Anno tricesimo primo

Georgii II. Regis.

An Act to amend an Act passed in the last Session of Parliament, intituled, *An Act for building a Bridge or Bridges cross the River of* Thames, *from a certain Place in* Old Brentford, *in the Parish of* Ealing, *in the County of* Middlesex, *known by the Name of* Smith *or* Smith's Hill, *to the opposite Shore in the County of* Surrey.

WHEREAS by an Act made in the last Session of Parliament, intituled, An Act for building a Bridge or Bridges cross the River of *Thames*, from a certain Place in *Old Brentford*, in the Parish of *Ealing*, in the County of *Middlesex*, known by the Name of *Smith* or *Smith's Hill*, to the opposite Shore in the County of *Surry*, Robert Tunstall Gentleman, his Heirs and Assigns, is and are authorized and impowered to build a Bridge or Bridges cross the said River, from the said Place called Smith or Smith's Hill, to the opposite Shore in the County of Surry: And whereas the building of a

Preamble, reciting Act 31 *Geo.* II.

Bridge or Bridges at the Place appointed by the said Act, will be prejudicial to the Navigation of the said River: And whereas the said Robert Tunstall is the Owner and Proprietor of all that Foot Ferry or Passage of Water upon the said River, called the Lower Ferry, otherwise Powell's Ferry, between the Parish of Ealing, in the County of Middlesex, and the Hamlet of Kew, in the County of Surry; and if instead of building a Bridge or Bridges from the said Place called Smith or Smith's Hill, a Bridge was built near the said Lower, otherwise Powell's Ferry, a much easier and safer Communication would be thereby made between the Counties of Middlesex and Surry, and the said Navigation not prejudiced thereby; 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 instead of the Bridge or Bridges authorized to be built by the said former Act, it shall and may be lawful to and for the said Robert Tunstall, his Heirs and Assigns, and he and they are hereby authorized and impowered, and shall have full Power and Authority by virtue of this present Act, at his and their own proper Costs and Charges, by himself and themselves, his and their Deputies, Agents, Officers, Workmen, Servants, and others, to build a Bridge cross the River of Thames, from the Parish of Ealing in the County of Middlesex, to the opposite Shore in the Hamlet of Kew in the County of Surry, at any Place not more than Two hundred Feet to the Eastward of, and not nearer than Forty Feet to a certain Place called the Lower Ferry, otherwise Powell's Ferry, and for that Purpose he and they shall have full Power and Authority by himself and themselves, his and their Servants, Agents, Workmen, and others, to remove any Shelves or other Obstructions in the said River, and to dig up and take away, all Beds of Gravel, Sand, Mud, and any other Impediment, and to deepen and widen the said River between the Parish of Ealing in the County of Middlesex, and the opposite Shore in the County of Surry; and also to dig and cut the Banks of the said River, in such Manner as shall be necessary and proper for the building the said Bridge, and for preserving the Navigation of the said River (be it the Soil or Ground of the King's most Excellent Majesty, His Heirs, or Successors, or of any other Person or Persons, Bodies Politick,

Robert Tunstall, his Heirs, &c. impowered to build, at his and their Expence, a Bridge cross the *Thames*, from a Place near *Powell's Ferry*, to the opposite Shore; and to do all other Works necessary thereto.

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Politick, Corporate, or Collegiate, whatsoever) and to erect and make in, or over the said River, and the Lands adjoining, or near to the same, any Campshots, Trenches, and Landing Places, and to pull down and remove any Houses or other Buildings, Wharfs, Gates, or other Erections, and to amend, turn, widen, or alter any Highway, or make any new Road leading from the great Western Road in the said Parish of Ealing, to the said intended Bridge, and to amend, alter, turn, or remove, any Foot Bridge, Foot Path, and Horse Path, and to amend, turn, widen, or alter, any Highway, or make any new Road leading to the said intended Bridge, within the Hamlet of Kew in the County of Surry, so as not to obstruct any Common Highway leading to, from, or through the Town of Brentford, in the County of Middlesex, or the said Hamlet of Kew, and from time to time, and at all Times hereafter, to do all other Matters and Things necessary and convenient for erecting and maintaining the said Bridge, and preserving the said Navigation; and for the Improvement thereof, he the said Robert Tunstall, his Heirs and Assigns, doing as little Damage as may be, and first making Satisfaction and Recompence to the Owners, Proprietors, and Occupiers of, and Persons interested in, any Houses, Buildings, or other Erections, Lands, Tenements, and Hereditaments, that shall be made use of, pulled down, damaged, or prejudiced by, for, or upon account of erecting and maintaining the said Bridge, or preserving and improving the Navigation near thereunto, or by, for, or upon account of turning, widening, altering, and making any Paths or Highways as aforesaid, or by, for, or upon account of, the doing and performing of any other Matter or Thing herein before authorized to be done and performed.

