed Grounds planted as an Ornament or Shelter to any House or Houses, or planted and set apart as a Nursery for Trees, or other Hereditaments, mentioned and set forth in the Schedules to this Act annexed, upon making Satisfaction to the Owners thereof and other Persons interested therein for the same, or for the Damage which they may respectively sustain thereby, any Law or Statute to the contrary notwithstanding; and it shall be lawful for the said Trustees, and for their Surveyor, with Workmen and Assistants, from Time to Time to enter upon the said several Lands and Premises, and to place Stakes therein, for the Purposes of this Act, whenever the said Trustees or their Surveyor shall think necessary, without such Trustees or Surveyor, or their or his Workmen or Assistants, being deemed Trespassers or a Trespasser, or being liable to any Fine, Penalty, or Punishment, for or by reason of any such Entry; and if any Person shall displace or remove any Stake or Stakes used for the Purpose aforesaid, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Maps and Books of Reference deposited with the Clerk of the Peace.

XXVI. And whereas Maps or Plans describing those Parts of the said present Lines of Road which are herein-before authorized to be widened and diverted, and likewise the intended new Roads, and the Lands, Buildings, and Hereditaments through or over which the said Improvements are intended to be made or carried, have been deposited, together with Books of Reference containing Lists of the Names of the Owners or reputed Owners, Lessees, and Occupiers of such Lands, Buildings, and Hereditaments, at the Office of the Clerk of the Peace for the said County of *Stafford*; be it therefore enacted, That the said Maps or Plans, and the said Books of Reference, shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and take Copies and Extracts thereof, paying to such Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence

for every One hundred Words of such Copies or Extracts; and it shall be lawful for the said Trustees in making such new Roads to deviate from the Lines described in the said Maps or Plans to any Extent from the Line so described; provided that no Deviation, extending more than One hundred Yards from the respective Lines described in the said Maps or Plans shall be made 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.

An authenticated Plan of the altered Line to be deposited with the Clerk of the Peace.

XXVII. And whereas since the depositing of the said Map or Plan and Book of Reference, as herein-before mentioned, an Alteration of the Line of the said intended new Road called the *Shelton* Toll Gate Branch, as laid down upon such Map or Plan, hath been agreed upon and determined, with the Concurrence of the Owners and Occupiers of the Lands through which such altered Line is to be made; be it therefore enacted, That a Map or Plan describing the said Branch Road as the same has been agreed to be altered, authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, together with a Copy of an amended Book of Reference to the Map of such altered Line, shall, within Three Calendar Months from the passing of this Act, be deposited with the Clerk of the Peace for the County of *Stafford*, to the end that all Persons may at all seasonable Times have Liberty to inspect such Map or Plan and Book of Reference, and to take Copies thereof or Extracts therefrom, paying the Sum of One Shilling for every Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts.

No Deviations to be made at GlebeStreet, Stoke.

XXVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to widen or deviate from or otherwise to alter the existing Line, as shown in the aforesaid Maps or Plans, of a Street in *Stoke-upon-Trent* which forms Part of the said new Road called the *Endon* Branch, and is called *Glebe Street*, extending from the South-west Corner of the Churchyard of *Stoke-upon-Trent* aforesaid to the Bridge across the *Trent* and *Mersey* Canal; and also that it shall not be lawful for the said Trustees, without the express Consent of the Rector of *Stoke-upon-Trent* for the Time being, in Writing under his Hand, to deviate at all from the said Line of such Part of the said Road called the *Endon* Branch as extends through the Glebe Lands of the said Rector lying on the East Side of the said last-mentioned Bridge.

Provisions applicable to the Shelton Toll Gate Branch.

XXIX. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said Trustees to make the said intended new Road called the *Shelton* Toll Gate Branch, in any Part thereof which lies between the said intended new Road called the *Endon* Branch and the said Road from *Cliff Bank* to *Snape Marsh*, of a greater Width than Thirty-six Feet, including Footpaths, or in any respect to deviate from or otherwise alter the Line of any Part of the said new Road called the *Shelton* Toll Gate Branch, from the Line and Course described in the aforesaid Map or Plan and Schedule of Reference, without the express Consent in every

such Case of the Owners for the Time being of the Lands through which the same shall respectively pass, in Writing under their respective Hands first obtained.

