Anno tricesimo tertio

Georgii II. Regis.

An Act for enlarging the Term and Powers of Two Acts made in the Fifth Year of His late Majesty, and in the Ninth Year of His present Majesty's Reign, for repairing the Road from *Beaconsfield* in the County of *Bucks*, to *Stoken Church* in the County of *Oxon*.

Preamble, reciting Clauses, the Acts 3 *Geo.* I.

WHEREAS by an Act passed in the Fifth Year of the Reign of His late Majesty King George the First, intituled, An Act for repairing the Road from *Beaconsfield* in the County of *Bucks*, to *Stoken Church* in the County of *Oxon*, Trustees were appointed for repairing the said Road, and several Tolls and Powers were given and granted for that Purpose; which Act was to continue and be in Force for the Term of Twenty one Years, from the Second Day of April, One thousand seven hundred and nineteen: And whereas by One other Act of Parliament passed in the Ninth Year

and 9 Geo. II. of his present Majesty's Reign, for enlarging the Term and Powers granted by the said former Act of the Fifth Year of his present Majesty, all and every the Authorities, Powers, and Clauses therein contained, were continued from the Expiration of the said Act of the Fifth Year of his present Majesty's Reign, for and during the further Term of Twenty one Years; and some other Power was, by the said last-mentioned Act, given for the Purpose of repairing the said Road: And whereas the Trustees appointed to put the said Acts in Execution, have borrowed considerable Sums of Money upon the Credit thereof; which Money so borrowed, and the Tolls collected by virtue of the said Acts, have been duly applied in repairing the said Road; but although great Progress has been made in the Repair thereof, yet the same cannot be effectually done, and the Money so borrowed, and the Interest due thereon, be repaid, unless the Terms and Powers granted by the said former Acts be 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 of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

The Powers, &c. granted by the recited Acts continued for the further Term of 21 Years.

the said recited Acts of the Fifth Year of his late Majesty, and the Ninth Year of his present Majesty, and all the Authorities, Powers, Penalties, Forfeitures, Articles, Rules, and Clauses, in them, or either of them, contained (except such Powers and Clauses as are hereby varied or altered) shall be in full Force from and after the Expiration of the Term granted by the said Act of the Ninth Year of his present Majesty's Reign, and of the additional Term granted by an Act made in the Twenty eighth Year of the Reign of his present Majesty, intituled, An Act to amend an Act made in the Twenty sixth Year of the Reign of His present Majesty, intituled, *An Act for the Amendment and Preservation of the Publick Highways and Turnpike Roads of this Kingdom; and for the more effectual Execution of the Laws relating thereto*, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, for the Intents and Purposes in the said former Acts and this present Act directed, in as full and ample Manner as if the same were again repeated and re-enacted in the Body of this present Act; and that this

Commencement and Continuance of this Act.

Act, and all the Powers and Clauses herein contained, shall commence and take Effect from and after the

Second Day of June, One thousand seven hundred and sixty, and shall be executed and be in full Force for and during the Continuance of the said former Acts, and the said further Term hereby granted.

Qualification of Trustees.

And be it further enacted, That from and after the said Second Day of June, One thousand seven hundred and sixty, no Person shall be qualified or capable of acting as a Trustee in the Execution of the said recited Acts, or either of them, or of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, or possessed of, or intitled to, Personal Estate alone, or Real and Personal Estate together, to the Value of Eight hundred Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Land of the clear yearly Value of Eighty Pounds; and unless he shall (not being such Heir Apparent as aforesaid) before he acts as such Trustee, take and subscribe the Oath following, before any Two or more of the Trustees authorized and impowered to put the said Acts and this Act in Execution, who are hereby authorized and required to administer the same, in the Words or to the Effect following; that is to say,

Trustees to take the Oath following before they act.

The Oath.

I *A. B* do swear, That I truly and *bona fide* am, in my own Right, or in Right of my Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, or possessed of, or intitled to, a Personal Estate alone, or Real and Personal Estate together, to the Value of Eight hundred Pounds.

So help me GOD.

Penalty on acting if not qualified.

And if any Person shall presume to act contrary to the true Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person 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 Essoin, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Surveyors may remove Annoyances in the Road, &c.