Satisfaction to be made for Damages done to private Grounds, &c.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to dig up, remove, and take away any Shelves, Beds of Gravel, Sand, or Mud, in the said River of Thames, between the said Hamlet of Kew, and the Aytes opposite thereto.

No Gravel, &c. to be removed, between *Kew* and the opposite Aytes.

And be it further enacted by the Authority aforesaid, That the said Bridge shall consist of Eleven Arches, the Centre Arch whereof shall be Fifty Feet wide at the least; and that the next Two Arches shall be Forty four Feet wide at the least; the next Two Arches Thirty eight Feet wide at the least; the next Two Arches Thirty two Feet wide at the least; the next Two Arches Twenty four Feet wide at the least; and the other Two Arches Fourteen Feet wide at the least.

Construction of the Bridge.

326 Feet Water-way.

And, to the Intent the Navigation of the said River of Thames may receive no Prejudice; be it further enacted by the Authority aforesaid, That when the said Bridge is built cross the said River, there shall remain free and open Passage for the Water to run and flow through the Arches or Passages under the said Bridge of Three hundred and twenty six Feet at the least, within the present Banks of the said River.

Road to the Bridge to be 40 Feet wide;

and Passage over the Bridge 20 Feet.

Provided always, and be it further enacted by the Authority aforesaid, That the Road leading from the great Western Road in the Parish of Ealing to the said intended Bridge, shall not be less than Forty Feet in Width, exclusive of the present Foot-way; and that the Passage or Road Way over the said Bridge shall not be less than Twenty Feet in the Clear.

Bridge vested in Mr. *Tunstall*, &c.

And be it further enacted by the Authority aforesaid, That for and in Consideration of the great Charges that the said Richard Tunstall, his Heirs, and Assigns, will be obliged to defray in erecting the said Bridge, and repairing and supporting the same, and also in doing and performing the several other Matters and Things necessary, and herein before authorized to be done and performed, the said Bridge, when built, shall be, and is hereby, vested in the said Robert Tunstall, his Heirs, and Assigns, for ever; and it shall and may be lawful to and for the said Robert Tunstall, his Heirs, and Assigns, from time to time, and at all Times hereafter,

who may take Toll thereat.

to ask, demand, receive, recover, and take, to and for his and their own proper Use and Behoof, in respect of his and their Charges aforesaid, for Pontage, or in the Name of a Toll or Duty, before any Passage over the said Bridge shall be permitted, the several Sums following; that is to say,

The Tolls.

For every Coach, Chariot, Landau, Berlin, Chaise, Chair, Calash, or other Vehicle, drawn by Six Horses, or other Cattle, the Sum of Two Shillings and Six Pence.

For every Coach, Chariot, Landau, Berlin, Chaise, Chair, Calash, or other Vehicle, drawn by Four Horses, or other Cattle, the Sum of One Shilling and Six Pence; and on Sundays, the Sum of Two Shillings.

For every Coach, Chariot, Landau, Berlin, Chaise, Chair, Calash, or other Vehicle, drawn by less than Four Horses, or other Cattle, and more than One Horse, or other Beast, the Sum of One Shilling; and on Sundays the Sum of One Shilling and Six Pence.

For

For every Chaise, Chair, or other Vehicle, drawn by One Horse, or other Beast, the Sum of Eight Pence; and on Sundays the Sum of One Shilling.

For every Waggon, Wain, Dray, Car, Cart, or other Carriage, drawn by more than Six Horses, or other Cattle, the Sum of Two Shillings.