Errors in the Books of Reference not to prejudice the Powers granted by this Act for taking Land.

XXX. Provided also, and be it further enacted, That it shall and may be lawful for the said Trustees to make and carry, as well the said amended as the said new Lines of Road, into, through, across, or over the Lands of any Person or Persons who is or are or may be Owner or Owners of any Lands over which the same Lines of Road are set out and described in the said Maps or Plans as being intended to be carried, although the Name or Names of such Owner or Owners, or of the Lessee or Lessees, Occupier or Occupiers, of the Premises, 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 Omission or Error proceeded from Inadvertence or Mistake, and which Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

No Houses, &c. to be taken, except those mentioned in the Schedule.

XXXI. Provided also, and be it further enacted, That the Powers and Authorities given by this Act for making the said new Lines of Road herein mentioned shall not 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 Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, Plantation, planted Walk or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted or 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 Schedules to this Act annexed.

For providing Places to lodge Materials, &c.

XXXII. And for providing proper Places whereupon the Materials used for the Repairs of the Roads comprised in this Act may be deposited and broken, and whereupon any Ground, Earth, Stone, and other Substances removed for the Purpose of reducing the Inequalities and Heights upon any of the said Roads, and making the same sufficiently level and commodious, and also the Scrapings and worn Materials, may be laid, and also for the Purpose of providing the necessary Materials for filling up any Hollows or Cavities in any of the said Roads; be it also enacted, That it shall be lawful for the said Trustees to treat, contract, and agree with the several Owners, Proprietors, and Occupiers of and Persons interested in and entitled unto any Lands, Grounds, or Hereditaments adjoining to the said Roads, or any Part thereof, for the Purchase or Hire of so much thereof as they shall think necessary for any of the Purposes last herein-before mentioned; and out of the Monies to arise upon the said Roads, or any Part or Parts thereof, or out of any Money to be borrowed on the Credit thereof, to pay such Sum or Sums of Money as shall be agreed upon for such Lands or Hereditaments respectively.

XXXIII. And

Provision as to rebuilding and maintaining Two Bridges belonging to the Trent and Mersey Canal Company at Winton's Wood and Norton.

XXXIII. And whereas the Line of the said *Endon* new Road is intended to pass over and along a Bridge belonging to the Company of Proprietors of the navigable Canal called the Navigation from the *Trent* to the *Mersey*, heretofore erected, by and at the Expence of the said Company, over the said Navigation at *Winton's Wood* in the Township of *Shelton* in the said County of *Stafford*; and the said *Endon* new Road is also intended to pass over and along a Bridge belonging to the said Company of Proprietors, also heretofore erected, by and at the Expence of the said Company, over the Part or Branch of the said Navigation called the *Caldon* Canal in the Township of *Norton-on-the-Moors* in the said County; be it therefore enacted, That it shall be lawful for the Trustees for executing this Act, and they are hereby required, to take down the said Bridge at *Winton's Wood*, and the said Bridge in the Township of *Norton-on-the-Moors*, and to rebuild the same respectively in a good, substantial, and more commodious Manner, and in the same Situations as the said present Bridges, with proper Approaches, and to defray the necessary Expences of the rebuilding of the said Two Bridges out of the Tolls and Revenues of the said Roads, or the Monies to be borrowed on the Credit thereof; and after the said Two new Bridges shall be rebuilt, when and as often as any Repairs shall be requisite thereto, the Expence thereof 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 following, namely, One Third Part thereof by the said Company of Proprietors, and the remaining Two Third Parts thereof by the said Trustees.

For building another Bridge over the Canal at Shelton.

XXXIV. And whereas the Line of the said *Shelton* Toll Gate new Road is intended to pass over the said *Trent* and *Mersey* Navigation in the said Township of *Shelton* a little to the North of an Occupation Bridge over the said Navigation used for the Purposes of a Communication between the Lands of Sir *Thomas Fletcher Fenton Boughey* Baronet and *Lawrence Armitstead* Esquire, lying on each Side of the said Navigation; be it therefore enacted, That it shall be lawful for the Trustees for executing this Act, and they are hereby required, to make, and at all Times during the Continuance of this Act to maintain and keep in perfect Repair, a good and substantial Bridge, with proper Approaches, over the said Navigation from the *Trent* to the *Mersey* and the Towing Path thereof, on the North Side of the before-mentioned Occupation Bridge over the said Navigation in the Township of *Shelton* aforesaid, and to defray the necessary Expences of making and maintaining such last-mentioned new Bridge out of the Tolls and Revenues of the said Roads, or the Monies to be borrowed on the Credit thereof.

