



ANNO PRIMO

GEORGIIV. REGIS.

Cap. xix.

An Act for enlarging the Term and Powers of an Act of His late Majesty, *for repairing the Road from Cheadle to Quickshill Bank, and from Bears Brook to Rocester in the County of Stafford*; and for making a new Road from *Denston to Rocester* in the said County. [22d June 1820.]

WHEREAS an Act was passed in the Thirty-ninth Year of the Reign of His late Majesty King George the Third, intituled *An Act for amending, widening, altering, and keeping in Repair the Road leading from Cheadle through Alveton to the Uttoxeter and Ashborne Turnpike Road at or near Quickshill Bank; and also the Road leading from the Stone and Uttoxeter Turnpike Road at Bears Brook through Hollington to the said Uttoxeter and Ashborne Turnpike Road, at or near the Churnet Bridge at Rocester in the County of Stafford, to continue in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament*: And whereas the public Carriage Road leading from the *Cheadle and Quickshill Bank Road at Denston*, to and over a Bridge called *Lady Meadow Bridge*, and across the *Churnet Ford* to the *Uttoxeter and Ashborne Turnpike Road at Rocester*, is in some Parts narrow, circuitous, and inconvenient for Travellers and Carriages, and in Time of Floods dangerous and impassable, and cannot be effectually amended, widened and kept in Repair by the ordinary Course of Law, and it would be of public Utility if a new Road was made from the said Bridge called *Lady Meadow Bridge*, erected across the *Frogball and Uttoxeter Canal* to

39 G.3.c.75.

[Local.]

the

Recited Act
further con-
tinued.

the said *Bears Brook* and *Hollington* Turnpike Road near the *Churnet Bridge* at *Rocester* aforesaid, being a Distance of Five Furlongs; and if such public Carriage Road and new Road were put under the Care and Management of the Trustees for executing the said recited Act and this Act: And whereas the Trustees appointed in or by virtue of the said recited Act have proceeded to put the same in Execution, for which Purpose they have borrowed considerable Sums of Money on the Credit of the Tolls authorized to be taken, which Money still remains owing, with an Arrear of Interest, and cannot be repaid, nor can the said Roads in the said Act mentioned be properly improved, amended, and kept in Repair, unless the Term of the said Act be continued, and some of the Powers and Provisions of the said Act be altered and enlarged, and the Tolls increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act passed in the Thirty-ninth Year of the Reign of His late Majesty, and all and every the Authorities, Powers, Privileges, Provisions, Penalties, and Clauses therein contained, (except such as are varied, altered, or repealed) shall be and continue in full force, and be executed for and during the Term herein-after mentioned, for amending, widening, and keeping in Repair the said Roads in the said Act mentioned; and also for amending, widening, improving, and keeping in Repair the said public Carriage Road from the said *Cheadle* and *Quicksbill Bank* Road at *Denston*, to and over the said Bridge called *Lady Meadow Bridge*, erected across the said *Frogball* and *Uttoxeter Canal*, and also for setting out, making, improving, and keeping in Repair a new Road from the said *Lady Meadow Bridge* to the said *Bears Brook* and *Hollington* Road at or near the said *Churnet Bridge* at *Rocester* aforesaid, as fully and effectually to all Intents and Purposes as if the same were herein particularly repeated and re-enacted, but subject nevertheless to the Amendments, Variations, Alterations, and Additions herein contained, and which shall commence and take Effect upon the Twenty-fifth Day of *March* next after the passing of this Act; and this Act, and the additional Term and Tolls hereby granted, shall be subject and liable to the Payment of all Money now due and owing on the Credit or on Account of the said former Act, or which may hereafter be borrowed or become due and owing on the Credit of the said Act and this Act, and of all Interest due and to grow due for the same respectively.

Repealing
Qualification
of Trustees
by former
Act.

II. And be it further enacted, That so much of the said recited Act as relates to the Qualification of Trustees, shall be and is hereby repealed, and from and after the said Twenty-fifth Day of *March* no Person shall be capable of acting as a Trustee in the Execution of the said recited Act and this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment, or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, of the clear Yearly value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person so seised of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or shall be possessed of a Personal Estate, or of Real and Personal Estates together, of the Amount or Value of Four thousand Pounds; and if any Person

not

not being so qualified shall act as a Trustee in the Execution of the said recited Act and this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty upon Proof being given of his having acted as a Trustee in the Execution of the said recited Act and of this Act: Provided nevertheless, that all Acts and Proceedings by any such Person as a Trustee in the Execution of the said recited Act and this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

III. Provided also, and be it further enacted, That every Trustee appointed or to be elected and appointed by virtue of the said recited Act and this Act, before he shall act as such (except in administering the Oath next herein-after mentioned at the First or Second Meeting of the said Trustees for executing the said recited Act and this Act) shall take an Oath before One or more of the said Trustees (who are hereby empowered to administer the same), in the Form or to the Effect following; (that is to say),

‘ I *A. B.* do swear, That I am in my own Right [*or in the Right of my Wife*] truly and *bonâ fide* seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, [*and in case of an Heir Apparent*] I *A. B.* do swear, That I am Heir Apparent of *C. D.* who to the best of my Knowledge and Belief, is truly and *bonâ fide* seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above Reprizes; [*and in the Case of Personal Estate*] I *A. B.* do swear, That I am truly and *bonâ fide* possessed of a Personal Estate alone or of Real or Personal Estate together, of the Amount or Value of Four thousand Pounds.

‘ So help me GOD.’

