



ANNO SEPTIMO

GEORGII IV. REGIS.

Cap. lxxix.

An Act for more effectually 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*. [5th May 1826.]

WHEREAS an Act was made in the Second Year of the Reign of His late Majesty King George the Third, intituled *An Act 2G. 3. c. 62.* for repairing and widening the High Road leading from *Ashborne* in the County of *Derby* to the Town of *Leek* in the County of *Stafford*, and from *Ryecroft Gate* upon *Rushton Common* to *Congleton* in the County of *Chester*, and also the Road leading from *Blyth Marsh* in the County of *Stafford*, through *Cheadle*, *Oakamoor*, and *Blore*, to the Turnpike Road from *Ashborne* to *Buxton* near *Thorp* in the County of *Derby*: And whereas another Act was made in the Twenty-second Year of the Reign of His said late Majesty, intituled *An Act 22G. 3. c. 107.* for enlarging the Term and Powers of so much of an Act made in the Second Year of the Reign of His present Majesty, intituled 'An Act for repairing and widening the High Road leading from *Ashborne* in the County of *Derby* to the Town of *Leek* in the County of *Stafford*, and from *Ryecroft Gate* upon *Rushton Common* to *Congleton* in the County of *Chester*, and also the Road leading from *Blyth Marsh* in the County of *Stafford*, through *Cheadle*, *Oakamoor*, and *Blore*, to the Turnpike Road from *Ashborne* to *Buxton* near *Thorp* in the County of *Derby*,' as relates to the District of Road between *Ashborne* and [Local.] 25 P Congleton;

Congleton; and for repairing the Road from the End of Ashborne Churchyard to the Top of the Dig Street in Ashborne aforesaid: And whereas another Act was made in the Forty-fourth Year of the Reign of His said late Majesty, intituled *An Act for continuing the Term and enlarging and altering the Powers of Two Acts made in the Second and Twenty-second Years 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*: And whereas by virtue and under the Authority of the said Acts the Trustees have made great Progress in the Execution thereof, within that District of the said Road which leads from *Ashborne* in the County of *Derby* to the Town of *Leek* in the County of *Stafford*, and from *Ryecroft Gate* upon *Rushton Common* to *Congleton* in the County of *Chester*, and from *Ashborne Churchyard* to the Top of the *Dig Street* in *Ashborne* aforesaid, and have borrowed considerable Sums of Money upon the Credit of the Tolls arising within the said District, but find that the said Road cannot be effectually amended and kept in repair, nor the Monies now owing repaid, unless the Terms of the said Acts in respect of the said District are continued, the Tolls increased, and further Powers granted: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas 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 Diversions of the present Line of Road from *Hanging Bridge*, in the County of *Stafford*, to the Town of *Leek* aforesaid, from, through, or into 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*, *Ipstones*, *Bradnop*, and *Leek*, all in the said County of *Stafford*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Third Monday after the passing of this Act, the said recited Acts of the Second, Twenty-second, and Forty-fourth Years of the Reign of His late Majesty King George the Third, shall be and the same are hereby respectively repealed, and instead thereof this Act shall from thenceforth commence and take Effect, and be put in Execution, for and during the Term hereinafter mentioned, for the Purpose of more effectually repairing, amending, widening, diverting,

The Three
 first-recited
 Acts
 repealed.

diverting, improving, and keeping in repair the Road leading from *Ashborne* in the County of *Derby* to the Town of *Leek* in the County of *Stafford*, and from *Ryecroft Gate* upon *Rushton Common* to *Congleton* in the County of *Chester*.

II. And be it further enacted, That the said recited Act, passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act,) and also the said recited Acts passed in the Fourth and Fifth Years of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act,) shall respectively 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
the Acts of
3, 4, & 5 G. 4.
extended to
this Act.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized by the recited Acts of the Second, Twenty-second, and Forty-fourth Years of the Reign of His late Majesty King *George* the Third, or any of them, to be taken at all and every the Toll Gates and Side Gates and Chains erected or to be erected upon, and across, or by the Sides of any Part of the said Roads by this Act directed to be made, widened, improved, and kept in repair, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for carrying the said recited Acts hereby repealed into Execution, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

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

IV. And be it further enacted, That all Bonds, Covenants, and Agreements, Contracts and Securities, entered into by any Person or Persons to or with the Trustees for carrying the said recited Acts hereby repealed into Execution, or to or with their Clerk or Treasurer, or any other Person or Persons on behalf of the said Trustees, according to the Provisions of the said recited Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity; until the same are fully satisfied and performed on Account and for the Benefit of the Trusts created by this Act; and all Contracts or Agreements duly made or entered into by the said Trustees, or their Clerk or Treasurer, or other Person or Persons on their Behalf as aforesaid, shall, so far as the same are not altered

Bonds, &c.
to continue
in force.

altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Acts.