As to the Construction, &c. of each of the said Three Bridges.

XXXV. Provided always, and be it further enacted, That the Span of each of the said Three several Bridges by this Act authorized to be made over the said *Trent* and *Mersey* Navigation and the *Caldon* Canal shall not be less than Thirty Feet in the clear between the respective Abutments of such Bridges, so as to include the Waterway of the said Navigation and Canal, the Towing Path, and the off-side Benching; and that none of the said Bridges shall be less than Nine Feet and Six Inches from the Surface of the Water to the Crown of the

the Arch, nor less than Five Feet from the Surface of the Water to the springing of the Arch; and that the Ascent to the said respective Bridges shall not be more than One Foot in Thirty Feet; and that a good and substantial Fence of Brick or Stone on each Side of the said several Bridges, and not less than Five Feet above the Surface of the respective Bridges, shall be made by the said Trustees, and the Expence thereof defrayed out of the Tolls and Revenues of the said Roads, or the Monies to be borrowed on the Credit thereof; and that no Obstruction or Impediment shall be occasioned by or in the Course of the Erection of the said Bridges, or any of them, to the Transit of Boats or Vessels along the said Canals, or either of them; and that the said several Bridges, as well in regard to their Forms, Positions, and Dimensions upon the first Construction thereof respectively, as upon all future Occasions when requiring Repairs, shall be constructed and repaired under the Sanction and Superintendence and to the Satisfaction of the principal Engineer for the Time being of the said Company of Proprietors.

Freehold of Lands purchased by the Trustees to remain in the Owners.

XXXVI. And be it further enacted, That in case any Lands or Hereditaments shall be purchased by the said Trustees for the Purposes of any Road authorized by this Act to be made, the Freehold and Inheritance of and in the Lands and Hereditaments so purchased in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure then the Estate and Interest, of what Nature or Kind soever, therein, shall not, by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the said Trustees; but the Freehold and Inheritance of and in the Lands and Hereditaments so purchased in case the same shall be of Freehold Tenure, and in case such Lands and Hereditaments shall be of any other Tenure then the Estate and Interest as aforesaid in such Lands and Hereditaments, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, or his or their Assigns, yet so nevertheless that the said Trustees shall, by means of such Purchase and Conveyance or Assurance, be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

If such Lands should not be wanted, the same to revert to the former Owner.

XXXVII. Provided always, and be it further enacted, That if at any Time any Lands or Hereditaments purchased by the said Trustees for the Purposes of this Act shall not be wanted for the Road in respect of which the same were purchased, and such Road shall cease to be a Highway, then and in such Case the Right of Way in, over, or upon the said Lands or Hereditaments vested in the said Trustees shall cease, determine, and be extinguished, and the said Lands and Hereditaments shall be and remain in the Person or Persons then entitled to the same, according to his or their respective Estates or Interests therein, freed and discharged of and from such Right of Way.

Trustees to have full Power of using the Lands.

XXXVIII. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging the Lands and Hereditaments taken by them

for the Purposes of this Act, or of erecting any Toll House or other Building, or of building any Bridge thereon, as fully and effectually, to all Intents and Purposes, as the said Trustees would have had in case they had purchased the Fee Simple of or the whole Estate and Interest in the said Lands and Hereditaments.

If Lands not purchased within Three Years, the Powers to cease.

XXXIX. Provided also, and be it further enacted, That in case the said Trustees shall not purchase the Buildings, Lands, Tenements, and Hereditaments mentioned in the Schedules to this Act annexed within the Space of Three Years from the passing of this Act, all the Powers granted by this Act for purchasing, taking, or using the same, or such of them as shall not then have been purchased, shall cease and determine, save and except with the Consent of the Owners or Proprietors thereof for the Time being.

Power to pave steep Declivities on the Road.

