Anno tertio

Georgii III. Regis.

An Act for continuing and enlarging the Term and Powers of an Act made in the Thirty second Year of the Reign of His late Majesty King *George* the Second, for repairing and widening the Road from the Town of *Derby* to the Town of *Newcastle under Lyne*, in the County of *Stafford*; and for repairing and widening the Road from *Cliffebank* to *Snape Marsh*, in the Village of *Shelton*, in the County of *Stafford*.



WHEREAS by an Act made in the Thirty second Year of the Reign of His late Majesty King George the Second, intituled, An Act for repairing and widening the Road from the Town of *Derby* to the Town of *Newcastle under Lyne*, in the County of *Stafford*, several Tolls, Duties, and Powers, were granted to certain Trustees in the said Act mentioned, which were to continue for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament: And whereas the said Trustees have proceeded in the Execution of the said Act, but the said Road cannot be effectually amended, unless the Term and Powers of the said Act be further continued and enlarged; 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

Preamble, reciting Act 32 *Geo.* II.

of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said former Act, and all and every the Tolls or Duties, Powers, and Clauses, therein contained (except such as are hereby varied, altered, or repealed) shall be and continue in full force, and be executed from and after the Expiration of the Term granted by the said former Act, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, as fully as if the same were herein again repeated and re-enacted in the Body of this present Act; which said additional Term and the Tolls or Duties, Powers and Clauses, hereby continued and granted, are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the said former Act, and of such other Sum and Sums of Money as shall be borrowed for the Purposes of the said former Act or this Act, and the Interest due and to grow due on the same.

Recited Act continued.

Trustees Names.

And be it further enacted, That Christopher Heath, John Tomlinson, George Killer, Marshall Killer, the Reverend Thomas Manlove, the Reverend Charles Hope, James Phillips, John Bruckfield, Richard Noton, Thomas Milnes, the Reverend George Fletcher, Joseph Greaves, George Brentnall, William Chase junior, John Bingham junior, William Evans junior, John Webster, Roger Noell, Samuel Wyld, Henry Flint, George Roe, Richard Beresford, James Shuttleworth, William Bowyer, George Buckston, Sir Robert Burdett Baronet, the Reverend Roberts, shall from and after the passing of this Act be added to and joined with the Trustees appointed by and in pursuance of the said former Act, for putting the said former Act and this present Act in Execution, as far as concerns the District from Derby to Uttoxeter; and that Joseph Adams, Benjamin Adams, John Bowyer, John Beckitt junior, Isaac Barber, Aaron Brown, John Bourne, Henry Copestack, John Ferneyhough Clerk, Isaac Ford, William Fowler, George Greatbach, James Godwin, William Gibbons, William Hyatt, John Hollins, Thomas Hill, Jonathan Hinton, John Hulme, John Hyatt, Thomas Heath of Stanley, William Kinnersley, John Lovatt Clerk, Richard Lateward, Thomas Mellor, Jesson Mason, Jonathan Mullins, Humphry Palmer, John Ridgway, Thomas Shaw Grocer, Benjamin Swinnerton, John Swan, John Tomlinson, Thomas Warner, William Whieldon junior, William Willett, shall from and after the passing of this Act be added to and joined with the Trustees appointed by or in pursuance of the said former Act, for putting

putting the said former Act and this present Act in Execution, in respect of the District from Uttoxeter to Newcastle; and the Trustees herein before nominated are hereby impowered to act in the Execution of the said former Act and this present Act, as fully and effectually, with such Qualifications, and in such Sort and Manner, to all Intents and Purposes, as if they had been appointed Trustees by the said former Act; and the Trustees appointed by or in pursuance of the said former Act and this present Act, or any Nine or more of them, shall have the same Authority for electing new Trustees from time to time, instead of such of the Trustees hereby appointed, and their Successors, who shall die, remove, or refuse to act, as is authorized for the Choice of new Trustees in the said former Act.

Toll-gates may be erected in *Hilton*.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees for repairing the Road from the Town of Derby to the Town of Uttoxeter, or any Seven or more of them, to erect, or cause to be erected, a Gate or Gates cross or on the Sides of any Part of the Road in the Village or Hamlet of Hilton, in the Parish of Marston upon Dove, in the County of Derby, and to take the same Tolls at such Gate as they by the said Act are impowered to take at any other Gate; provided that no Person having paid Toll at the said Gate, upon producing a Note or Ticket denoting such Payment, which the Collector at the said Gate is hereby directed to give gratis, shall be obliged to pay any other Toll, either at the Gate erected at or near Derby, or at or near Dove-bridge, by virtue of the said Act, for passing through the same in the same Day, with the same Cattle or Carriage; and that no Person having paid Toll, either at the said Derby or Dove-bridge Gate, upon producing a Note or Ticket denoting such Payment, which the Collectors at each of those Gates are hereby directed to give gratis, shall be obliged to pay any other Toll at the said Gate hereby authorized to be erected at Hilton, for passing through the same on the same Day, with the same Cattle or Carriage; the said Tolls at the said Hilton Gate, to be applied in the same Manner as the Tolls collected at any other Gate in the said District are directed to be applied; any thing in the said former Act to the contrary thereof notwithstanding.