For every Waggon, Wain, Dray, Car, Cart, or other Carriage, drawn by Four, and not more than Six, Horses, or ther Cattle, the Sum of One Shilling and Six Pence; and by Two or Three Horses, or other Cattle, the Sum of One Shilling; and by One Horse, or other Beast, the Sum of Eight Pence; except Higlers and Bakers Carts drawn by One Horse or Beast only.

For every Higler's or Baker's Cart, drawn by One Horse or Beast only, the Sum of Six Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two Pence.

For every Foot Passenger whatsoever, One Halfpenny; and if with a Wheelbarrow, or such like Carriage, One Penny.

For every Drove of Oxen, or Neat Cattle, the Sum of Three Shillings and Four Pence per Score; and after that Rate for any greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Six Pence per Score; and after that Rate for any greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of Pontage, or as a Toll or Duty; and the Monies to be received as aforesaid, and all other Monies to be received by Authority of this Act, are hereby vested in the said Robert Tunstall, his Heirs, and Assigns; and the same, and every Part thereof, shall be paid to him and them accordingly; and the said Robert Tunstall, his Heirs, and Assigns, is and are hereby authorized by himself or themselves, or by any Person or Persons appointed by him or them, to levy the Toll or Duty hereby made made payable upon any Person or Persons, who shall, after Demand thereof made, neglect or refuse to pay the same as aforesaid; and he the said Robert Tunstall, his Heirs, and Assigns, shall and may deny and refuse to permit any Passage over the said Bridge, until Payment thereof; and he, she, or they, or any Person or Persons appointed by him, her, or them, are hereby impowered to seize and distrain any Horse, Cattle, or other Thing, upon, or in respect of, which such Tolls and Duties shall be payable,

The Tolls vested in *Robert Tunstall*, &c.

Tolls may be levied by Distress and Sale.

or any other of the Goods and Chattles of such Person or Persons as ought to pay the same, and shall and may detain such Distress for any Time not exceeding the Space of Four Days; and then if the Tolls and Duties for which the same Distress shall be so made, together with the Charges attending the distraining and keeping the same, shall not be fully paid and satisfied, shall and may sell the same, rendering the Overplus, if any be, after Deduction of the Charges of distraining, keeping, and selling such Goods.

Distress may be sold after 4 Days.

And be it further enacted and declared by the Authority aforesaid, That all and every the Powers, Authorities, Directions, Rules, Regulations, Clauses, and Provisions, in the said Act granted, contained, and prescribed, for and in relation to the treating, contracting, and agreeing for, and Sale and Conveyance of, Houses, Buildings, Erections, Lands, Tenements, and Hereditaments, of any Tenure whatsoever, to the said Robert Tunstall, his Heirs, and Assigns, or for an annual Rent for the same; and for and in relation to the ascertaining, settling, and assessing the Value or Rent to be payed and allowed for any Houses, Buildings, Erections, Lands, Tenements, and Hereditaments, of any Tenure whatsoever; and for and in relation to the entering upon, taking, and using the same, for the Purposes of the said Act, and vesting the same in the said Robert Tunstall, his Heirs, and Assigns; and for and in relation to the making, ascertaining, and levying, or recovering Satisfaction for Damages which might be done by the Execution of the Powers thereby granted; and for and in relation to the preventing, remedying, and providing against any overflowing of the Lands, by the building of the Bridge or Bridges thereby authorized to be built; and for and in relation to the Payment and Recovery of any annual Rent, which might be agreed for or assessed to be paid by the said Robert Tunstall, his Heirs, or Assigns, for any Lands, Tenements, or other Hereditaments; and for and in relation to the exempting the Drivers of Carriages from Payment of Toll, and to authorize the lessening of the Tolls; and for and in relation to the Punishment of Persons wilfully or maliciously destroying such Bridge or Bridges, or any Part thereof, or attempting so to do, or directing or procuring the same to be done; and for and in relation to the making the Masters or Owners of Boats and Vessels responsible for Damages done to such Bridge or Bridges, by the Boatmen, Watermen, or Crews, of or in such Boats or Vessels;