XL. And whereas owing to the great Number of heavily loaded Carriages constantly passing along some of the old Lines of Road comprised in this Act it has been found by Experience that such Road, if repaired with Gravel or broken Stone only, cannot be effectually maintained upon steep Declivities without a very heavy and constant Expence; be it therefore enacted, That it shall be lawful for the said Trustees, in such Cases as they may deem proper, to cause any Portion of the Carriageways comprised in and repairable by virtue of this Act, such Portion not exceeding in Width Fifteen Feet in any Place, to be paved with Stone, wherever the Declivity of the Road shall be greater than One Foot in Thirty Feet, any Law or Statute to the contrary notwithstanding.

Power to water Roads in dry Seasons.

XLI. And be it further enacted, That it shall be lawful for the said Trustees to cause any Portions of the Roads comprised in and repairable by virtue of this Act to be watered in dry Seasons, when and as they shall deem necessary.

Ditches, Drains, Bridges, &c. by whom to be made and cleansed.

XLII. And be it further enacted, That it shall be lawful for the said Trustees, and their Surveyor or Surveyors, or other Person or Persons by them appointed, and they are hereby authorized and empowered, to make such Ditches, Drains, or Watercourses, and of such Depth and Breadth, as they shall consider expedient, for the Purpose of keeping the said Roads dry, and conveying the Water from the same into or through any Lands or Grounds adjoining or lying near to the said Roads, (not being a Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House,) and also such sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats as shall be requisite or necessary, at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act, any thing in any Law or Statute contained to the contrary notwithstanding; and all Ditches, Drains, Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, and Plats to be made on the Sides of the said Roads, or any of them, in pursuance of this Act, shall, when so made and completed by the said Trustees, be for ever afterwards scoured, cleansed, and kept open, repaired, and maintained by the Occupiers respectively of the adjoining Lands or Grounds; but all such Arches, Culverts, Trunks, Tunnels, or Plats as shall cross or pass through, under, or over

over the said Roads, or any of them, shall be scoured, cleansed, and kept open, repaired, and maintained by the said Trustees, subject to the Provisions of any Law or Statute relating to Turnpike Roads in *England*.

Powers to discharge (by Agreement) the Trustees under the Act 3 & 4 W. 4. c. 54. from the Care of the Shelton and Fenton Road.

XLIII. And be it further enacted, That in case the Trustees appointed for executing this Act, and to be assembled at any Meeting specially convened for the Purpose, after One Month's Notice by Advertisement in some Newspaper published and circulated in the said County of *Stafford*, and also the Trustees appointed for executing the said recited Act of the Third Year of the Reign of King *William* the Fourth, so far as respects the Second District of Roads therein comprised, and to be assembled at any Meeting in like Manner specially convened for the Purpose, shall mutually agree, upon Conditions to be settled between them, that the said Road from or near the *Albion* Inn at *Shelton* to or near the Manufactory of Messieurs *Mason* at *Fenton* shall in future be considered and managed as Part of the Roads comprised in this Act; and in case the Persons who may have advanced Monies for the Purpose of making and completing the said last-mentioned Road shall consent and agree thereto, and which Agreement it shall be lawful for the said Trustees for executing this Act to make (and which Agreement shall be deposited in the Office of the Clerk of the Peace for the said County of *Stafford*), then from and after such Agreement shall have been so deposited as aforesaid the Trustees for the Second District of Roads comprised in the said Act of the Third Year of the Reign of King *William* the Fourth shall be wholly discharged from the Control and Management of the said Road, from or near the *Albion* Inn at *Shelton* to or near the Manufactory of Messieurs *Mason* at *Fenton*, and thereupon all the Powers, Provisions, Clauses, Tolls, Matters, and Things contained in the said lastly-mentioned Act touching or concerning the last-mentioned Road shall cease and have no longer Continuance.

The Shelton and Fenton Road, in such Case, to be added to the Roads comprised in this Act, and to be improved and extended.