Proviso.

Provided always, That no more than Half Toll shall be demanded or taken at the said Gate at Hilton, for any Horse or Carriage laden, or returning having been laden, with Earthen Ware only, that has paid the Toll for pas-

sing through the Gate erected at Dove-bridge the Day preceding.

Trustees may compound with Persons for carrying Coals.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees for the said District from Derby to Uttoxeter, to compound with any Person or Persons carrying Coals or Earthen Ware through any of the Gates erected or to be erected in the said District, by virtue of the said Act, for any Carriage, Cattle, Horse, or Beast, employed for that Purpose; such Composition-money to be applied as the Tolls for which such Composition was made are by this or the former Act directed to be applied.

Toll-gates may be erected between *Derby* and *Uttoxeter*.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees acting for the said District from Derby to Uttoxeter, to erect any Gate or Gates cross or on the Sides of any Road or Way leading into the same; and to direct such Tolls to be taken at such Gate or Gates as they are impowered to take at any other Gate, so as the same do not extend to a Double Charge, for passing through the Gates erected in the said District by virtue of this or the said former Act; any thing in the said Act to the contrary notwithstanding.

Toll-gate at *Miere* to be pulled down, and the same to be erected at *Lane End*.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees for repairing the said Road from Uttoxeter to Newcastle, in the County of Stafford, or any Seven or more of them, and they are hereby required to pull down and remove, or cause to be pulled down and removed, the Toll-gate erected upon the said Road at a Place called Miere, and to cause the same to be erected at a Place called Lane End, opposite to the new School House there, or as near the same as conveniently may be; any thing in the said Act to the contrary notwithstanding.

Side-gates may be erected between *Miere* and *Stoke Bridge*;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees acting for the said District, or any Seven or more of them, to erect, or cause to be erected, any Gate or Gates on the Side or Sides of, or cross any Lane or Way leading into, the said Road, between the Village of Miere and Stoke Bridge, and to continue the Side-gate erected at Hay-bridge, if they shall think fit; any thing in the said Act to the contrary notwithstanding; so that the Tolls to be taken at such Side-gates do not extend to a Double Toll.

and at or near *Four Lane Ends*.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees for the said District, or any Seven or more of them,

to

to erect, or cause to be erected, a Side Gate or Gates at or near the Four Lane Ends, in the Road leading from Lane Delph to Great Fenton and Longton, or in any other Part of the said Road; but that all Persons, Cattle, and Carriages, passing through the same, or through any other Side-gate to be erected upon such Road, shall be Toll-free, except Horses, Cattle, Beasts, and Carriages, going laden with or unladen for, or returning unladen, having been laden with any Potters Crates or Earthen Ware, or with Flint, or any other Materials used in the making or manufacturing the same, or with Salt or Malt, or with Cheese, going to Willington Ferry, or to any other Ferry or Place, except to some Fair or Market for Sale, or carrying Goods for Hire. Exemptions from Tolls.

And be it further enacted by the Authority aforesaid, That no Toll shall be demanded or taken at any Gate between Miere and Newcastle, for any Horses, Cattle, or Carriages laden with Coals, or with Charcoal made within the Parish of Stoke, or with Potters Clay got within the Distance of Ten Miles from the said Gate, or with Iron Stone, unless they travel above One Mile on the Road with such Iron Stone, nor more than half Toll where they exceed the said One Mile. No Toll to be taken between *Miere* and *Newcastle* for carrying Coals, &c.

And whereas the Road by this Act directed to be repaired is but of small Extent in the Parish of Newcastle, and the Inhabitants thereof are greatly burthened by Statute-work performed on other Roads in the said Parish; be it further enacted by the Authority aforesaid, That the Inhabitants of the Town of Newcastle shall not be obliged to perform more than One Day's Statute-work on the Road by this Act directed to be repaired; any thing in the said former Act to the contrary notwithstanding. Inhabitants of *Newcastle* not to perform more than 1 Day's Statute-work.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees acting for the said District, or any Seven or more of them, to erect, or cause to be erected, a Side Gate or Gates at a Place called Bramshal, near Uttoxeter aforesaid; but no Toll shall be demanded or taken of any of the Inhabitants of Bramshal, or of the Parishes of Leigh or Millwich, for passing or repassing through the same with any Horses, Carts, or Carriages, not travelling for Hire. Side-gates may be erected at *Bramshal*; but Inhabitants of *Bramshal*, &c. to be Toll-free.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees acting for the said District, or any Seven or more of them, to direct such Tolls to be taken at each Side Gate hereby authorized to be erected or continued, as they are impowered to take at any other Gate within the same District, subject to such Exemptions as aforesaid, so as the same do Trustees authorized to take Tolls at Side-gates.

nor

not extend to a double Charge for passing through the Gates erected or to be erected in the said last mentioned District by virtue of this or the said former Act; any thing in the said Acts to the contrary notwithstanding.