IV. And be it further enacted, That so much of the said recited Act as relates to the Appointment of new Trustees, shall be and is hereby repealed; and when and as often as any of the Trustees appointed by the said recited Act, or to be elected as herein-after mentioned, shall die, or shall not be qualified to act, or by Writing under his Hand refuse to act in the Execution of the said recited Act and of this Act, it shall be lawful for the surviving or remaining Trustees or any Five or more of them at any Meeting to be held by virtue of the said recited Act and this Act, (whereof at least Ten Days Notice in Writing shall have been given by or in the Names of any Two or more of the said Trustees, or by and in the Name of the Clerk to the said Trustees upon all the Toll Gates then erected on the said Roads, and also by Advertisement to be inserted in some Newspaper published or usually circulated in the County of *Stafford*) by Writing under their Hands to nominate and appoint a fit Person to be a Trustee in the Room of every Trustee so dying, becoming disqualified, or refusing

Trustees to take an Oath.

Repealing Parts of former Act as to Appointment of Trustees.

to act; and every Person so from Time to Time to be nominated and appointed shall be joined with the remaining Trustees, and shall have the same Power to act in the Execution of the said recited Act and of this Act as if he had been named and appointed a Trustee in and by the said recited Act or this Act.

Additional
Trustees.

V. And be it further enacted, That *Daniel Bird Baddeley, James Beech, John Bill, Robert Bill, the Reverend Thomas Blackey Clerk, James Blair, John Michael Blagg, William Blurton, Alexander Bower, Richard Brandon, John Buller, Yarde Buller, the Reverend William Carlisle Clerk, George Lambert Clifford, John Dent, Edmund Evans, Walter Evans, John Fallows, Bennett Fallows, William Fletcher, Simon Fowler, John Gent, John Goodwin, John Hall, William Harrison, William Harvey, Thomas Harvey, Thomas Harvey Junior, Charles Hart, Charles Hawkins, William Heath, John Heaton, Richard Clarke Hill, William Holmes, John Hordern, Thomas Howe, George Hubbard, Joseph Ingleby, Samuel Keys, William Keys, Thomas Sneyd Kynnersley, William Labdon, the Reverend Samuel Langley Clerk, Henry Langley, Thomas Lowe, John Lowndes, Gervase Marson, Thomas Mills, William Morris, Joseph Mucklestone, Thomas Hawe Parker, John Philips, William Philips, John Burton Philips, Samuel Philips, William Platt, the Reverend Robert Porter Clerk, the Reverend Delebere Pritchett Clerk, Edward Saunders, Sampson Shelley, Thomas Cotton Shepperd, Clement Sneyd, William Sneyd, William Debank Sneyd, Thomas Smith of Cheadle, Thomas Smith of Eaves, George Smith, James Smith, John Smith of Alton, Thomas Smith of Farley, John Swindells, John Thorley, Joseph Townsend, Thomas Turner, Samuel Watson, Trevor Wheeler, Mark Anthony Whyte, Thomas Wilson, the Reverend William Wragge Clerk, George Wragge, John Young, William Young, and all His Majesty's Justices of the Peace for the County of Stafford, shall be added unto the present Trustees for executing the said recited Act, for the Purpose of carrying the said recited Act and this Act into Execution.*

Power to ap-
point Ten
additional
Trustees.

VI. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, at any Meeting to be holden by virtue of this Act (of which Meeting and of the Purpose thereof such Notice shall be given as is herein-before directed respecting the Appointment of future Trustees on Vacancies) to elect, nominate, and appoint any Number of other fit and proper Persons not exceeding Ten to be Trustees for the Purposes of the said recited Act and this Act, in addition to the Trustees by or in pursuance of the said recited Act nominated and appointed.

For repealing
so much of
former Act as
authorizes
Trustees or
Justices to
administer
Oaths to Ac-
countants.

VII. And be it further enacted, That so much of the said Act passed in the Thirty-ninth Year of the Reign of His late Majesty as authorizes the Trustees for executing the said Act or any Justice or Justices of the Peace to administer an Oath to any Officer or Officers appointed or to be appointed by virtue of the said Act as to the Correctness or Justness of his or their Accounts, or respecting any Sum or Sums of Money received or expended by virtue of his or their Office, shall be and the same is hereby repealed.

Repealing
Power of
Trustees to

VIII. And be it further enacted, That so much of the said recited Act passed in the Thirty-ninth Year of the Reign of His late Majesty as au-
thorizes

thorizes the Trustees for executing the said Act, to hold a General Annual Meeting on the last *Thursday* in *August* in every Year at *Alveton* and *Over Tean* alternately, for the Purpose of examining and auditing the Accounts of the Clerk, Treasurer, Surveyors, and Collectors, relating to their respective Offices upon Oath, and for passing such Accounts or so much thereof as they should think fit and proper, shall be and the same is hereby repealed; and from and after the Commencement of this Act, it shall and may be lawful to and for the said Trustees to examine and audit such Accounts at any Meetings to be held by virtue of this Act, on such Days and at such Places as they the said Trustees shall think proper.

hold General Annual Meetings every Year at Alveton and Over Tean alternately.