XLIV. And be it further enacted, That in the event of the Trustees for the Second District of Roads comprised in the said Act of the Third Year of the Reign of King *William* the Fourth being discharged, by the Means aforesaid, from the Control and Management of the said Road from or near the *Albion* Inn at *Shelton* to or near the Manufactory of Messieurs *Mason* at *Fenton*, then from and immediately after such Discharge the said last-mentioned Road, together with the Road in *Shelton* aforesaid (being about Two hundred and eighty-six Yards in Length) extending westwardly from the *Albion* Inn aforesaid to the before-mentioned Road at *Snape Marsh* in *Shelton*, shall become and be considered as Parcel of the Roads comprised in this Act, and all the Powers, Provisions, Clauses, Tolls, Exemptions, Matters, and Things herein-before contained shall be deemed and taken to include and have reference to such additional Roads; and then and from thenceforth the Monies previously advanced for the Purpose of making the said Road from the *Albion* Inn at *Shelton* to *Fenton* (the Amount thereof having been previously ascertained and adjusted by such Agreement, and with such Consent as aforesaid,) shall become and be charged upon the Tolls comprised in this Act; and it shall in such Case be lawful for the Trustees for executing this

Act to make, finish, complete, and maintain the said new Road from the *Albion* Inn at *Shelton* to *Fenton*, with such Variations and Improvements of the Line thereof as are specified in the Maps or Plans and Book of Reference thereto herein-before mentioned to have been deposited at the Office of the said Clerk of the Peace; and for the Purpose of rendering that Part of the Line of the said Road which crosses the River *Trent* more safe and commodious it shall be lawful for the same Trustees to divert and shorten Part of the Course of the same River, as also specified in the said Maps or Plans; and it shall also be lawful for the same Trustees to maintain and repair the aforesaid Extension Road leading from the *Albion* Inn at *Shelton* to the aforesaid Road at *Snape Marsh* in *Shelton* aforesaid, with such Variations and Improvements of the Line of the same as are also specified in the aforesaid Maps or Plans and Book of Reference, they the said Trustees nevertheless in all such Cases making full Compensation and Satisfaction to the Owners of and other Persons interested in the Premises, for all Trespass, Damage, and Injury sustained by them respectively.

Powers to discharge (by Agreement with the Trustees of the Leek Road) the Trustees under this Act from the Care of a Portion of the new Endon Branch.

XLV. And whereas such Part of the said intended new Road called the *Endon* Branch herein-before authorized to be made as extends from the said *Newcastle-under-Lyme* and *Leek* Turnpike Road, near *Endon* Toll Gate, to a public Highway in the Township of *Norton-on-the-Moors* which leads from *Baddeley Green* to *Baddeley Edge*, will, when completed, form Part of a new Line of Communication between the Town of *Leek* and the Towns of *Burslem*, *Cobridge*, and *Etruria* in the *Staffordshire Potteries*, all of which are populous Places: And whereas it is necessary, and will be advantageous to the Public, that the whole of the said intended new Road should be made by the said Trustees for executing this Act, but inasmuch as the Lines of Road already existing between the aforesaid Four Towns are Parcel of the Roads comprised in an Act passed in the Ninth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act for repairing and improving the Road from* Newcastle-under-Lyme *to* Leek, *and several Branch Roads, all in the County of* Stafford, it may therefore be found more convenient that so much of the said intended new Road called the *Endon* Branch as is lastly before described shall, when made and completed by the Trustees for executing this Act, be afterwards put under the Care and Management of the Trustees for putting into execution the said Act of the Ninth Year of the Reign of King *George* the Fourth; be it therefore further enacted, That in case the Trustees appointed for executing this Act, to be assembled at any Meeting specially convened for the Purpose, after One Month's Notice by Advertisement in some Newspaper published and circulated in the said County of *Stafford*, and also the Trustees appointed for executing the said Act of the Ninth Year of the Reign of King *George* the Fourth, to be assembled at any Meeting in like Manner specially convened for the Purpose, shall mutually agree, upon Conditions to be settled between them, that so much of the said new Road called the *Endon* Branch as is lastly before described shall in future be considered and managed as Part of the Roads comprised in the said Act of the Ninth Year of the Reign of King *George* the Fourth, and in case the Persons who may have advanced Monies for the Purpose of making and completing such Portion as aforesaid of the said new Road called

9 G. 4. c. 4.

called the *Endon* Branch shall consent and agree thereto, and which Agreement it shall be lawful for the said Trustees for executing this Act to make (and which Agreement shall be deposited in the Office of the Clerk of the Peace for the said County of *Stafford*), then from and after such Agreement shall have been so deposited as aforesaid the Trustees for executing this Act shall be wholly discharged from the Control and Management of so much of the said new Road called the *Endon* Branch as aforesaid, and thereupon all the Powers, Provisions, Clauses, Tolls, Matters, and Things contained in this Act, so far only as the same relate to or concern such Part as aforesaid of the said new Road called the *Endon* Branch, shall cease and have no longer Continuance.