Books used
underformer
Act to be
Evidence
under this
Act.

V. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said Three first-recited Acts, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said Three first-recited Acts had not been repealed.

Officers
under
former Acts
to account
to Trustees
under this
Act.

VI. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the Road by this Act directed to be widened, improved, and kept in repair, or who have or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the said Road, shall account for, and pay and deliver over the same, and every Part thereof, to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties and Forfeitures as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and this Act, are by the said recited Act of the Fourth Year of the Reign of His present Majesty required to pay or account for the same.

Trustees
nominated.

VII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being, acting for the Counties of *Derby*, *Stafford*, or *Chester*, together with *Richard Arkwright Junior*, *Charles Arkwright*, *Sir Matthew Blakiston* Baronet, The Reverend *Jervoice Brown*, The Reverend *Paul Belcher*, The Reverend *George Belcher*, The Reverend *Thomas Bingham*, The Reverend *George Buckston*, The Reverend *German Buckston*, *John Beresford*, *Anthony Beresford*, *Joseph Bradley*, *William Booth*, *Jonathan Broadhurst*, *John Buxton*, *Samuel Buxton*, *Richard Badnall*, *Richard Badnall* the Younger, *Joseph Badnall*, *Uriah Corden*, *Edward Corden*, *John Douglas Cooper*, *Edward Soresby Cox*, *John Robert Browne Cave*, The Reverend *William Carlisle*, *Toft Chorley*, *John Challinor of Overton*, *William Challinor*, *Joseph Condlyffe*, *Walter Hill Coyney*, *Walter Walter Coyney*, *John Cruso*, *William Crichlow*, *Charles Chadwick*, *John Cruso the Younger*, *Robert Dale*, *Thurstan Dale the Elder*, *Thurstan Dale the Younger*, *Court Dewes*, *Bernard Dewes*, *Granville Dewes*, *Davies Davenport*, *John Smith Daintry*, *John Daintry*, *John Davenport*, *John Davenport the Younger*, *William Etches*, *Sir Henry Fitzherbert* Baronet, *William Fitzherbert*, *Richard Henry Fitzherbert*, *William Fletcher the Elder*, *William Fletcher the Younger*, *John Fowler*, *John Fynney*, *Charles Flint*, *Hugh Ford*, *Francis Greensmith*, *Thomas Greensmith*, *William Greaves M. D.*, The Reverend *Robert Granville*, *William Gould*, *Thomas Gould*, *Francis Goodwin*, *Henry Goodwin*, *Robert Docksey Goodwin*, *Richard Gaunt*, *Josiah Gaunt*, *John Gaunt*, *Thomas Griffin*, *Francis Gent*, *John Harrison*, *Christopher Harland*, *Charles Harland*, *Robert Hurd*, *Thomas Hartshorn*, *Robert James Hartshorn*, *Thomas Hart*, *John Hayworth*, The Reverend
Thomas

Thomas Henry Heathcote, Charles Heaton, Brian Hodgson, George Ridgway Killmister, John Lockett, John Longden, John Leigh of Cunsal, Samuel Lucas, William Locket, Godfrey Meynell, Thomas Maskery, Charles Matchet, Henry Matchet, William Peach, Thomas Hawe Parker, Samuel Phillips, William Phillips, Charles Phillips, Jesse Watts Russell, James Riddlesden, William Riddlesden, The Reverend Henry Rice, John Ryle, Edward Stracey, The Reverend Samuel Shipley, William Smith the Elder, William Smith the Younger, Thomas Smith, Daniel Smith, William Sutton, John Sleigh, William Sneyd, The Reverend John Sneyd, The Reverend Ralph Sneyd, Thomas Smith (Knivedon), Thomas Smith (Wiston Eaves), Thomas Sutton, Trafford Trafford, Mark Anthony Whyte, Edward Cheney Winslow, Edward Walker, William Webster, The Reverend William Webster, Edward Webster, Charles Webster, John Wood, John Whitham, Philip Waterfield, Sir Trevor Wheeler, Benjamin Wolfe, and their Successors, being duly qualified in Manner directed by the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty shall be and they are hereby appointed Trustees for carrying into Execution this Act, and such of the Powers and Provisions of the said recited Act of the Third Year of the Reign of His present Majesty as are not expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act, and also such of the Powers and Provisions of the said recited Act of the Fourth Year of the Reign of His present Majesty as are not expressly varied, altered, or otherwise provided for by this Act.