IX. And be it further enacted, That it shall be lawful for the said Trustees appointed under or by virtue of the said recited Act and this Act, or any Five or more of them, or for such Person or Persons as any Five or more of them shall employ for that Purpose, and they are hereby fully authorized and empowered to amend, widen, alter, and keep in Repair, the said Road from the *Cbeadle* and *Quickshill Road* at *Denston* to and across the said *Lady Meadow Bridge*, erected across the *Frogball* and *Uttoxeter Canal*, and to set out, make, complete, maintain, and keep in Repair a new Road from the said Bridge called *Lady Meadow Bridge* to the said *Bears Brook* and *Hollington Turnpike Road* near the *Churnet Bridge* at *Rocester* aforesaid, and also to widen, alter, improve, amend, and keep in Repair the Roads in the said recited Act mentioned, by making such Alterations and Deviations in the same as the said Trustees or any Five or more of them shall think proper, within the Limits herein-after mentioned, through or over any Commons or Waste Grounds, without making any Satisfaction for the same, and also in, upon, through, or over any of the private Lands, Grounds, Gardens, Tenements, or Hereditaments mentioned in the Schedule to this Act, or in, upon, through, or over any other private Lands, Grounds, Tenements, or Hereditaments, as the said Trustees shall think proper, first making Satisfaction to all Parties interested therein in Manner directed by the said recited Act, for the Damage such Parties may sustain thereby; and for the Purposes aforesaid it shall be lawful for the said Trustees, their Surveyor or Surveyors, Officers, Servants, and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon the Lands and Premises through which or whereupon the said new Piece of Road is intended to pass, and the said Alteration and Deviations in the said Roads in the said recited Act mentioned are intended to be made, or the Lands or Grounds adjoining thereto, and to continue thereupon as long as may be necessary for the Purposes of this Act, without being deemed a Trespasser or Trespassers for entering or continuing upon such Lands or Premises, and to cut and make such Drains, Gutters, and Tunnels in and upon the Lands adjoining or near such new Piece of Road as shall be by them thought necessary and proper for draining the Water from such new Piece of Road, according to the true Intent and Meaning of this Act, doing as little Damage as may be in the Execution of the Powers and Authorities hereby given; and in case any Difference shall arise concerning the Satisfaction to be made for Damages which shall be sustained by the Owners or Proprietors or Persons interested in such Lands, the same shall be ascertained and settled by a Jury in Manner directed by the said recited Act with respect to the Valuation of Land thereby authorized to be taken or purchased by the said Trustees, and

Power to make the new Road, and to enter Lands.

[Local.]

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which

which said new Piece of Road shall be of the Breadth of Thirty Feet at the least.

New Road to be made according to Plan.

X. And whereas a Map or Plan describing the proposed new Line of Road, and the Lands through which the same is to be carried, together with a Book of Reference containing the List of the Names of the Owners and Occupiers of such Lands, has been deposited with the Clerk of the Peace for the 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 for the said County, to the end that all Persons may at all reasonable Times have liberty to inspect and peruse the same, and to take Copies or Extracts therefrom at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and the said Trustees in making the said new Line of Road shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made, unless otherwise directed by this Act.

Trustees not to deviate more than One hundred Yards from the Plan.

Misnomers in Book of Reference not to prevent the Execution of this Act.

XI. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered to make the said new Road, and also the Alterations and Deviations in the Roads comprised in the said recited Act and this Act 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 the Land over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously stated or omitted 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.

Roads to be fenced off.

XII. And be it further enacted, That in all Places where the Course of any Part of the present Roads shall be diverted from the old Line of Road, or a new Road shall be made, (except over and through any Common or Waste Ground), and where the old Road shall be widened, in all such Cases the said Trustees or any Five or more of them shall, and they are hereby required to cause good and sufficient Mounds, Rails, and Fences to be made and provided, and Quicksets to be planted in an husband-like Manner, and shall support such Mounds, Rails, and Fences for and during the Term of Seven Years from the first making thereof.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank;

XIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make out a good Title to the Premises, to the Satisfaction of the said Trustees, or any Five or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded

awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands or Hereditaments [describing them] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be, and is hereby empowered in a summary Way of Proceeding or otherwise as to the same Court shall seem meet, to order the same to be laid and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

subject to the Order of the Court of Chancery, on Motion or Petition.

XIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Chancery, in pursuance of the said recited Act or of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase shall be deemed entitled thereto, according to such Possession.

XV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Act or of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance thereof, it shall be lawful

The Court may order reasonable Expences of Purchases to be paid by the Trustees.

lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Act or of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be made by the said Trustees, or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Repealing
Parts of former Act respecting
Turnpikes,
and granting
new Powers.

XVI. And be it further enacted, That so much of the said Act passed in the Thirty-ninth Year of the Reign of His late Majesty as authorizes the Trustees for executing the said Act, to erect any Turnpike or Toll-Houses upon or across the said Roads, and upon or near the Sides thereof, across any Lane or Lanes leading into the same, and to make such Alteration in the Situation of any Gate or Turnpike by Order of a General Annual Meeting, and subject to the Notices required to be given by the said recited Act for that Purpose, shall be and the same is hereby repealed; and from and after the Commencement of this Act, the said Trustees, or any Five or more of them, shall and may, and they are hereby authorized and empowered to continue all or any of the Turnpikes, or Toll Gates and Toll Houses now standing in, upon, or across the said Roads made by virtue of the said recited Act, or on the Sides thereof, and also to take down, remove, or alter any of such Gates, Turnpikes, or Toll Houses, and to erect or cause to be erected such and so many Gates or Turnpikes upon or across the said Roads or the said new Roads, or on any Part of the Variation of Roads to be made and set out by virtue of this Act, or upon or near the Sides thereof, or across any Lanes or Ways leading into the same, or any Part thereof, as they shall think proper; and also shall and may, if they think it expedient, erect or cause to be erected, a Toll House adjoining or near to every such Gate or Turnpike, and cause a convenient Piece of Ground, not exceeding One-eighth of an Acre, for a Garden, to be set out to every such Toll House, and from Time to Time remove, take down, and alter the Situation of any such Gates, Turnpikes, or Toll Houses, as they shall think proper.

For repealing former
Tolls, and
granting
new ones.

XVII. And be it further enacted, That the Tolls authorized to be demanded and taken by the said recited Act on the said Roads thereby directed to be repaired, shall, from and after the Commencement of this Act, be and the same are hereby repealed; and thenceforth for and during the Continuance of the Term herein-after mentioned instead of such Tolls and Duties, such Sum or Sums of Money as the Trustees nominated and appointed or hereafter to be appointed for executing the said recited Act and this Act shall direct or appoint, not exceeding the following Tolls, shall be demanded, collected, and paid at each and every of the Toll Gates, Side Bars, and Toll Houses already erected or hereafter to be erected or continued by virtue of the said recited Act or this Act, upon any Part or Sides of the Roads by the said recited Act and this Act authorized to be made, improved, and kept in Repair, before any Horses, Cattle, or Carriages shall be permitted to pass through such Toll Gates or Side Bars, or any of them; that is to say,

Tolls.