And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors appointed or to be appointed in pursuance of the said recited Acts, or either of them, or this present Act, or any other Person or Persons by him or them appointed or employed, having a Warrant or Order from and under the Hands of the Trustees authorized and impowered to put the said Acts and this Act in Execution, or under the Hands of any Five or more of them, for those Purposes respectively, from time to time, to remove, or cause to be removed, all Nusances or Obstructions whatsoever which are or shall be in or upon any Part or Parts of the Road by the said Acts and this Act intended to be repaired, widened, or altered, and to cut down, top, or lop, and carry away, any Trees, Boughs of Trees, or Bushes, growing in the said Road, or in the Hedges, or Banks adjoining thereto; and to open, scour, cleanse, and deepen, any Ditch, Drain, or Watercourse, lying, or which shall lie in, or leading, or which shall lead into or out of the said Road, or any Part thereof; in case the Owners or Occupiers, or Person or Persons occasioning such Annoyances, or who ought to remove the same, or to cut, top, or lop, and carry away, such Trees, Boughs of Trees, or Bushes, or to open, scour, cleanse, and deepen, such Ditch, Drain, or Watercourse, shall refuse or neglect so to do, for the Space of Ten Days after Notice in Writing to him, her, or them, respectively given for that Purpose, or left at his, her, or their respective Places of Abode, under the Hand or Hands of the said Surveyor or Surveyors, or of the said Trustees, or any Five or more of them, or of their Clerk or Clerks for the time being; the Charges whereof, to be settled by the said Trustees, or any Five or more of them, by Writing under their Hands, shall be reimbursed and paid to the said Surveyor or Surveyors, by the respective Person or Persons so refusing or neglecting as aforesaid; and in case such Person or Persons so refusing or neglecting, shall not upon Demand pay and reimburse to the said Surveyor or Surveyors such Charges as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of the said Trustees, or any Five or more of them, or of One or more Justice or Justices of the Peace for the Counties of Bucks or Oxford, or Borough of Chipping Wycomb, respectively, as the Case shall happen; which Warrant or Warrants

and cut down Trees, &c.

the Owners neglecting to remove the same after Notice;

Charges to be reimbursed to the Surveyors.

the said Trustees, Justice or Justices respectively, are hereby impowered and required to grant; from time to time, to levy the said Charges upon the Person or Persons so offending as aforesaid, by Distress and Sale of his and their respective Goods and Chattles, returning the Overplus (if any be) after all Charges paid, to the Owner or Owners thereof, upon Demand; and if after the Removal of any of the said Annoyances or Obstructions, such Person or Persons shall again offend in the like Manner, every such Person so offending, and being thereof convicted, upon Oath, before the said Trustees, or any Five or more of them, or before any Justice or Justices of the Peace for the said Counties or Borough respectively, shall for every such Offence forfeit and pay to the said Trustees, or to any Five or more of them, or to their Treasurer or Treasurers for the time being, the Sum of Twenty Shillings, to be levied and recovered in Manner aforesaid.

Penalty on a Second Offence.

And be it further enacted, That in case the said Trustees, or any Nine or more of them, shall at any Time or Times, during the Continuance of this Act, think proper to turn, alter, or divert any Part or Parts of the said Road, through any Lands, Grounds, or Hereditaments, for the better Accommodation and Convenience of Travellers, it shall and may be lawful to and for the said Trustees, or any Nine or more of them, and they are hereby authorized and impowered, to alter, turn, or divert the same, or any Part thereof, or cause the same to be altered, turned, or diverted, as they shall think fit, provided that such Part or Parts of the said Road as shall be so altered or diverted, be not thereby made wider than, or extended beyond, the Breadth of Forty Feet; and for that Purpose to treat, contract, and agree, with the Owner or Owners, Occupier or Occupiers, of any such Lands, Grounds, or Hereditaments, for the absolute Purchase of so much, or such Part or Parts thereof, as they the said Trustees, or any Nine or more of them, shall think necessary, or for the Loss or Damage which the said Owners or Occupiers shall or may receive, by the altering, turning, or diverting any Part or Parts of the said Road.

