



ANNO DECIMO

GEORGII IV. REGIS.

Cap. xxix.

An Act for amending an Act of the Seventh Year of His present Majesty, for repairing the Road from *Ashborne* in the County of *Derby* to *Leek* in the County of *Stafford*, and from *Ryecroft Gate* upon *Rushton Common* to *Congleton* in the County of *Chester*. [13th April 1829.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Road* 7 G. 4. c. 79. from *Ashborne* in the County of *Derby* to *Leek* in the County of *Stafford*, and from *Ryecroft Gate* upon *Rushton Common* to *Congleton* in the County of *Chester*: And whereas the Trustees acting in the Execution of the said Act were thereby required to make and maintain Deviations of the said Road from or near *Hanging Bridge* in the County of *Stafford*, through the several Parishes, Townships, or Places of *Mayfield* otherwise *Mathfield*, *Church Mayfield* otherwise *Mathfield*, *Over Mayfield* otherwise *Mathfield*, *Swinscoe*, *Blore*, *Stanton*, *Ellaston*, *Calton*, *Caldon*, *Waterfall*, *Croxden*, *Cotton*, *Alton*, and *Ipstones*, to a certain Place near *Bottom House* in the Parish of *Ipstones* aforesaid, and also another Deviation at a certain Place called *Low Hill* in the Parish of *Leek* aforesaid; and it was thereby provided and enacted, that when and so soon as the said new Deviations of Road should be made and completed fit for the Passage of Horses, Cattle, and Carriages, then and in such Case so much of the old Line of Road as leads from or near *Hanging Bridge* to or near *Bottom House*, in lieu and instead of which such Deviations respectively

[Local.]

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should

should be made, should cease to be under the Direction or Management of the said Trustees ; and it was further enacted, that in case so much of the said intended new Line of Road as was situate between a certain Place where the new intended Line of Road joined the old Line of Road near to *Bottom House* and the Town of *Leek*, and every Part and Portion of such Line of Road, should not be made and completed fit for the Passage of Horses, Cattle, and Carriages, and the making and completing of such Road in manner aforesaid not certified under the Hands of Two of His Majesty's Justices of the Peace for the County of *Stafford*, within Three Years after the passing of that Act, then and in such Case it shall not be lawful for the said Trustees to erect or maintain any Gate, or demand or take any Toll, by virtue of that Act, for or in respect of any Horses, Cattle, or Carriages, on so much of the present Line of Road as was situate between the *Bottom House* and the Town of *Leek* aforesaid ; and it was further enacted, that in case so much of the said intended Line of Road as was situate between the Town of *Ashborne* and the Place where such new Line of Road was thereby directed to join the old Line of Road near to *Bottom House*, and every Part and Portion thereof, should not be made and completed fit for the Passage of Horses, Cattle, and Carriages, and the making and completing of such Line of Road in manner aforesaid certified under the Hands and Seals of Two of His Majesty's Justices of the Peace for the County of *Stafford*, within Four Years after the passing of the said Act, then and in such Case it should not be lawful for the said Trustees to erect or maintain any Gate, or to demand or take any Toll, by virtue of the said Act, for or in respect of any Horses, Cattle, or Carriages, on any Part of the said present Line of Road : And whereas the said Trustees, by virtue of the Powers contained in the said recited Act, have borrowed the Sum of Five thousand Pounds from the Commissioners for the Issue of Exchequer Bills, and by means whereof have made considerable Progress in making so much of the said new Line of Road as is situate between *Bottom House* and the Town of *Leek*, at the said Place called *Low Hill* ; but they the said Trustees have not, as directed by the said Act, proceeded in making and completing the said other Line of Road from or near *Hanging Bridge* to a certain Place near *Bottom House* aforesaid, by reason of their Inability to obtain the Funds necessary for that Purpose : And whereas it is expedient to repeal so much of the said Act as relates to the making the said last-mentioned Deviation of Road from or near *Hanging Bridge* to a certain Place near *Bottom House*, and also as directs that no Gate shall be erected or maintained or Toll demanded or taken on any Part of the present Line of Road, unless the said intended Line of Road situate between *Ashborne* aforesaid and the Place near *Bottom House* aforesaid shall be made and completed within Four Years after the passing of the said Act : And whereas it would tend greatly to the Improvement of the Communication between the Towns of *Ashborne* in the County of *Derby* and *Leek* in the County of *Stafford*, if the Trustees were enabled to make certain Diversions of the present Line of Road, and to widen and alter certain other Parts thereof : And whereas it would also be of great Benefit to the Public if the Time limited by the said recited Act for completing that Part of the said Road as is situate between *Bottom House* and the Town of *Leek*