and

and for impowering the said Robert Tunstall, his Heirs, or Assigns, to provide a Ferry or Ferries while such Bridge or Bridges was or were repairing; and to take the Pontage Duties for Passage over such Ferry or Ferries; and for exempting such Bridge or Bridges from Publick and Parochial Rates or Cares; and exempting the Counties of Middlesex and Surry from the Repair of such Bridge or Bridges; and for saving the Rights of the Mayor, Commonalty, and Citizens of London; and also all other Powers, Authorities, Directions, Rules, Regulations, Clauses and Provisions, Matters and Things, in the said Act contained; and touching or concerning the building the said Bridge or Bridges, and maintaining, supporting, repairing, and preserving the same; and making and altering Ways and Paths to such Bridge or Bridges; and every other Matter and Thing relating thereto, and to the Execution of the said former Act, and not hereby altered or varied; and also all Fines, Penalties, and Forfeitures thereby inflicted, or authorized to be imposed, for Offences committed, and the Manner of levying or recovering thereof; shall be extended to this Act, and be deemed Part thereof, and shall operate, be in Force, and be observed, enforced, and performed, inflicted, imposed, levied, recovered, claimed, and put in Execution, with respect to this Act, and the Bridge hereby authorized to be built, as fully and effectually, to all Intents, Purposes, and Constructions whatsoever, as if the same were herein repeated and re-enacted, or as if the Bridge hereby authorized to be built, had been authorized by the said former Act to be built, instead of the Bridge or Bridges thereby intended to be erected.

Regulations, &c. of the former Act extended to this.

And whereas the aforesaid Passage or Ferry called Kew Ferry, or the Horse Ferry, was made and still remains a Security to Robert Abercromby Gentleman, for the principal Sum of One thousand Three hundred Pounds, and Interest, and is mentioned in the said former Act of Parliament: And whereas by Authority of this present Act the said Security may be altered or diminished; be it therefore enacted by the Authority aforesaid, That the Bridge authorized to be built by virtue of this present Act, and all the Tolls, Duties, and other Profits arising therefrom for Pontage, or otherwise, shall in the first Place be a Security for, and liable to, the Payment of the said Sum of One thousand Three hundred Pounds, and the Interest thereof, unto the said Robert Abercromby, his Executors, Administrators, or

Bridge and Tolls made a Security to Mr. *Abercromby* for the Money advanced by him.

Assigns, by way of further and better securing the said Sum of One thousand Three hundred Pounds, and the Interest thereof; any thing herein contained to the contrary notwithstanding.

Particular Regulation with respect to Houses, Erections, or Grounds, on the South Side of the River.

And be it further enacted by the Authority aforesaid, That no House, Erection, or Building, now erected, or hereafter to be erected or built, on that Part of the Ground now or late in the Possession of Master Robert Tunstall, his Tenant or Under-tenants on the South Side of the River Thames, adjoining to the present Foot Ferry, or that shall adjoin, or lie contiguous on such South Side to the Bridge, when built, shall be used as a Magazine, Grainary, Storehouse, or Warehouse, or be otherwise employed for depositing of Goods, Wares, or Commodities designed for Sale, or in carrying on any Trade or Traffick whatsoever, nor shall any Spirituous Liquors, Wine, Beer, Ale, Cyder, or any other Liquor whatsoever, or any Goods, Wares, or Merchandizes, whatsoever, be sold in any of the said Houses or Buildings, nor shall any Part of the said Ground be converted into or used as a Wharf, Timber-yard, Store-yard, Coal-yard, or other Yard or Magazine for any Sort of Trade whatsoever.

And whereas that Passage of Water upon the River Thames called Kew Ferry, or the Horse Ferry, between Old Brentford in the said County of Middlesex, and the opposite Shore in the said County of Surry, hath been, for Time immemorial, a Way of Communication between the said Counties; Therefore for the Continuation thereof; be it further enacted by the Authority aforesaid, That the said Robert Tunstall, or such Person or Persons as is or are at any Time or Times hereafter Owner or Owners, Proprietor or Proprietors, of the said Bridge, shall, and be and they are hereby required, at all Times hereafter, to provide, maintain, and support, at the Place where the said Horse Ferry now is, for the Accommodation of Persons who are willing to pass the said Ferry, One or more large Boat or Boats proper for the Conveyance of Carriages, Horses, and Cattle, cross the said Ferry; and also One or more small Boat or Boats, Wherry or Wherries, proper for the Conveyance of Foot Passengers cross the said Ferry, together with proper Tackle and Furniture for working the said Boats; and shall also provide a sufficient Number of able Men to work the said Boats; that is to say, Two able Men at the least, to work a large Boat, and One able Man to work a small Boat, on Pain of forfeiting, for every Neglect or Default in any of the Matters aforesaid,