Trustees may contract for the Purchase of Lands to be taken into the Road.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, or others, seized or possessed of Lands, Grounds, or Hereditaments, which, according to the Powers by this Act given, may be necessary to be taken in, added to, or made Part of, the said Road, for the Purposes afore-

aforesaid, but are incapable of conveying the same, by reason of Infancy or other Disability; be it therefore enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Ideots or Lunaticks, Husbands, or other Trustees whatsoever, for or on Behalf of any Infants, Ideots, Lunaticks, Femes Covert, or Cestuique Trusts, and for all and every other Person and Persons whatsoever, who are or shall be seized or possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Nine or more of them, for Sale of such Lands, Grounds, or Hereditaments, or any Part or Parts thereof, for the Purposes aforesaid, or for Satisfaction to be made them respectively therefore, or for their Interest therein, and to sell and convey the same as Occasion shall require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, or Usage, to the contrary notwithstanding: And the Person or Persons making the same, is and are, and shall be, hereby indemnified for what he or they shall respectively do by virtue of or in pursuance of this Act.

Bodies Politick, &c. may treat for their Sale of Lands, &c.

And be it further enacted, That if any such Owner, Occupier, Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husband, Guardian, Trustee, Committee, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, upon Notice in Writing describing the Land, Ground, or Hereditaments intended to be purchased, and the Place or Places where the same shall lie, to him or them respectively given or left at his or their Dwelling-house or Houses, or Place or Places of Abode, or at the Dwelling-house or Place of Abode of the Tenant in Possession of such Lands, Grounds, or Hereditaments, or affixed, in case such Lands, Grounds, or Hereditaments should be untenanted, on the Door of the Dwelling-house, if any, or some publick Place on the Tenement to which such Lands, Grounds, or Hereditaments, so intended to be purchased, shall belong, shall, for the Space of Twenty one Days after such Notice given, left, or affixed, as aforesaid, refuse or neglect to treat for such Lands, Grounds, or Hereditaments, or shall not agree as to the Price or Value thereof, or shall, by reason of Absence, be prevented from treating; then, and in every such Case, the said Trustees,

Where Persons refuse to treat, &c. for the Sale of such Lands, &c.

Trustees, or any Five or more of them, shall cause the same to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men residing near the said Road; which Oaths the said Trustees, or any Two or more of them, are hereby authorized and impowered to administer, what Damages shall have been sustained by, and what Satisfaction or Recompence shall be made to such Owner, or other Person or Persons interested on account of the taking such Lands, Grounds, or Hereditaments into the said Road, according to their respective Interest therein: And in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be and require, to summon and call before them all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses concerning the Premisses; and shall examine all such Witnesses before the said Jury upon Oath; which Oath the said Trustees, or any Two or more of them, are hereby impowered and required to administer; and they shall also order and cause the said Jury to view the Place in Question, and to use all other lawful Means, as well for their own as the said Jury's Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have so enquired of, ascertained, and settled such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or Occupers of the said Lands, Grounds, or Hereditaments, or other Person or Persons interested therein, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive to all and every Person and Persons whomsoever, to all Intents and Purposes whatsoever: And, for summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County of Bucks, or County of Oxford respectively, as the Case may happen, thereby commanding and requiring such respective Sheriff to impanel, summon, and return an indifferent Jury of Twenty four Persons qualified by Law to serve on Juries, to appear before the said Trustees, or any Five or

the Damage and Recompence to be settled by a Jury.

Witnesses to be summoned, and examined upon Oath.

Verdict of the Jury to be binding and conclusive.

Trustees to issue their Warrants to the Sheriff, &c. to impanel a Jury.

more of them, at such Time and Place, as in such Warrant shall be appointed; which respective Sheriff, or his Deputy or Deputies, is and are hereby required thereupon to impanel, summon, and return such Twenty four Persons accordingly; and out of the Persons so impanelled and returned, or out of such of them as shall appear according to, and upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve Persons, who shall be the Jury for the Purpose aforesaid; and in Default of a sufficient Number of the Jurymen so returned, the said respective Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers by, or that can speedily be procured or summoned, qualified as aforesaid, to attend the Service, to the Number of Twelve; to all, or any of, which Jurymen to be summoned in pursuance of this Act, all Persons concerned shall, from time to time, and at all Times, have their lawful Challenges, in such and the like Manner as any Party in any Action brought or to be brought, depending or to be depending in any of his Majesty's Courts of Record at Westminster, is or shall be by Law intitled to: And the said Trustees, or any Five or more of them, are hereby impowered, from time to time, to impose any reasonable Fine (not exceeding the Sum of Ten Pounds upon any One Person for One single Offence) on such respective Sheriff, his Deputy or Bailiff, who shall make Default in the Premisses; and also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or after having appeared, shall refuse to be sworn on the said Jury, or, after having been sworn, shall refuse to give his or their Verdict of and upon the Matter in Question, or the Damages he or they shall be sworn to try, or to enquire of, or in any other Manner wilfully neglecting his or their Duty therein, contrary to the true Intent and Meaning of this Act; and on every or any of the Persons who, being required to give Evidence or Testimony before the said Jury touching the Premisses, shall refuse or neglect to attend, or be sworn or examined, or give Evidence or Testimony touching the same.