Leek were extended and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, and 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 so much of the said recited Act passed in the Seventh Year of the Reign of His present Majesty as requires or directs the Trustees acting in execution thereof to make the said Deviations of Road from or near *Hanging Bridge* in the County of *Stafford* to a certain Place near *Bottom House* in the Parish of *Ipstones* aforesaid, and also as directs that no Gate shall be erected or maintained, or Toll demanded or taken, on any Part of the present Line of Road, unless the said intended Line of Road situate between *Ashborne* aforesaid and the Place near *Bottom House* aforesaid shall be made and completed within Four Years after the passing of the said Act, shall be and the same are hereby respectively repealed.

Certain
Parts of re-
cited Act
repealed.

II. And be it further enacted, That the said recited Act passed in the Seventh Year of the Reign of His present Majesty, and all and every the Powers, Provisoos, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are hereby repealed, varied, altered, or otherwise provided for,) shall be as good, valid, and effectual for carrying this Act into execution as if the same had respectively been repeated and re-enacted in the Body of this Act.

Powers of
recited Act
(except as
hereby re-
pealed) ex-
tended to
this Act.

III. And be it further enacted, That the said Trustees shall continue under their Care and Management during the Term granted by the said Act so much of the present Line of Road as leads from or near *Hanging Bridge* aforesaid to the Place where the said new Line of Road was by the said recited Act intended to join the present Line of Road near *Bottom House* aforesaid, (but subject to the Discontinuance of certain Parts thereof in manner hereinafter mentioned,) and they shall continue to demand and take the Tolls granted by the said recited Act thereon, any thing in the said recited Act contained to the contrary notwithstanding.

Present
Lines of
Road to
continue
under Care
of Trustees.

IV. And be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Deviations of Road from or near a Messuage or Cottage in Possession of *John Robinson*, situate in the Parish of *Mayfield* otherwise *Mathfield* aforesaid, by or near a Messuage late in Possession of *Michael Saxelbye*, on *Swinscoe Moor* in the Liberty of *Swinscoe*, to and over Lands called *Middle Hills*, in Possession of *William Woolley*, to join the present Line of Road near *Stoney Rock* in the Parish of *Caldon*, and through the several Parishes, Townships, or Places of *Mayfield* otherwise *Mathfield*, *Upper Mayfield* otherwise *Upper Mathfield*, *Swinscoe*, *Blore*, *Stanton*, *Wootton*, *Ellaston*, *Calton*, *Crowden*, *Caldon*, and *Waterfall*, all in the County of *Stafford*; and also another Déviation of the said Road from or near *Winkhill Bridge*, situate in the said Parish of *Waterfall*, through the several Parishes, Townships, or Places of *Morridge* and *Ipstones*, to or near a Messuage in Possession of *William Birch*, at a Place called *New Street* in the Parish of *Ipstones*,

New Lines
of Road.

Ipstones, all in the said County of *Stafford*; and also that it shall and may be lawful for the said Trustees to widen and alter a certain Part of the said Road at a Place called the *Waterhouses* in the Parish of *Waterfall* aforesaid, by taking or laying thereto Part of a Garden, Yard, and Crofts belonging to and in Possession of *John Gould Oakden*; and that such new Deviations and Alterations of Road, when made, shall be maintained, repaired, and supported by the said Trustees by virtue of the Provisions contained in the said recited Act and this Act.

Map deposited at the Office of the Clerk of the Peace to remain there, and be open to Inspection.

Road not deviate from Plan.

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

Old Lines discontinued.