For every Horse, Mule, or other Beast whatsoever, except an Ass, drawing any Coach, Chariot, Landau, Landaulet, Phaeton, Marine, Berlin, Barouche, Chaise, Calash, Curricule, Hearse, Gig, Chair, or taxed Cart, the Sum of Sixpence:

For

For every Horse, Mule, or other Beast whatsoever, except an Ass, drawing any Carriage whatsoever, the Wheels whereof shall be of the Breadth of Six Inches or upwards, the Sum of Four-pence:

For every Horse, Mule, or other Beast whatsoever, except an Ass, drawing any Waggon, Wain, Drug, Cart, or other such like Carriage, the Wheels whereof shall be of less Breadth than Six Inches, the Sum of Sixpence :

For every empty Carriage with Four Wheels fastened to or behind any Waggon, Wain, Drug, Cart, or other Carriage, the Sum of One Shilling ; and for every empty Carriage with Two Wheels so fastened, the Sum of Sixpence ; and if loaded, double such Sums :

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

For every Ass drawing any Carriage, the Sum of Two-pence ; and when not drawing, the Sum of One Penny :

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

For every Drove of Calves, Hogs, Pigs, Sheep, or Lambs, the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number :

All which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll, and may be lessened and raised again, leased or demised or compounded for by the said Trustees in such and the like Manner as the Tolls or Duties granted by the said recited Act are authorized or allowed to be lessened and raised again, leased or demised or compounded for, but no further or otherwise, and shall be paid to such Person or Persons as the said Trustees or any Five or more of them shall from Time to Time appoint to collect the same ; and the Money so to be raised shall be and is hereby vested in the said Trustees, and shall be applied in such and the like Manner as the Tolls and Duties hereby repealed are by the said recited Act directed to be applied, and in keeping in Repair and maintaining the Roads by this Act authorized to be made, and in carrying the Purposes of the said recited Act and this Act into Execution.

Tolls vested in Trustees.

XVIII. And be it further enacted, That all Waggons, Carts, and other such Carriages having Wheels and Axletrees fixed as directed by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and the Horses and other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

Waggons, &c. having Wheels and Axletrees according to 55G.3.c.119. to have Exemptions.

XIX. Provided always, and be it further enacted, That if any Person shall have paid the Toll by this Act granted, for the passing of any Horse, Beast, Cattle or Carriage, through any Toll Gate or Turnpike erected or to be erected by virtue of the said recited Act and this Act, such Person, upon producing a Note or Ticket denoting Payment of such Toll, shall be permitted to pass through the same Gate or Turnpike with the same Horse, Beast, Cattle, or Carriage, Toll-free, in respect of such Horse, Beast, Cattle, or Carriage, for which he or she shall have so paid the Toll

Tolls to be paid but once a Day.

[Local.]

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as aforesaid on the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night.

Number of
Tolls limited.

XX. Provided always, and be it further enacted, That no more than One full Toll shall be demanded or taken from any Person or Persons for passing and repassing through all or any of the Toll Gates or Turnpikes erected or to be erected by virtue of the said recited Act and this Act, on the Roads between *Cheadle* and *Quickshill Bank*, and from *Cheadle* to *Rocester*; nor more than one full Toll for passing and repassing through all or any of the Toll Gates or Turnpikes erected or to be erected from *Bearsbrook* to *Rocester*, the same Day, to be computed as aforesaid, with the same Horses, Cattle, Sheep, Beasts, or Carriages.

Exemptions
to the Inha-
bitants of
Croxden and
Great Yate.

XXI. Provided always, and be it further enacted, That it shall and may be lawful for the Inhabitants of *Croxden* and *Great Yate*, with any Carriages, Horses, or other Beasts or Cattle, to pass from and to *Croxden* and *Great Yate* aforesaid, through any Turnpike or Toll Gate already erected or which may be erected on the said Road leading from *Bearsbrook* to *Rocester* aforesaid, or on the Sides thereof, between *Croxden*, *Great Yate*, and *Combridge*, for the Payment of a Quarter of a Toll only, except Horses and Mules not drawing, which shall pay One Halfpenny each; provided that if any of the Inhabitants aforesaid shall pass upon any other Part of the Roads by the said recited Act and this Act directed to be kept in Repair, in that Case the same Toll shall be paid by them as by all other Persons travelling on the said Roads, without any Regard to the Payment of such Quarter Toll aforesaid: Provided also, that it shall and may be lawful to and for the said Inhabitants of *Croxden* and *Great Yate* aforesaid to pass and repass with any Carriages, Horses, Beasts, or other Cattle when going empty for or returning laden with Lime through any Turnpike or Toll Gate which now is or shall be erected in the Parish of *Alveton* upon or near the Sides of the said Road leading from *Cheadle* to *Quickshill Bank*, without paying any Toll whatsoever; and likewise that it shall and may be lawful to and for the said Inhabitants of *Croxden* and *Great Yate* to pass from and to *Croxden* and *Great Yate* aforesaid, with any Carriages, Horses, Beasts, or other Cattle, over *Hollington Heath*, from and to the Turnpike Road leading from *Cheadle* aforesaid to *Oakamoor* at or near a Place called the *High Shutt*, without taking any Toll whatsoever; any thing herein, or in the said recited Act, contained to the contrary notwithstanding.

Exemptions
at Gates be-
tween Bears-
brook and
Dodsley.