VIII. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at any Meeting from Time to Time to be held for that Purpose, (of which Meeting and of the Purpose thereof Fourteen Days Notice shall be given, as is directed by the said recited Act of the Third Year of the Reign of His present Majesty respecting the Appointment of Trustees on Vacancies,) to elect, nominate, and appoint any Number of fit Persons (not exceeding Three in the whole) to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and this Act, as if they had been named and appointed in and by this Act.

Power to
appoint ad-
ditional
Number of
Trustees.

IX. And be it further enacted, That the said Trustees shall meet at the *Marquis of Granby Inn*, in the Town of *Ashborne*, or at some other convenient House in the Town of *Ashborne* aforesaid, on the Third *Monday* after the passing of this Act, or as soon after as conveniently may be, between the Hours of Twelve in the Morning and Two in the Afternoon, and shall then and there proceed to put the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty and this Act into Execution; and that all subsequent Meetings of the said Trustees shall be held alter-

First Meet-
ing of Trus-
tees.

[Local.]

25 Q

nately

nately in the Town of *Ashborne* aforesaid, and in the Town of *Leek*, except in case of Special Meetings, or Meetings on Emergency, when such Meetings shall be held at the Place specified in the Notice calling such Meeting.

Former
Officers to
continue
(except the
Treasurer).

X. Provided always, and be it further enacted, That the Clerks, Surveyor, and all other Officers (except the Treasurer) who have been appointed under and employed in the Execution of the said former Acts hereby as aforesaid repealed, shall respectively continue to exercise their Offices under this Act, until they shall respectively die, resign, or be displaced, or be removed by the said Trustees, or be incapable of executing them, and shall be subject to the like Rules and Regulations, Pains and Penalties, in all Respects whatsoever, as if they had been appointed under or by virtue of this Act.

Treasurer
and Clerk
not to be the
same Person.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or of his or their Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or of his Partner, the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer, for Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or of his Partner, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Trust or Profit under the said Trustees other than that of Treasurer, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Power to
erect Toll
Gates,
Turnpikes,
Side Gates,
Weighing
Machines,

XII. And be it further enacted, That it shall and may be lawful for the said Trustees, if they think proper, to continue or remove all and every or any of the Toll Gates or Turnpikes, and Toll Houses and Weighing Machines, now standing and being in, or upon, or across the Road, or on the Sides thereof, and also to erect and set up or build, or cause to be erected, set up, and built, upon, in, or across the Road hereby directed to be made and maintained, or upon any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine

Machine or Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Road suitable Garden Spots for the same respectively, not exceeding One Eighth Part of a Statute Acre to each, as they shall think necessary; and from Time to Time to take down and remove, or alter or discontinue the same or any of them, as they the said Trustees shall think proper and direct or appoint.

XIII. And be it further enacted, That the respective Tolls following shall (subject to the Provisions, Restrictions, and Exemptions in this Act and in the said recited Acts made in the Third and Fourth Years of the Reign of His present Majesty contained) be demanded and taken at each and every such Turnpike, Toll Gate, and Side Gate, Chain or Chains, as is now set up and continued, or shall hereafter be set up, upon, across, and by the Side of the Roads by this Act directed to be made, widened, improved, and kept in repair, by each and every such Person and Persons as the said Trustees shall from Time to Time, by virtue of this Act, continue or appoint to receive the same, before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate; (that is to say,) Power to take Tolls.

For every Horse, or other Beast, drawing any Coach, Landau, Chariot, Curricule, Berlin, Phaeton, Chaise, Calash, Hearse, Gig, Chair, or other such like Carriage, the Sum of Sixpence: Tolls.