V. And whereas a Map or Plan describing the Lines of the said intended Diversions and Alterations, together with a Book of Reference containing a List of the Names of the several Owners and Occupiers of the Lands, Hereditaments, and Premises through which the same are intended to pass, have been deposited at the Office of the Clerk of the Peace for the said County of *Stafford*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace aforesaid, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and take Copies and Extracts thereof at their Will and Pleasure, paying to the said 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 of such Map or Plan and Book of Reference; and that the said Trustees in making such Diversions of Roads shall not deviate more than One hundred Yards from the Lines described in such Map or Plan, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviations shall be made.

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

VII. Provided always, and be it enacted, That when and so soon as the said new Deviations of Road shall be made and completed fit for the Passage of Horses, Cattle, and Carriages, then and in such Case so much of the said old Lines of Road in lieu and stead of which such Deviations respectively shall be made shall cease to be under the Direction, Controul, or Management of the said Trustees, save and except such Parts thereof as lead from the said Deviation of Road at *Middle Hills* aforesaid to and including *Calton Buds* and *Stoney Rock* Toll Bars, respectively standing in *Calton* and *Caldon* aforesaid.

VIII. And

VIII. And be it further enacted, That the Period of Three Years limited by the said recited Act for making and completing, and certifying in manner therein mentioned, so much of the said new Line of Road as is situate between the Place near *Bottom House* and the Town of *Leek* aforesaid, and every Part and Portion thereof, shall be and the same is hereby extended and enlarged to the Fifth Day of *July* next after the passing of this Act, and in the meantime it shall be lawful for the said Trustees to erect or continue a Gate, and demand or take Toll, by virtue of the said recited Act, in respect of Horses, Cattle, or Carriages, on so much of the present Line of Road as is situate between the *Bottom House* and the Town of *Leek* aforesaid; any thing in the said recited Act contained to the contrary notwithstanding.

Extension of Time for completing the new Line of Road at Low Hill.

IX. And be it further enacted, That it shall and may be lawful to and for the said Trustees to sell and dispose of any Toll House or Toll Houses standing on or adjoining the said old Lines of Road which shall become useless and no longer required for the Purposes of the said Road, together with the Outhouses, Gardens, and Appurtenances thereto belonging, in the same Manner and under the same Regulations as by the Laws now in force any Land not wanted or becoming useless or unnecessary for the Purposes of the said Road may be sold and disposed of.

Power to sell standing any useless Toll Houses.

X. Provided always, and be it further enacted, That for the Purpose of making and completing the said Deviations and Alterations of Road hereby directed to be made, the said Trustees shall and they are hereby required to apply Two Fifth Parts of the gross Amount of the Tolls and other Monies collected and received on or in respect of the said Roads in each and every Year, for the Purpose of making, maintaining, and supporting the said Deviations and Alterations of Road hereby directed to be made, and for discharging the Interest and Principal of all Monies borrowed for that Purpose on the Credit of the said Two Fifth Parts of the gross Amount of the Tolls and other Monies aforesaid, until such Deviations and Alterations of Road, and every Part thereof, shall be made and completed fit for the Passage of Horses, Cattle, and Carriages, and so certified under the Hands and Seals of Two of His Majesty's Justices of the Peace for the County of *Stafford*, and until all Principal Monies borrowed for that Purpose, and all Interest thereof, shall be paid off and discharged, and for no other Purpose whatsoever, save and except as hereinafter mentioned.

Two Fifths of the Toll to be applied towards making and completing Deviations.

XI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to pay and apply, out of the said Two Fifth Parts of the gross Amount of the Tolls and other Monies aforesaid, any Sum not exceeding One hundred Pounds for and towards the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act.

Out of the said Two Fifths, 100% to be appropriated to Expences of Act.

XII. Provided always, and be it further enacted, That in case the said Deviations and Alterations of Road hereby directed to be made, and every Part thereof, shall not be made and completed fit for the

Limiting Time for completing

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Passage

Deviations
and Alter-
ations.