XXII. And be it further enacted, That no more than One Half Toll shall be demanded or taken for the Passage of any Carriages, Horses, or other Beasts or Cattle, through any Turnpike or Toll Gate now erected or hereafter to be erected upon that Part of the said Road leading from *Bearsbrook* to *Rocester*, which leads from *Bearsbrook* to *Dodsley*, except for Horses or Mules not drawing, which shall pay One Penny each.

For settling
Disputes con-
cerning Tolls.

XXIII. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any Distress to be taken by virtue of the said recited Act and this Act, it shall be lawful for the Collector so distraining to retain such Distress, or the Money arising from the Sale thereof, till the Amount of the Tolls and the Charges of such
Distress

Distress shall be ascertained by some Justice of the Peace for the County, Town, or Place where any such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or of a Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof, by Distress and Sale of the Goods and Chattels of the Person or Persons directed to pay the same by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, after Payment of such Costs and Charges, and the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

XXIV. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by this Act, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment, and such Notes or Tickets shall be provided by the said Trustees; and there shall be printed and specified thereon the Names of the several or respective Gates which such Tickets shall free, or which ought, under the Provisions of the said recited Act or this Act, to be passed free for Payment of One Toll. Tickets to be printed.

XXV. And be it further enacted, That all and every the Toll Collectors being Lessees of the said Tolls, or appointed either by the said Trustees or by any such Lessee or Lessees to collect the Tolls payable at any Turnpike or Gate to be continued or erected by virtue of the said recited Act or this Act, shall, and he is hereby required to place his Christian and Sirname painted on a Board in legible Characters in the Front, or on some other conspicuous Part of the Toll House or Toll Gate, immediately on his beginning to collect such Toll or coming on Duty; each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted in Black Letters on a White Ground, or White Letters on a Black Ground, and shall continue the same so placed during the whole Time he shall collect such Toll or be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of the said recited Act and this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall in any ways hinder, any Person or Persons from reading such Christian or Sirname, or shall refuse to tell his Christian or Sirname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall, in answer to such Demand, give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, and naming and specifying the several Gates freed by such Payment, or upon the legal Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Gate, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such Case every such Toll Collector shall forfeit Punishing Toll Collectors misbehaving.

Toll Collectors not to make use of any scurrilous Language to Travellers.

forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties are by the said recited Act directed to be recovered and applied.

General Ex-
emptions
from Toll.

XXVI. And be it further enacted, That none of the Tolls hereby authorized to be taken shall be demanded, taken, or received at any of the Turnpike Gates, erected or to be erected or continued upon the Roads by the said recited Act or this Act authorized and directed to be made or kept in Repair, for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning after having been so employed; or for any Horses, Cattle, or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; or for the Horses belonging to any Officers or Soldiers on their March or on Duty; or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or from any Rector, Vicar, or Curate going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated; or attending the Funeral of any Person or Persons who shall die and be buried in any Parish, Hamlet, or Place through which any Part of the said Road lies; or for any Horses, Beasts, Cattle or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Stafford*; or of carrying or conveying Vagrants sent by legal Passes; or of carrying or conveying Hay, Straw, or Corn in the Straw for the Use of the Owners, and not for sale or purchased, or of carrying or conveying any Dung, Mould, Manure, or Compost to be used only for manuring of Lands (Lime only excepted); or going or returning empty in that Employment; or for any Horses, Beasts, or Cattle employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, any Plough, Harrow, or other Implement of Husbandry, unless the Carriage bearing any such Plough, Harrow, or other Implement of Husbandry, be also laden with any other thing not hereby intended to be exempted from Payment of Toll; or for any Horse, Beast, or Cattle passing to or repassing from Water or Pasture, or for any Horse, Beast, or other Cattle, when going to or returning from being shod, or farried, or for any Horse, Beast, or Cattle used or employed for the Purpose only of carrying or conveying Materials for making or repairing any Highway, or Public Road, within any such Parish, Hamlet, or Place as aforesaid, or for rebuilding, building, or repairing any present or future Bridge or Bridges on the

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said

said Roads under this Trust; or for any Horse, Beast, Cattle or Carriage which shall cross the said Roads only, or shall not pass more than One hundred Yards thereon; or for any Horse, Mare, or Gelding furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements, according to the Regulations appointed for such Corps, at the Time of claiming the Exemption; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all cases the Proof of Exemption shall lie upon the Person claiming the same.

Penalty on fraudulently taking benefit of Exemptions.

XXVII. And be it further enacted, That no Person owning or driving or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in the said recited Act or this Act, contained to the contrary notwithstanding.

Owners or Drivers of Waggons conveying Military Stores, not subject to Penalties for Overweight.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses now or hereafter to be erected, and the Ground whereon the same shall stand, with the Outhouses, Gardens, and Appurtenances thereto belonging, and any other Piece or Pieces of Ground, when they shall be considered by the said Trustees to be useless and unnecessary for the Purposes of the said recited Act or this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale, to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall upon Payment of his, her, or their Purchase Money to the said Trustees or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trusts and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof.

Power to sell Toll Houses.

XXIX. Provided always, and be it enacted, That the Offer of the Purchase of any Toll House or Toll Houses, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances

First Offer to be made to Owners of adjoining Estates.

[Local.]