Boats properly Manned to be provided and kept at the *Horse Ferry* for Passage of Carriages, Cattle, and Foot Passengers,

on Penalty of 5*l.*

the

the Sum of Five Pounds, to be recovered, with Full Costs of Suit, by any Person who shall sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance shall be allowed; and upon producing the Record of such Judgement to the Receiver or Receivers, Collector or Collectors, of the Tolls of the said Bridge for the time being, such respective Receiver or Receivers, Collector or Collectors, shall, and he or they is and are hereby required to pay the said Penalty out of such Money of the said Tolls as shall be then in his or their respective Hand or Hands; and in case he or they shall not have a sufficient Sum arising from the said Tolls in his or their respective Hand or Hands, then, and in every such Case, out of the first Money that shall come into the Hand or Hands of such respective Receiver or Receivers, Collector or Collectors, of the said Tolls, who shall be allowed such Sum of Money in his or their Accounts with the respective Proprietor or Proprietors of the said Tolls.

to be paid by the Collector of the Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Robert Tunstall, or such Person or Persons as is, or are at any Time or Times hereafter, Owner or Owners, Proprietor or Proprietors, of the said Bridge, at any Time or Times, to apply to the Commissioners of the Land Tax for the County of Middlesex for the time being, or any Five or more of them (giving such Notice of his or their Application as is herein after directed) which said Commissioners, or any Five or more of them, are hereby authorized to assemble, at some Place within the Parish of Ealing or New Brentford; and in case no Three Inhabitants of either of the said Parishes, nor any Three other Persons interested in the Continuance of the said Ferry, shall appear and insist that the Matter in Question shall be determined by a Jury, shall then and there proceed to enquire into the Number of Carriages, Horses, Cattle, and Passengers, that have passed the said Ferry for the Space of Three Years then last past, and into the Usefulness and Necessity of the said Ferry, or any Part thereof; and if upon such Enquiry and Examination, the Majority of the Commissioners then present, being Five or more in Number, shall agree and determine, that the further Continuation of the said Ferry, or any Part thereof, is useless and unnecessary, that then and from thenceforth, it shall and may be lawful to and for the said

Proprietors of the Bridge, in case the *Horse Ferry* shall be found useless, may apply to the Commissioners of the Land Tax for a Rule to discontinue the same:

said Robert Tunstall, or such other Person or Persons as is or are at any Time or Times hereafter, Owner or Owners, Proprietor or Proprietors, of the said Bridge, to discontinue the said Ferry, or any Part thereof; any thing herein before contained to the contrary thereof notwithstanding.

If that be opposed, and a Jury for Trial of the Utility of the Ferry be insisted on, a Jury is to be summoned accordingly.

Provided always, That if any such Inhabitants or Persons as aforesaid, shall appear and insist that the Matter in Question shall be determined by a Jury, that then and in such Case, the said Commissioners, or any Five or more of them, shall cause it to be enquired into, and ascertained, by the Oaths of a Jury of Twelve indifferent Men, whether the further Continuation of the said Ferry, or any Part thereof, is useful and necessary or not; and in order thereto, the said Commissioners, or any Five or more of them, are hereby impowered and authorized to issue their Warrant or Warrants, Precept or Precepts, directed to the Sheriff of the County of Middlesex, thereby requiring him to impanel, summon, and return, a Number of substantial and disinterested Persons, Inhabitants of the said County, and qualified to serve on Juries, not less than Forty eight, nor more than Seventy two; which Persons such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, accordingly; and out of such Persons so to be impanelled, summoned, and returned, or out of such of them as shall appear according to, or upon such Summons, a Jury of Twelve Persons shall be drawn by the said Commissioners, or any Five or more of them, or some Person to be by them, or any Five or more of them, appointed, in such Manner as Juries for the Trial of Issues joined in his Majesty's Courts at Westminster, by an Act passed in the Third Year of his present Majesty, intituled, An Act for the better Regulation of Juries, are directed to be drawn, which Persons so to be impanelled, summoned, and returned, are hereby required to appear before the said Commissioners, or any Five or more of them, at such Time and Place as in such Warrant or Warrants, Precept or Precepts, shall be directed and appointed (of which Time and Place Fourteen Days publick Notice shall be given in Writing to the respective Clerks of the Markets herein after mentioned) or in case there shall be no Clerk of the Market at that Time appointed, and attending the said Markets, to the Churchwardens of the respective Parishes or Places, and to attend them from Day to Day till they shall be discharged by the