Passage of Horses, Cattle, and Carriages, and so certified under the Hands and Seals of Two of His Majesty's Justices of the Peace for the said County of *Stafford* within Four Years after the passing of this Act; then and in such Case the said Trustees shall and they are hereby required from thenceforth to apply One Half Part of the gross Amount of the Tolls and other Monies collected and received on or in respect of the said Roads in each and every Year, for the Purpose of making, maintaining, and supporting the said Deviations and Alterations of Road, and for discharging the Interest and Principal of all Monies borrowed or to be borrowed for that Purpose, until such Deviations and Alterations of Road, and every Part thereof, shall be made and completed fit for the Passage of Horses, Cattle, and Carriages, and so certified as aforesaid, and until all Principal Monies borrowed for that Purpose, and all Interest thereof, shall be paid off and discharged, and for no other Purpose whatsoever.

Application
of Residue
of Tolls.

XIII. And be it further enacted, That the Residue of the Tolls and other Monies collected and received on or in respect of the said Road, which shall remain after the Applications aforesaid, shall be by the said Trustees applied in the first place in Payment of the Remainder of the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto, and then in the several other Payments directed to be made by the said recited Act.

Power to
borrow from
Commission-
ers of Public
Works.

XIV. And be it further enacted, That it shall and may be lawful for the said Trustees, at any Meeting or Meetings to be held by them, to borrow of and from the Commissioners for carrying into execution an Act passed in the Seventh Year of the Reign of His present Majesty, 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 authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, or from any other Person or Persons, such Sum or Sums of Money as the Majority of the said Trustees present at such Meeting or Meetings may deem expedient, for the Purpose of making and completing the said Deviations and Alterations of Road hereby directed to be made, upon Mortgage or Assignment of the Proportion or Proportions of the Tolls authorized to be collected and received by the said recited Act or this Act, as are hereinbefore directed to be applied for that Purpose, and the like Proportion or Proportions of the Toll Gates and Toll Houses erected or to be erected for collecting the same, with their Appurtenances; subject nevertheless (in case the same shall be borrowed from the said Commissioners) to such of the Provisoës and Conditions particularly mentioned and expressed in the said Act of the Seventh Year of the Reign of His present Majesty, and the Acts therein recited or referred to, and in such Form as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint; and in case the same shall be borrowed from any other Person or Persons, then subject to such Provisoës, Terms, and Conditions as the said Trustees shall order and direct.

XV. Provided

XV. Provided also, and it is hereby enacted, That any Mortgage or Assignment which shall be given or made by the said Trustees, in pursuance of this Act, to the said Commissioners for the Issue of Exchequer Bills, or to any other Person or Persons, shall have Priority over and shall precede all other Mortgages or Securities granted under the Provisions of the said recited Act, or the Acts thereby repealed; any thing in the said recited Act or this Act, or any Mortgage or Security which shall have been or shall hereafter be granted under the said recited Act, to the contrary in anywise notwithstanding.

Mortgages to Commissioners of Public Works to have Priority.

XVI. Provided always, and be it further enacted, That in case the said Trustees shall at any Time hereafter be enabled to borrow and take up Money at less Interest than Five *per Centum per Annum*, for the Purpose of paying off and discharging the Principal Monies and Interest owing under former Acts repealed by the said recited Act, upon the Credit of the Tolls arising from the said Roads, it shall be lawful for the said Trustees and they are required to borrow such Sum and Sums of Money as they shall deem necessary for that Purpose, and therewith pay off and discharge the said Monies and Interest so owing as aforesaid; and the several Persons to whom the said Monies are due shall be bound to accept and receive the same, and shall thereupon assign and transfer their Securities respectively to the Person or Persons advancing the said Monies respectively, or to such Person or Persons as the said Trustees shall direct.

Trustees may borrow Money at lower Rates to pay off former Mortgages.

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

Public Act.

XVIII. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall continue and be in force for and during the Term of the said recited Act.

Term of Act.

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Printers to the King's most Excellent Majesty. 1829.

I hereby certify that the above is a true and correct copy of the original as the same appears in the files of the Commission for the year 1910.

Very truly yours,
[Signature]

Witness my hand and seal this 1st day of [Month] 1910.

[Signature]

[Signature]