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thereto

thereto belonging, or any other Piece or Pieces of Ground not wanted for the Purposes of the said recited Act or this Act, shall be first made to the Owner of the Land adjoining thereto; and in case such Owner shall be desirous of becoming the Purchaser of such Toll House or Toll Houses, with the Appurtenances thereto belonging, or any Piece or Pieces of Ground as aforesaid, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser thereof, then and in such Case the Value thereof shall be settled and ascertained by a Jury, in such and the like Manner as the Price for any Land to be taken in pursuance of the said recited Act is directed to be settled and ascertained in and by the said recited Act, and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by the Jury to be the Value thereof, and the Expence of hearing and determining such Difference, shall be borne and paid in like Manner as by the said recited Act is directed with respect to Purchases made by the said Trustees, *mutatis mutandis*; and in case such Owner shall refuse to pay such Money on Demand made thereof by the Treasurer or Clerk to the Trustees, and Tender of the Conveyances of such Toll House or Toll Houses with the Appurtenances, or any Piece or Pieces of Ground as aforesaid, the same shall and may be recovered by the said Trustees by Action of Debt in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner shall not agree, or shall refuse to purchase any such Toll House or Toll Houses with the Appurtenances, or any such Piece or Pieces of Ground as aforesaid, it shall and may be lawful to and for any Person or Persons (not interested in the Premises) to make an Affidavit, to be sworn before a Master or Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Town, Division, or Place where such Toll House or Toll Houses and Appurtenances, or any such Piece or Pieces of Ground shall lie, stating that such Offer has been made by or on behalf of the said Trustees, and that such Owner has not agreed or has refused to purchase such Toll House or Toll Houses, and Appurtenances or Piece or Pieces of Ground (as the Case may be), and such Affidavit shall in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and not agreed to or refused by such Owner.

Deviation not to exceed more than One hundred Yards from the present Road.

XXX. Provided always, and be it further enacted, That the said Trustees in diverting, altering, or improving any Part of the said Roads under the Powers of the said recited Act shall not deviate more than One hundred Yards of Three Feet each, from the present Line, except in such Parts, and in making such Variations as are described and laid down on the Plan deposited at the Office of the Clerk of the Peace for the said County of *Stafford* as herein-before mentioned, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Offices of Clerk and Treasurer not to be held by the same Person.

XXXI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint or continue the Person who has been or shall be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Act or this Act, or to appoint or continue the Person who has been or shall be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the

the said recited Act or this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer, shall act as Clerk in the Execution of the said recited Act or this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance shall be allowed.

XXXII. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of the said recited Act and this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things, for which any Sum of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same, and in case the said Clerk shall refuse to permit the said Trustees or such Creditors or any of them to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds.

Accounts to be kept of Receipts and Disbursements.

XXXIII. And be it further enacted, That if any Mortgagee or Mortgagees of the Toll Gates, Bars, Chains, Toll Houses, and Buildings, erected or to be erected by virtue of the said recited Act or this Act, shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses and Buildings, or of the Tolls authorized to be collected thereat in order to pay himself, herself, or themselves the Principal Money and Interest or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them as Lessor or Lessors of the Plaintiff, and upon his, her or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

An Action of Ejectment may be supported by One Mortgagee.

XXXIV. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever shall be made to open into or towards any Part of the said Roads, or be suffered to continue so to open except the hanging Post thereof shall be Thirty Feet at least from the Centre of such Parts of the said Roads, and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure having any Gate opening contrary to the Directions of this Act shall, within Fourteen Days after Notice to him, her, or them given, either personally or in Writing from the Surveyor of the

Gates to open inwards.

the said Roads cause such Gate to be hung in the Manner hereby directed whenever the same shall be practicable, but in every case in such a Manner as that no Part of the Gate when open shall project over any Part of the said Roads or any Footpath belonging thereto; and in Default thereof the Surveyor of the said Roads is hereby authorized to cause such Gate to be so hung, and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County in which such Gate shall have been erected, and upon Conviction thereof, upon the Oath of one credible Witness pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Gates, and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made as aforesaid.

For getting
Materials to
Repair the
Roads.

XXXV. And be it further enacted, That so much and such Part of the said recited Act as authorizes the said Surveyors by Order of the said Trustees to get Materials for repairing the said Roads shall be, and the same is hereby repealed; and it shall and may be lawful for the Surveyor or Surveyors of the said Roads by the said recited Act and this Act authorized to be made and kept in Repair, and all such Person or Persons as he or they shall appoint, to search for, dig, gather, and take away any Stones, Gravel, Sand, or other Materials for making or repairing the said Roads out of any Waste or Common Ground, Common River, or Common Brook in any Parish, Township, or Place in which any Part of the said Roads shall lie or be situated, or in any adjoining Parish, Township, or Place, without paying any thing for the same, they the said Surveyor or Surveyors or other Person or Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries so that the same may not be dangerous to Passengers or Cattle; and if sufficient Quantities of Materials cannot be had or found in or upon any such Waste or Common Ground, Common River, or Common Brook, then and in such Case the Surveyor or Surveyors or other Persons as aforesaid may by the Order of any Two Justices of the Peace search for, dig, gather, and take away any such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons where the same may be had or found in any Parish, Township, or Place in which any Part of the said Roads shall be situated, or in any adjoining Parish, Township, or Place (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees) making or tendering such Satisfaction for the Value of the Materials and for the Damage done to the Owners and Occupiers of such Grounds where and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials for making or repairing the said Roads shall be carried, as the said Justices shall judge reasonable.

Notice to be
given before
Materials
taken.

XXXVI. And be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any Person or Persons acting under the Authority of this or the said recited Act, to dig, gather, get, take, or carry away any Materials for repairing such Roads out of or from any inclosed Lands
or

or Grounds without the Consent in Writing of the Owners or Occupiers thereof first had and obtained for that Purpose, and until Ten Days previous Notice in Writing, signed by the Surveyor of the said Roads shall have been given to the Owners or Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last usual Place of Abode of such Owners or Occupiers, to appear before any Justice or Justices of the Peace acting in and for the County or Place in which such Lands or Grounds shall be situate, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Owner or Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Persons to dig, gather, get, take, and carry away such Materials in such Manner as is directed by the said recited Act, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath any one of such Justices is hereby empowered to administer), make such Order therein as they shall think fit as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his Agent had attended.