Jurors may be challenged.

Trustees may impose a Fine, not to exceed 5*l.* on Sheriff, &c. making Default in the Premisses.

Lands when purchased, to be made Part of the Road,

And be it further enacted, That from and after such Verdict and Judgement, and after Payment or Tender of the Damage and Recompence therein and thereby found and directed to be given for the said Lands, Grounds, or Hereditaments, to the respective Owner or

Owners

Owners thereof, or other Person or Persons interested therein, or after the Execution of any Conveyance of the said Lands, Grounds, or Hereditaments, to the said Trustees, or any Five or more of them, by the respective Owner or Owners thereof, or by any other Person or Persons by this Act impowered to sell and convey the same, and Payment or Tender of the Money thereby stipulated to be paid, as the Consideration thereof (which Money, Damages, and Recompence, the said Trustees, or any Five or more of them, are hereby impowered to pay, or cause to be paid, out of the Money which shall be borrowed, raised, and collected, by virtue of the said Acts, or of this Act) the said Lands, Grounds, and Hereditaments, and every Part thereof, and the Fee-simple and Inheritance thereof, and of every Part thereof, shall be, and is hereby vested in the said Trustees, and their Heirs, without any Fine or Recovery, notwithstanding the same shall or may be limited and settled to, for, or upon any Use, Trust, Limitation in Tail, Remainder, or otherwise, and notwithstanding any Politick, Corporate, or other Interest therein; and that then, and from thenceforth, the said Trustees, or any Five or more of them, or any Person or Persons by them, or any Five or more of them, for that Purpose impowered or employed, may, and is and are hereby authorized to take and lay the said Lands, Grounds, and Hereditaments, and every Part thereof, into the said Road; and then, and from thenceforth for ever afterwards, such Lands, Grounds, and Hereditaments, and every Part thereof, shall be deemed, taken, and used, as, and the same are hereby declared to be a Part or Parts of the said Road, and a publick and common Highway, and shall for ever be repaired and kept in Repair as such; any Right, Title, Interest, Law, Custom, or Usage, to the contrary thereof in any wise notwithstanding: And in case any Lands, Grounds, or Hereditaments, shall be purchased for the turning or diverting any Part or Parts of the said Road, and the new Road shall be made and completed, the Lands, Grounds, and Hereditaments, comprized in and constituting the old Road, or that Part thereof in lieu of which such new Road shall be purchased and made, shall be, and the same is hereby declared to be vested in the said Trustees, and shall or may be sold or disposed of for the best Price that can or may be gotten for the same; and the Money arising by such Sale, shall be applied to the repairing the Road hereby and by the said former Acts directed.

and deemed a publick Highway,

and kept in Repair as such.

Old Road may be sold.

directed to be repaired; and the Conveyance or Conveyances to be made of such Lands, Grounds, or Hereditaments, being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace of the said County of Bucks or Oxford respectively, as the Case may happen, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

Buildings, &c. not to be damaged by this Act.