Tickets to be given at all the Gates.

And be it further enacted by the Authority aforesaid, That a Note or Ticket, Notes or Tickets, shall be given to all and every Person or Persons, passing through and paying Toll at any Side gate or Side-gates to be erected by virtue of this Act, which being produced at the next Gate set cross the said main Road, or at any other Side-gate, shall intitle the Person producing such Note or Ticket to pass and repass free with the same Horses, Cattle, Beasts, and Carriages, through such other Gate or Gates, without paying Toll for passing and repassing through the same in the same Day.

Penalty on taking the Benefit of Exemptions unduly.

And be it further enacted by the Authority aforesaid, That if any Person shall claim and take the Benefit of any of the Exemptions in the said former or this present Act mentioned, not being intitled to the same, such Person shall forfeit and pay the Sum of Twenty Shillings for every such Offence: And that the Penalties and Forfeitures hereby inflicted, shall be recovered, levied, and applied, in such and the same Manner, as the Penalties and Forfeitures inflicted by the said former Act are directed to be recovered, levied, and applied.

Half Toll only to be taken for Coals passing through *Spath Gate*.

And be it further enacted by the Authority aforesaid, That no more than Half Toll shall be taken for any Horses, Cattle, or Carriages laden with Coals, for passing through the Gate erected or to be erected at or near Spath; any thing in the said Act to the contrary thereof notwithstanding.

Road from *Cliffebank* to *Snape Marsh*, to be repaired;

And whereas the Road leading from Cliffebank to Snape Marsh, in the Village of Shelton, in the County of Stafford, which adjoins to the Road in the District between Uttoxeter and Newcastle, directed to be repaired by the said former Act, is in a very ruinous Condition, and in many Parts thereof very narrow and incommodious, and the same cannot be effectually amended and widened by the ordinary Course provided by the Laws in being; be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful for the Trustees authorized and appointed for the said District by the said former Act and this present Act, and they are hereby required, by and out of the Tolls to be collected within that District, and the Money to be borrowed upon the Credit thereof, to amend, repair, and widen, the said Road from Cliffebank to Snape Marsh aforesaid, as fully, completely, and effectually, as if the same had been inserted and directed to be repaired in and by the said former Act.

And be it further enacted by the Authority aforesaid, That the said former Act, and all the Tolls directed to be taken in the said District, Powers, Exemptions, Provisions, Penalties, Forfeitures, Clauses, Matters, and Things therein contained, and every Part thereof (except such Parts as are hereby repealed, altered, amended, and explained) shall, during the Continuance of the said former Act and this present Act, be in full Force and Effect, and be executed for the surveying, ordering, repairing, widening, and keeping in Repair, the said Road leading from Cliffebank to Snape Marsh aforesaid, in such and the same Manner, to all Intents and Purposes, as if the said Road had been described in and directed to be repaired, widened, and kept in Repair as aforesaid, in and by the said former Act, and as if the same had been repeated and re-enacted in this present Act. and the Powers of the former Act extended thereto.

And be it further enacted by the Authority aforesaid, That the Inhabitants of Shelton, through which the said new Branch of the said Road lies, shall do and perform Three Days Statute-duty upon that Branch of the said Road within their Townships or Liberty, for Six Years after the passing of this Act, and Two Days Statute-duty every Year afterwards during the Continuance of the said former Act and this present Act, and no more; and to give in such Lists, and be under such Direction in all Respects concerning such Duty, as directed by the said former Act. Statute-work to be done by the Inhabitants of *Shelton*.

And be it further enacted, That the Charges and Expences of obtaining and passing this Act, shall, as soon as conveniently may be, be paid out of the Money raised or to be raised by virtue of the said former or this present Act. Charges of passing this Act to be first paid.

Provided always, and be it enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty Days Notice shall be thereof given to the Clerk or Clerks to the said respective Trustees; or after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved; or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County of Derby or Stafford, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may, at his Election, plead specially, or the General Issue, Not Guilty; and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to Limitation of Actions. General Issue.

be ſo done, or that ſuch Action or Suit ſhall be brought before Twenty Days Notice ſhall be thereof given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid; or ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be Nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch other Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes by Law.

Treble Coſts.

Publick Act. And be it enacted by the Authority aforeſaid, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act, and be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

FINIS.