Jury to be drawn as the Acto 3 Geo. II. directs.

Due Notice thereof to be given.

said Commissioners, or any Five or more of them, and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not be at Liberty to challenge the Array for Affinity, or any other Cause whatsoever; and the said Commissioners, or any Five or more of them, are hereby authorized and impowered by Precept or Precepts under their Hands, to call before them any Person or Persons in order to be examined as a Witness or Witnesses upon Oath, before the said Commissioners, or any Five or more of them, or such Jury, touching and concerning the Premisses; and such Commissioners, or any Five or more of them, shall have Power to adjourn such Meeting from Day to Day, as Occasion shall require, and to command such Jury, Witnesses, and Parties, to attend until the Matter for which they were summoned shall be concluded; and the said Jury upon their Oaths (which Oaths, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Five or more of them, are hereby impowered and required to administer) shall enquire into the Number of Carriages, Horses, Cattle, and Passengers, that have passed the said Ferry for the Space of Three Years then last past, and into the Usefulness and Necessity of the said Ferry, or any Part thereof; and if the said Jury shall agree in a Verdict, that the further Continuation of the said Ferry, or any Part thereof, is useless and unnecessary, that then and from thenceforth, and not otherwise, it shall and may be lawful to and for the said Robert Tunstall, or such other Person or Persons as is or are then or at any Time or Times thereafter Owner or Owners, Proprietor or Proprietors of the said Bridge, to discontinue the said Ferry, or any Part thereof; any thing herein before contained to the contrary thereof notwithstanding.

Jury may be challenged.

Commissioners impowered to summon and examine Witnesses on Oath,

and adjourn their Meeting from Day to Day.

Matters to be enquired into by the Jury;

and their Verdict to determine the Matter in Question.

Provided always, and it is hereby declared, That no such Meeting of the Commissioners of the Land Tax for determining the Utility and Necessity of the Continuance of the said Ferry, or any Part thereof, shall be held, unless Three Months Notice shall be given of such Meeting, and the Purpose thereof, by affixing such Notice for Three successive Market Days, upon the several Market Houses of Staines, Uxbridge, and Brentford, in the County of Middlesex, and of Kingston, in the County of Surry; and likewise by leaving Notice thereof in Writing with each Clerk of the said several Markets of Staines, Uxbridge, and Brentford, in the County of Middlesex, and of Kingston, in the County

Due Notice to be given of Meeting of Commissioners for those Purposes.

of Surry; or in case there shall be no Clerk of the Market at that Time appointed and attending the said Markets, to the Churchwardens of the said respective Parishes or Places.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced, brought, or prosecuted against any Person or Persons for any thing done or to be done in pursuance of this present Act, or in relation to the Premisses, every such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards; and shall be laid in One of the said Counties of Middlesex or Surry, and not elsewhere; and the Defendant or Defendants in such Action or Suit, shall and may plead the General Issue, and give this Act, the said recited 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 have been so done; or if any such Action or Suit shall be brought after the Time before limited for bringing the same; or shall be laid in any other County or Place; then and in such Case or Cases, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions; or if a Verdict shall pass against the Plaintiff or Plaintiffs; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, upon Affidavit made, or Certificate of the Judge before whom such Cause shall be tried, whereby it may appear that such Action or Suit was prosecuted against such Defendant or Defendants for Matters contained in this or the said recited Act, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in any other Case by Law.

General Issue.

Treble Costs.

Publick Act.

And be it further 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.