For every Horse, or other Beast, drawing any Waggon, Wain, Dray, Cart, Caravan, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or more, the Sum of Five-pence; and in case the Fellies of the Wheels thereof are of less Breadth than Six Inches, and not more than Four and a Half Inches, the Sum of Nine-pence; and in case the Fellies of the Wheels thereof are of less Breadth than Four and a Half Inches, the Sum of One Shilling:

For every Horse or other Beast drawing any Van, Caravan, or other such Four-wheeled Carriage, used for the Conveyance of Goods for Hire, Pay, or Reward, and built and constructed with Springs, the Sum of One Shilling:

For each and every Horse or other Beast drawing any Van, Caravan, or other such Four-wheeled Carriage, used for the Conveyance of Goods for Hire, Pay, or Reward, and built and constructed with Springs, the Fellies of which Wheels shall roll upon a Surface of not less than Six Inches, so constructed as not to deviate more than one Quarter of an Inch from a flat or level Surface, the Sum of Nine-pence:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score, and so in proportion for any lesser Number:

And for every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Five-pence *per* Score, and so in proportion for any lesser Number.

XIV. And

Tolls to be
paid only
once a Day.

XIV. And be it further enacted, That no Person who shall have paid Toll for passing through any of the Turnpikes, Toll Gates, or Side Gates, Chain or Chains, now erected and continued, or hereafter to be erected upon, across, or on the Sides of the Road by this Act directed to be made, widened, improved, and kept in repair, shall be subject or liable to any Toll for returning, passing, or repassing through the same Turnpike, Toll Gate, or Side Gate the same Day, before Twelve of the Clock at Night, with the same Horse, Beast, Cattle, or Carriage for which Toll shall have been paid on that Day; but that every such Person, on producing a Note or Ticket, denoting the Payment of such Toll, shall (except in the Cases hereinafter mentioned) be permitted to pass through such Turnpike, Toll Gate, or Side Gate, Chain or Chains, with such Horse, Beast, Cattle, or Carriage, Toll-free; which Note or Ticket (such Tickets to name and specify the Gate freed by such Payment) the Collector of the Tolls are hereby respectively required to give *gratis* on Receipt of the Toll.

Limiting the
Number of
Tolls.

XV. And be it further enacted, That it shall not be lawful to and for the said Trustees to take or demand more than Three Tolls for or in respect of any Horse, Beast, or Cattle passing and repassing on the same Day between the Towns of *Ashborne* and *Leek*; (that is to say,) no more than Two Tolls in any One Day between the Town of *Ashborne* and a certain Place where the new Line of Road joins the present Line of Road, near to a House called *Bottom House*, nor more than One Toll between such Place called *Bottom House* and the Town of *Leek* in any One Day, except as may be herein exempted; nor more than One Toll between *Ryecroft Gate* upon *Rushton Common* to *Congleton* in the County of *Chester*.

Horses, &c.
drawing
different
Carriages to
pay each
Time of
passing.

XVI. Provided always, and be it further enacted, That no Horse or Horses, or other Beast or Beasts of Draught, for which Toll shall have been paid at any of the said Turnpikes, Toll Gates or Side Gates, returning the same Day through the same Turnpikes, Toll Gates or Side Gates, drawing any other or different Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass Toll-free through the same Turnpikes, Toll Gates, or Side Gates, the same Day, any thing herein contained to the contrary thereof in anywise notwithstanding.

Stage
Coaches, &c.
to pay each
Time of
passing,
and Post-
Chaises, &c.
on every new
Hiring.

XVII. Provided also, and be it further enacted, That for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach or Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike, Toll Gate, or Side Gate, Chain or Chains, the Tolls hereby made payable shall be paid for every Time of passing and repassing through every such Turnpike, Toll Gate, or Side Gate, Chain or Chains, in like Manner as if no Toll had been before paid thereat; and that the Toll hereby made payable shall be paid for or in respect of all Horses or other Beasts of Draught travelling for Hire, drawing any Post Chaise or other Carriage, for every Time of passing and repassing along the said Road on the same Day, as often as a fresh Hiring thereof shall take place.