Present Liabilities to Tolls and Repairs not to be suspended by the Powers granted to make the new Roads.

XLVI. Provided always, and be it further enacted, That the Tolls by this Act granted shall be payable in respect of the passing of any such Horse, Beast, Cattle, or Carriage as aforesaid through any Turnpike or Toll Gate, Side Bar or Chain, erected or to be erected on such Part and Parts of the Roads by this Act authorized to be repaired, made, or maintained, or on the Side or Sides thereof, as now is or are, or as from Time to Time at any Time hereafter shall be, open for the Use of the Public, although the whole of the Roads by this Act authorized to be made is not or shall not be at any Time hereafter made and completed; and that all Persons who by virtue of any Law or Statute relating to Turnpike Roads or Highways in *England* would be liable to the Repair of the said Roads when wholly made and completed shall be and are hereby declared respectively to be liable to the Repair of so much thereof as is or are now made or opened to the Public, and also to the Repair of such other Part and Parts of the Roads comprised in this Act as shall from Time to Time be made or opened to the Public, although the whole of the Roads by this Act authorized to be made is not now or shall not be at any Time hereafter made and completed.

This Act to be subject to any future general Turnpike Law.

XLVII. Provided also, and be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Turnpike Roads by this Act authorized to be repaired, made, or maintained from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Public Act.

XLVIII. 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.

Commencement and Continuance of this Act.

XLIX. And be it further enacted, That this Act shall commence and take effect upon and from the Fourth *Tuesday* next after the passing thereof, and shall thenceforth continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

The

The FIRST SCHEDULE referred to by this Act.

Parish.	Township.	No. on Plan.	Description.	Owner.	Occupier.
Stoke-upon-Trent.	Penkhull -	1	Garden - - -	Samuel Sheppard -	Samuel Sheppard.
		2	Cottage and Garden -	Hannah Hollinshead -	Hannah Hollinshead.
		3	Garden and Privy -	Sarah Hollinshead -	James Mayer.
		4	Cottage and Garden -	Samuel Mayer's Heirs -	Peter Steadman.
		5	Ditto - -	Ditto - -	James Wade.
		6	Ditto - -	Ditto - -	Void.
		7	Ditto - -	Joseph Griffith's Heirs -	John Machin.
		8	Ditto - -	Ditto - -	Jeremiah Ford.
		9	Ditto - -	Mary Macardie - -	William Shenstone.
		10	Garden - -	Hugh Greatbatch -	James Hall.
		11	Footway - -	Ditto - -	James Hall and others.
		12	Garden - -	Ditto - -	Hugh Greatbatch.
		13	Ditto - -	Thomas Thompson -	John Woodcock.
		14	Cottage - -	Sarah Barnett - -	Joseph Masland.
		15	Garden - -	Ditto - -	William Austin.
		16	Ditto - -	Ditto - -	Paul Stedman.
		17	Ditto - -	Ditto - -	Samuel Dean.
		18	Ditto - -	William Barlow -	William Barlow.
		19	Potworks - -	Humphrey Ratcliff -	Void.
		24	Garden - -	Devisees of Josiah Spode, Esq.	Spencer Garrett.
		25	Ditto - -	John Ayshford Wise, Esq.	Samuel Keys.
		26	Slip-house and Works -	Ditto - -	William Adams and Sons.
		27	Beer-shop and Yard -	William Bromley and William Yeld and Co.	John Elson.
		28	Stable and Yard -	William Bromley -	Thomas Starkey.
		29	Pleasure Ground -	Devisees of Thomas Wolfe	Zachariah Boyle.
		30	Yard - -	Ditto - -	William Cordon and Samuel Griffiths.
	Fenton Vivian -	1	Meadow - -	The Rev. Edward Whieldon, George Whieldon, Esq., and others.	John Goodwin.
		2	Plantation - -	Ditto - -	Void.
	Fenton Culvert	1	Garden - -	William Baker jun., Esq.	William Baker jun., Esq.
		2	Plantation open to Field -	Ditto - -	Ditto.
		3	Railway - -	The Company of Proprietors of the Trent and Mersey Canal.	The Company of Proprietors of the Trent and Mersey Canal.
		4	Land - - -	The Curate of Lane End -	Thomas Woolley.
		5	Yard - -	Samuel Ginders -	Edward Ginders.
		6	Garden - -	Ditto - -	Samuel Ginders.
		7	Field - -	Mrs. Mary Grosvenor and William Paynter, Esq.	William Tomlinson.
		8	Garden - -	Ditto - -	John Hughes.
		9	Ditto - -	Ditto - -	Richard Hughes.
		10	Crate Shop and Pond -	Ditto - -	Samuel Warren.
		11	Stable and Yard -	Ditto - -	Thomas Toote.
		12	Beer-shop, Yard, and Premises.	John Smith, Esq. -	Joseph Ward.
		13	Vacant Land - -	John Riley Marsh, Esq.	—
		14	Two Cottages - -	John Ainsworth - -	Matthew Cotton and Elijah Cotton.
		15	House and Shop - -	William Cook - -	James Crickmore.
		16	Garden - -	William Salt - -	Ditto.
		17	Weighing Machine, Blacksmith's Shop, &c. -	Mrs. Mary Grosvenor and William Paynter, Esq.	James Deakin and others.
		18	Field - -	Mrs. Mary Grosvenor and William Paynter, Esq.	James Deakin and others.
		19	Ditto - -	Ditto - -	John Broad.
		20	Garden - -	Thomas Hollins -	Thomas Hollins.
		21	Yard - -	Mrs. Mary Grosvenor and William Paynter, Esq.	Richard Hughes.
		22	Coal-shed, &c. - -	Ditto - -	George Millen and Thomas Jones.
		23	Yard - -	Ditto -	Ditto.
		24	Pit and Yard - -	Ditto - -	Richard Hughes.