Provided always, and be it declared and enacted, That the Power and Authority aforesaid by this Act given to the said Trustees, for the altering, turning, or diverting, any Part of the said Road, shall not extend to the pulling down any Dwelling-house, or other Building, or taking in the Site of any House, or other Building, or to take in any Garden, or Orchard, Yard, Court, Park, Paddock, planted Walk, or Avenue to an House; except to the pulling down and removing a Messuage, Cottage, or Tenement, situate in a certain Ward or Street in the Borough of Chipping Wicomb in the County of Bucks, called Frogmore Ward or Street, being a Corner House, and now or late in the Tenure or Occupation of Henry Brown; the Messuage or Tenement in the Occupation of Edmund Ball Gentleman, being on the West thereof; the Messuage or Tenement in the Occupation of Thomas Kiffin Gentleman, being on the South thereof; the Messuage or Tenement of Richard Bowles Surgeon, being on the East thereof; and the Street or Highway leading from Chipping Wicomb aforesaid, towards Aylesbury, being on the North thereof; and also except a certain Hovel breaking into the high Road, and which belongs to a Publick House called or known by the Name of Mother Red-cap's; which said Messuage, Cottage, or Tenement, and Hovel, or any Part or Parts thereof, the said Trustees, or any Nine or more of them, are hereby authorized and impowered to purchase, in case they shall think fit, in order to render the said Road more safe and convenient for Carriages and Passengers; any thing herein contained to the contrary notwithstanding.

Exceptions.

And, for the preventing Differences which may arise between the said Trustees and the Surveyors of the highways for the several Parishes, Hamlets, or Places, through which the said Road doth lead, touching what Part of the Statute-work in any Parish, Hamlet, or Place, ought to be done on the said Road; be it further enacted, That it shall and may be lawful for any Two or more of the Justices of the Peace for the respective County or Place wherein any such Difference

Justices to determine Differences relating to Statute-work.

shall happen at any Petty Sessions or Special Sessions of the Peace, upon Application made to them by any Five or more of the said Trustees, to adjudge and determine what Part or Proportion of the Statute-work shall be done on the said Road by any in each, or any of the Parishes, Hamlets, or Places, lying in such respective County or Place; which said Determination shall be binding and conclusive to all Parties.

Victuallers, &c. disqualified from holding any Place of Profit under this Act.

And be it further enacted by the Authority aforesaid, That no Person or Persons keeping an Inn, or other House of publick Entertainment, or who shall sell Ale, Cline, Brandy, or other Spirituous Liquors, by Retail, shall be capable of taking, holding, or enjoying, any Place or Places of Trust or Profit under the said former Acts or this Act, during such Time as he or they shall keep such Inn, Alehouse, or other Publick House of Entertainment, or shall sell Ale, Cline, Brandy, or other Spirituous Liquors by Retail.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby authorized and required to take such Security from the Treasurer or Treasurers appointed or to be appointed for the Purposes of the said former Acts and this Act, for the due Execution of his or their said Office or Offices, as to the said Trustees, or any Five or more of them, shall seem meet.

Application of the Monies.

And be it further enacted, That the said Trustees, or any Five or more of them, shall, out of the Monies which have arisen, or out of the First Monies that shall arise by virtue of the said former Acts or this present Act, pay and discharge all the Expences and Charges incident to, and attending, the obtaining and passing of this Act of Parliament.

Limitation of Actions.

And be it further enacted, That if any Action or Actions, Suit or Suits, shall be brought against any Person or Persons, for any Thing done or to be done by virtue or in pursuance of the said former Acts, or either of them, or of this Act, or in relation to the Matters therein or herein contained; such Actions and Suits, and every of them, shall be commenced within the Space of Six Months next after the doing the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, and not afterwards; and shall be brought, laid, and laid, and tried, in the County where the Matter in Question shall arise, and not elsewhere; and that the Defendant or Defendants in such Actions or Suits, and every of them, may plead the General Issue, and give the said

General Issue.

former Acts or this Act, and the Special Matter in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of the said former Acts or this Act; and if the said Matter or Thing shall appear to have been so done; or if any such Action or Suit shall be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place; then, and in either of such Cases, the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in any Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance, after the Defendant or Defendants shall have appeared, or if upon any Demurrer or Demurrers, in any such Action or Actions, Judgement shall be given for the Defendant or Defendants therein, then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs (upon Affidavit made, or the Certificate of the Judge or Judges, before whom such Causes shall be tried, whereby it may appear that such Action or Suit was prosecuted against the Defendant or Defendants, for some Matters contained in, or done in pursuance of, the said former Acts, or this present Act) and shall have such Remedy for recovering the same, as any Defendant or Defendants hath or have for his and their Costs in other Cases by Law.

Treble Costs.

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

FINIS.