XVIII. And

XVIII. 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 Turnpikes, Toll Gates, or Side Gates, Chain or Chains, erected and continued, or to be erected upon, across, or by the Sides of the said Road, for any Horse, Beast, or other Cattle, drawing any Waggon, Cart, or other Carriage used or employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Dung, Soil, Marl, Compost, or Manure (except Lime) for improving Lands, or any Gravel, Stones, Timber, Sand, or other Materials, for the building, rebuilding, or repairing of any present or future Bridge, Toll House, or Toll Gate, now erected and continued, or hereafter to be erected on the said Road; and if any Person shall claim and take the Benefit of any Exemption in this Act contained, not being entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds; and the Proof of Exemption shall lie on the Person claiming the same.

Exemption
from Toll.

XIX. And be it further enacted, That all and every the Tolls by this Act authorized to be taken shall be vested in the said Trustees, and the same and every Part thereof shall be levied, collected, paid, applied, disposed of, and assigned in the Manner directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act.

Tolls vested
in Trustees.

XX. And be it further enacted, That the said Trustees are hereby required to make the said Deviations of the 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*, *Croxdon*, *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 that such new Deviations of Road, when made, shall be maintained, repaired, and supported by the said Trustees, by virtue of the Provisions contained in the said recited Acts and this Act.

New Line of
Road.

XXI. And whereas a Map or Plan describing the Line of the said intended Diversion, 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 to take Copies and Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One

Road to be
made accord-
ing to the
Map or Plan
deposited at
the Office of
the Clerk of
the Peace.

hundred Words of such Copies or Extracts of such Map or Plan and Book of Reference; and the said Trustees in making such Diversions of Roads shall not deviate more than One hundred Yards of Three Feet each from the Line 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 Deviation shall be made.

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

XXII. 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 Person or Persons may happen to be omitted or mis-stated 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.

Old Line discontinued.

XXIII. 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 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 shall be made, shall cease to be under the Direction, Control, or Management of the said Trustees.

Road between Bottom House and Leek to be completed in Three Years.

XXIV. And be it further enacted, That in case so much of the said intended new Line of Road as is situate between a certain Place where the new intended Line of Road joins the old Line of Road near to a House called *Bottom House*, and the Town of *Leek*, and every Part and Portion of such Line of Road, shall 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 be not certified under the Hands of Two of His Majesty's Justices of the Peace of the County of *Stafford*, within Three Years after the passing of this Act, then and in such Case it shall not be lawful to or for the said Trustees to erect or maintain any Gate, or to demand or take any Toll by virtue of this Act, for or in respect of any Horses, Cattle, or Carriages on so much of the present Line of Road as is situate between a Place called the *Bottom House* and the Town of *Leek*, any thing herein contained to the contrary notwithstanding.

Road between Ashborne and Bottom House to be completed in Four Years.

XXV. And be it further enacted, That in case so much of the said intended Line of Road as is situate between the Town of *Ashborne* and the Place where such new Line of Road is hereby directed to join the old Line of Road near to a House called the *Bottom House*, and every Part and Portion thereof, shall 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

for the County of *Stafford*, within Four Years after the passing of this Act, then and in such Case it shall not be lawful for the said Trustees to erect or maintain any Gate, or to demand or take any Toll by virtue of this Act, for or in respect of any Horses, Cattle, or Carriages, on any Part of the present Line of Road.

XXVI. And be it further enacted, That it shall 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 Third 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*, such Sum or Sums of Money as the Majority of the said Trustees present at such Meeting or Meetings may deem expedient, for the Purposes of the said recited Act or this Act, upon Mortgage or Assignment of all the Tolls authorized to be collected and received by virtue of the said recited Act or this Act, and the Toll Gates and Toll Houses erected or to be erected for collecting the same, with their Appurtenances; subject nevertheless to such of the Provisoos and Conditions particularly mentioned and expressed in the said Act of the Third 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.

Trustees may borrow Money of Exchequer Bill Commissioners.

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

Mortgages, &c. to the Commissioners of Exchequer Bills to have Priority of all other Mortgages.