Parish.	Township.	No. on Plan.	Description.	Owner.	Occupier.
Stoke-upon-Trent–*cont.*	Fenton Culvert–*cont.*	25	Railway - -	Mrs. Mary Grosvenor and William Paynter, Esq.	John Knight and Co.
		26	Garden - -	Ralph Bourne, Esq., his Heirs.	John Mayer.
		27	Workshops and Stable -	Ditto - -	Ditto.
		28	Land and Weighing Machine.	Ditto - -	Ditto.
	Shelton -	1	Field - -	John Ayshford Wise, Esq., and Joseph Booth, Esq.	Daniel Cotton.
		2	Ditto - -	Ditto - -	Josiah and Timothy Dimmock.
		3	Occupation Road and Slang.	Sir Thos. F. F. Boughey, Bart., and Lawrence Armitstead, Esq.	Thomas Woodward.
		5	Garden - -	John Ayshford Wise, Esq., and Joseph Booth, Esq.	Elizabeth Melbourne.
		6	Cottage and Stable -	Joshua Twyford and others	George Taylor.

The SECOND SCHEDULE referred to by this Act.

Parish.	Township.	No. on Plan.	Description.	Owner.	Occupier.
Stoke-upon-Trent.	Hanley	22	Occupation Road -	Trustees of the late Ephraim Chatterley, Esq.	John Ridgway.
		36	Ditto - -	Richard Mountford Baddeley, Esq.	Richard M. Baddeley, Esq.
		34	Plantation - -	Ditto - -	Ditto.
		42	Osier Bed - -	Ditto - -	Ditto.
	Bucknall -	31	Cottage and Garden -	Major Walker - -	William Shenton.
		32	Garden - -	Ditto - -	Ditto.
		33	Cottage and Garden -	Thomas Dale -	Samuel Dale.
		36	House, Outbuildings, and Garden.	John Copeland - -	John Copeland.
		37	Cottage and Garden -	Ditto - -	Void.
		38	Occupation Road - -	Thomas Dale and others -	Thomas Bagnall.
Burslem -	Abbey Hulton	10	Cottage and Garden -	Ralph Sneyd, Esq. -	Ellen Shirley.
		37	Occupation Road -	Arthur Godwin, and the Devisees of the late Mrs. Ann Harrison.	John Wolliscroft and others.
		38	Ditto - -	Ditto - -	Ditto.
		46	Cottage and Garden -	George Lees - -	George Lees.
		47	Ditto - -	Ditto - -	Ditto.
		48	Plantation - -	John Davenport, Esq. -	William Lindop.
Norton-on-the-Moors.	Norton-on-the-Moors.	2	Garden - -	George Lees - -	George Lees.
		4	Cottage and Garden -	John Willet - -	John Willet.
		6	Ditto - -	Thomas Parr - -	Benjamin Parr.
		7	Ditto - -	Ditto - -	William Parr.
		8	Ditto - -	Charles Bowyer Adderley, Esq.	Thomas Boston.
		10	Garden and Shed -	The Lord and Lady of the Manor of Norton.	John Willet.
		12	Occupation Road -	Charles B. Adderley, Esq.	William Lindop.
		15	Cottage and Garden -	Benjamin Yardley -	John Dale.
		35	Cottage, Garden, and Cowhouse.	John Cartligde - -	John Cartlidge.
		36	Cottage, Garden, Pigsty, &c.	Ditto - -	Ralph Smith.
		38	Stack-yard and Pigsty -	Ditto - -	John Cartlidge.
		41	Potato Ground -	Ditto - -	Ditto.
		48	Rick-yard - -	George Hand - -	William Crumpton.
		50	Orchard - -	Ditto - -	Ditto.
		62	Garden - -	John Dale - -	William Tatton.
		63	Two Cottages and Gardens	Ditto - -	Ditto.