XXXVII. And be it further enacted, That no Person or Persons whatsoever shall make, raise, or set any new Wall or Hedge, Fence or Fences of Thorns or Quicks in or upon any of the Lands or Grounds next adjoining to the said Roads nearer to the Centre thereof than Seventeen Feet; and if any such new Inclosure, Wall, Fence, or Hedge shall be made, it shall and may be lawful to and for the said Trustees, from Time to Time, upon their View and Sight of such new Inclosure, Wall, Fence, or Hedge, to cause the same to be levelled, thrown down, and removed, and to levy the Expence attending such levelling, throwing down, and removal upon the Offender or Offenders in the same Manner as any Penalties and Forfeitures are by the said recited Act or this Act directed to be levied.

To prevent
Encroach-
ments by
Fences.

XXXVIII. And be it further enacted, That if the several Persons who have become Subscribers towards the Expence of making the said new Road, or any one or more of them, or any Person or Persons who shall hereafter become or agree to become a Subscriber or Subscribers for the Purposes aforesaid, shall after Twenty Days previous Notice in Writing under the Hand of the Treasurer or Clerk to the said Trustees for that Purpose, to him, her, or them given, or left at his, her, or their Dwelling-house or usual Place or Places of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees, in the Name of their Clerk or Treasurer for the Time being to sue for and recover the same by Action at Law in any of His Majesty's Courts of Record at Westminster.

Subscribers
compellable
to pay their
Subscription.

XXXIX. And be it further enacted, That so much of the said recited Act as relates to the Performance of Statute Labour on the said Roads shall be, and the same is hereby repealed; and that all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the Roads by the said recited Act and

Statute
Work.

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

shall come or be set to Work as a Labourer, or shall be sent with any Team or Draught to Work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge the Person who shall be found idle or negligent as aforesaid, and in that case every such Person or Persons shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to Work on any Part of the said Roads, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and if any Surveyor of the Highways for any of the said Parishes, Hamlets, or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XL. And be it further enacted, That the said Trustees may, if they think fit, cause the said Roads to be measured, and Stones or Posts to be placed in or near the Sides of the said Roads, and also to cause to be erected Direction Posts upon such Parts of the said Roads where the same are crossed or joined by other Roads, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Bridge or Bridges, Culvert or Culverts, Direction or Mile Post or Stone erected or fixed in, across, or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon, and if any Person shall ride upon any Footpath or Causeway formed upon or on the Side of or adjoining the said Roads, or shall drive or lead any Horse, Beast, or Swine, or wheel any Hand Cart, Barrow, or other Carriage, upon or cause any Damage to be done to any Footpath or Causeway, or if any Person shall cause to be hauled or drawn upon any Part of the said Roads, any Timber, Stone, or other Thing, (except upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages, to drag upon the said Roads to the Prejudice thereof, or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to root up and damage the same, or the Fences on either Side thereof, or if any Person shall turn or suffer any Horse, Cow, Mule, Ass, Beast, Sheep, or Swine to be turned on, or to be or remain upon the said Roads, to graze or depasture on the Sides thereof, or if any Higler, Cricker, Hawker, Pedlar, or other Person travelling with any Machine, Vehicle, Cart or other Carriage, or with or without any Horse, Mule, or Ass, shall pitch any Tent or encamp upon or by the Side of any Part of the said Roads, or if any Person driving any Carriage upon the said Roads shall ride on the Shafts or other Part of the said Carriage without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her Left or Near Side of the said Roads, and also keep on the same Side himself, or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Roads, or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Fireworks whatsoever, within Forty Yards from the Centre of any Part of the said Roads, or play

Roads may
be measured
and Mile
Stones erect-
ed, &c.

at

at Football or any other Game or Games to the Annoyance of any Passenger or Passengers on any Part of the said Roads, or if any Blacksmith or other Person occupying a Blacksmith's shop, having Windows to the Front of the said Roads, shall not, by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into the said Roads, or if any Person shall after having blocked or stopped any Waggon, Cart, or other Carriage in going up any Hill or rising Ground, shall not immediately afterwards take away or remove from the said Roads, the Stone or other Thing made use of in so blocking or stopping such Waggon, Cart, or other Carriage, or if any Person shall leave any Carriage (except in Cases of Accident), upon or on the Side of the said Roads longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught, harnessed or yoked thereto, (and then such Carriage shall be placed as near to the Side of the said Roads as conveniently may be), or shall lay any Timber, Stones, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Thing whatsoever upon the said Roads, or on the Side or Sides thereof, between the said Roads and the Fences now standing or hereafter to be erected on the Sides thereof, or shall plough up, dig up, or break up, any of the Soil between any Part of the said Roads and such Fences as aforesaid, for the Purpose of making Compost or Manure, or otherwise shall scrape off any Soil or other Thing from the said Roads or the Sides thereof, or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure, from the Sides thereof, or shall carry Rods or Bars of Iron across the Back of any Horse, Mule, or Ass, passing along the said Roads, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds to be recovered and applied in the same Manner as any Penalty is by the said recited Act passed in the Thirty-ninth Year of the Reign of His late Majesty authorized to be recovered and applied.

Cattle may
be impound-
ed.

XLI. Provided also, and be it further enacted, That it shall be lawful for any Trustee, or the Surveyor, Clerk, or Treasurer of the said Roads, or any Person employed to work thereon, to take, lead, and drive away and impound any Horse, Cow, Beast, Mule, Ass, Sheep, or other Cattle found grazing and depasturing on the Side or Sides of the said Roads, and unless such Penalty shall be paid within Five Days after such impounding, such Horse, Cow, Beast, Mule, Ass, Sheep, or other Cattle may be sold to satisfy such Penalty, and the Overplus of the Money (if any), to arise by such Sale, shall after Payment of all the Costs and Charges of taking and keeping such Horse or other Beast, and making such Sale, be paid on Demand to the Owner or Owners of the Horse or other Beast so impounded and sold as aforesaid.