XXVIII. And whereas considerable Sums of Money have been borrowed and are now due and owing on the Credit of the Tolls payable on the said Roads, and it is expedient that the said Debt should be reduced; be it therefore enacted, That from and after the passing of this Act, the Sum of One hundred and fifty Pounds shall be applied yearly and every Year out of the said Tolls as a Sinking Fund towards the Payment and Discharge of the Principal Monies now due and owing on the Credit of the said Tolls; and after the Payment of any of such Principal Sums, the Interest which would have been otherwise payable for the same to the Creditor or Creditors shall from thenceforth be appropriated and paid out of the said Tolls in Aid of the said Sinking Fund, and such Sum shall be applied rateably in Payment of an equal Amount of the Principal Monies borrowed by the Trustees under the said former Acts, upon the Credit or Security of the Tolls arising from the said Roads, and then remaining due and owing to

Sinking Fund.

or

or amongst the Creditors thereon; and when and as soon as the Sum of Two thousand five hundred Pounds of the Monies so borrowed under the Authority of the said former Acts shall have been paid off and discharged in Manner before directed, then and from thenceforth it shall not be lawful for the said Trustees to collect and receive any Tolls on the said Road from *Ryecroft Gate* upon *Rushton Common* to *Congleton* in the County of *Chester*, and the said Trustees shall be discharged from any further Care or Management of the said Road, any thing herein contained to the contrary notwithstanding.

Application
of Tolls and
Money
borrowed.

XXIX. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Acts hereby as aforesaid repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; that is to say, in the first Place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in obtaining Plans, Estimates, and Consents, and of applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto respectively; secondly, in paying off and discharging the said Sum of Two thousand five hundred Pounds in Manner hereinbefore mentioned; thirdly, in paying and discharging all the Interest which shall from Time to Time be owing to any Mortgagee or Mortgagees of the Tolls or Duties payable on the Road by this Act directed to be widened, improved, and kept in repair; fourthly, in defraying the Expences of diverting, widening, improving, repairing, and preserving the Road by this Act directed to be widened, improved, and kept in repair, and of erecting, altering, and repairing Turnpikes, Toll Gates, and Toll Houses, with suitable Outbuildings, upon, across, and by the Side of the same Road, and otherwise, in executing the other Purposes of this Act; and, lastly, in reducing, paying off, and discharging the several Principal Sums of Money which shall have been borrowed and secured in pursuance of and for the Purposes of the said recited Acts hereby repealed, and also the several Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act.

No Priority
of Mort-
gages.

XXX. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the Tolls granted by the said recited Acts or any of them, or who shall hereafter advance any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his, her, or their Assignee or Assignees, in respect to the Priority of the Mortgage or Assignment, or Mortgages or Assignments, or other Security or Securities for the same, or for advancing such Sum or Sums of Money; but that as well all Persons to whom

any such Mortgage or Assignment shall hereafter be made or given, his, her, or their Assignee or Assignees, as also all and every Person or Persons to whom any such Mortgage or Assignment hath or have heretofore been made or given, shall (in proportion to the Sum or Sums therein mentioned) be Creditors under this Act, and in equal Degree one with another, without any Preference or Priority.

XXXI. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffee in Trust, Guardian, Committee, Trustee, Feme Covert, or other incapacitated Person or Persons, such Money shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act made in the First Year of the Reign of King George the Fourth, intituled *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in be paid, under the Direction and with the Approbation of the said Court, to be signified by an Order to be made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean time, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be

Application
of Com-
pensation
when
amounting
to 200*l*.

[*Local.*]

25 S

paid,

paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

Application
when under
200*l.* and
exceeding
20*l.*

XXXII. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politic, Corporate, or Collegiate, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends and Interest arising thereon, may be applied in Manner hereinbefore directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Application
where the
Money is
less than
20*l.*

XXXIII. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid as hereinbefore mentioned shall be less than the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiocy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of
not making
out Titles,
or Persons
entitled
not being
found.

XXXIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments to be so purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded or assessed 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 and may be lawful for the said Trustees to order the said Sum or Sums of Money so awarded or assessed 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 Exchequer, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court do, 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 and is hereby empowered, in a summary Way of Proceeding or otherwise, as the same Court shall seem meet, to order the same to be laid out 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 Sum or Sums of Money into the Bank as aforesaid.

XXXV. Provided also, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant-General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, 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 any 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 be 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 Exchequer; and the Dividends or Interest of the 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.

Persons in Possession presumptively entitled.

XXXVI. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority 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

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

settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance 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 paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Public Act.

XXXVII. 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.

The Commencement and Continuance of this Act.

XXXVIII. And be it further enacted, That this Act shall commence upon the Third *Monday* next after the passing thereof, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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