Parish.	Township.	No. on Plan.	Description.	Owner.	Occupier.
Leek -	Endon -	1	Cottage and Garden -	Cornelius Mountford -	Ellen Mountford.
		2	Ditto - -	Ditto - -	George Clews.
		9	Plantation - -	Trustees of the late William Bassnett.	William Dean.
		21	Ditto - -	Robert P. Hadfield, Esq., as Trustee for William Orford.	John Heath.
		28	Pond - -	Ditto - -	Ditto
		29	Potato Ground -	Thomas Lockett -	Thomas Lockett.
		31	Cottage and Garden -	Ditto - -	Charles Stubbs.
		32	Occupation Road and Cow-house.	Ditto - -	Ditto.
		33	Endon Toll House and Garden.	The Trustees of the Newcastle and Leek Turnpike Road.	Ann Bennison.
		36	Occupation Road -	Trustees of the late William Bassnett.	William Dean and others.

The THIRD SCHEDULE referred to by this Act.

Parish.	Township.	No. on Plan.	Description.	Owner.	Occupier.
Stoke-upon-Trent.	Shelton -	2	Cottage - -	Thomas Kinnersly, Esq. -	William Evans.
		3	Ditto - -	Ditto - -	Thomas Sanders.
		4	Occupation Road -	Thomas Kinnersly, Richard Mountford Baddeley, William Bishop, Esqrs., and others.	James Downs and others.
		14	Cottage and Garden -	William Bishop, Esq. -	John Knight.

The FOURTH SCHEDULE referred to by this Act.

Parish.	Township.	No. on Plan.	Description.	Owner.	Occupier.
Stoke-upon-Trent.	Hanley -	13	Garden - -	Elizabeth Birch -	John Broadhurst.
	Shelton -	23	Brickworks and Shed -	John Broadhurst's Assignees.	William Holden.
		29	Cottage and Garden -	Abigail Vyse - -	John Hilton.
		30	Ditto - -	Ditto - -	William Buxton.
	Fenton Vivian	2	Railway - -	The Company of Proprietors of the Trent and Mersey Canal.	The Company of Proprietors of the Trent and Mersey Canal.
		3	Field and Clay-pit -	William Baker, Esq.	William Baker, Esq.
		4	Pool - -	George Miles Mason, Esq., and Charles James Mason, Esq.	Messrs. Mason & Co.
		5	Occupation Road -	The Fenton Park Colliery Company.	The Fenton Park Colliery Company.

The FIFTH SCHEDULE referred to by this Act.

Parish.	Township.	No. on Plan.	Description.	Owner.	Occupier.
Stoke-upon-Trent.	Shelton -	16	Pleasure Ground -	William Parker, Esq. -	William Parker, Esq.
		31	House and Garden -	Ditto - -	Ditto.
		35	Land open to Road -	Elizabeth Birch -	Thomas Dimmock.
		36	House and Garden -	Ditto - -	Ditto.
		37	Cottage and Yard -	Ditto - -	William Smith.

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