For paying
the Expences
of this Act.

XLII. And be it further enacted, That the Charges and Expences incurred in and about the obtaining and passing of this Act, together with lawful Interest for the Money which shall be advanced from Time to Time for that Purpose, shall be paid out of any Money already raised by virtue of the said recited Act, or out of the first Monies which shall be raised or borrowed upon the Credit of the said recited Act and this Act, or out of any Money to be collected by virtue thereof, in preference to all other Payments whatsoever.

XLIII. And

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

XLIV. And be it further enacted, That this Act shall commence upon the Twenty-fifth Day of *March* next after the passing thereof, and the said recited Act, subject to the Alterations, Additions, and Amendments in this Act contained, and this Act shall be put in force, and be executed for and during the Residue then to come of the Term granted by the said recited Act; and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commence-
ment and
Continuance
of this Act.

The SCHEDULE referred to by this Act.

Description of Messuages, Land: Grounds, Tenements, and Hereditaments.	Parishes and Townships, where situate.	Owners or reputed Owners.	No. on the Plan.	Occupiers.
A Garden - - -	Parish of Leigh - - -	Richard Fowler - - -	1	Richard Fowler.
Gardens - - -	{ Withington in the same Parish - - - }	Thos. Sherratt and Richard Hyde - - - }	2	George Smith.
Gardens and Rickyard - - -	Ditto - - -	Mrs. Arkald. - - -	3	William Turner.
A Garden - - -	Ditto - - -	Thomas Brown - - -	4	Samuel Alcock.
A Close of Land - - -	{ Township of Fole, Parish of Checkley - - - }	Walter Evans, Esq. - - -	5	Thomas Wilson.
Ditto - - -	{ Township of Hollington, in the same Parish - - - }	Thomas Kent - - -	6	Thomas Kent.
Ditto - - -	Ditto - - -	Ditto - - -	7	Ditto
Ditto - - -	Ditto - - -	Robert Blurton - - -	8	John Lymer.
Ditto - - -	Ditto - - -	Ditto - - -	9	Edward Mear.
Ditto - - -	Ditto - - -	Ditto - - -	10	
A Garden - - -	Hollington - - -	Simon Turner - - -	11	Simon Turner.
Ditto - - -	Ditto - - -	— Rycroft, Esq. - - -	12	William Taylor.
Ditto - - -	Ditto - - -	Ditto - - -	13	John Green.
Ditto - - -	Ditto - - -	Joseph Fower - - -	14	Joseph Fower.
Garden and Piece of Land	Parish of Croxden - - -	Earl of Macclesfield - - -	15	William Wheelton.
Gardens - - -	{ Township of Combridge Parish of Rocester - - - }	Executors of the late Thomas Bambrugge, Esq. - - - }	16	Samuel Tomlinson.
Ditto and Piece of Land	Township of Combridge - - -	Ditto - - -	17	William Ball.
A Piece of Land - - -	Township of Rocester - - -	— Muckleston, Esq. - - -	18	Thomas Fox.
Ditto - - -	Ditto - - -	Ditto - - -	19	Ditto.
Ditto - - -	Ditto - - -	Adam Harvey - - -	20	Joseph Salt.
Ditto - - -	Ditto - - -	— Fox - - -	21	Ditto.
Ditto - - -	Ditto - - -	Jesse Gerrard - - -	22	William Tomlinson.
Ditto - - -	Township of Denston - - -	Mrs. Langley - - -	23	Joseph Wright.
Ditto - - -	Ditto - - -	Lord Shrewsbury - - -	24	Thomas Bottom.
Ditto - - -	Ditto - - -	Ditto - - -	25	Ditto.
Ditto - - -	Ditto - - -	James Beech, Esq. - - -	26	Elizabeth Wood.
Ditto - - -	Ditto - - -	Ditto - - -	27	Ditto
Ditto - - -	Ditto - - -	L ^d Shrewsbury - - -	28	Thomas Bottom.
Ditto - - -	Ditto - - -	Ditto - - -	29	Thomas Lovatt.
Ditto - - -	Ditto - - -	John Lowndes - - -	30	John Lowndes.
A Garden - - -	Ditto - - -	Ditto - - -	31	George Holloway.
Gardens and Pieces of Land - - - }	Ditto - - -	Ditto - - -	32	John Lowndes.
Ditto - - -	Ditto - - -	Ditto - - -	33	Ditto.
Gardens - - -	Ditto - - -	Samuel Smith - - -	34	Mathew Burton.
A Piece of Land - - -	Ditto - - -	Thomas Bottom - - -	35	Thomas Bottom.
Orchard and Piece of Land - - - }	Ditto - - -	W ^m Tunnicliffe - - -	36	W ^m Tunnicliffe.
A Close of Land - - -	Parish of Cheadle - - -	Thomas Ryley - - -	37	Thomas Ryley.
Ditto - - -	Township of Cheadle Grange - - -	Ditto - - -	38	Ditto.
Ditto - - -	Ditto - - -	Parish Officers of Cheadle - - -	39	{ Parish Officers of Cheadle.
Ditto - - -	Ditto - - -	Ditto - - -	40	Ditto.
Ditto - - -	Ditto - - -	Ditto - - -	41	Ditto.
Ditto - - -	Ditto - - -	Ditto - - -	42	Ditto.
Cow-house, Rope-shed, Rope-walk, and Garden - - - }	Township of Cheadle - - -	Thomas Moreton - - -	43	Thomas Moreton.
Garden - - -	Ditto - - -	William Salt - - -	44	William Salt.
Ditto - - -	Ditto - - -	Ditto - - -	45	Ditto.
Ditto - - -	Ditto - - -	Philip Keates - - -	46	Philip Keates.