Anno tricesimo primo

Georgii II. Regis.

An Act to enlarge, alter, and render more effectual, the Term and Powers of an Act of the Twelfth Year of His present Majesty, for repairing the Roads from *Bakewell* to *Chesterfield* in the County of *Derby*; and from *Chesterfield* to *Worksop* in the County of *Nottingham*; and other Roads therein mentioned.

WHEREAS by an Act passed in the Twelfth Year of the Reign of His present Majesty, intituled, An Act for repairing the Roads from *Bakewell* to *Chesterfield*, in the County of *Derby*, and from *Chesterfield* to *Worksop*, in the County of *Nottingham*; and from *Chesterfield* to the Place where the Northern Road meets the *Chesterfield* Road, which leads to *Mansfield*, in the said County of *Nottingham*, several Tolls and Duties were granted and made payable, and divers Powers were

Preamble, reciting the Act 12 Geo. II.

were given for repairing the said Roads; which said Act, and the Tolls, Duties, and Powers thereby granted, were to take Place and have Continuance from the First Day of June, One thousand seven hundred and thirty nine, for and during the Term of Twenty one Years: And whereas the better to answer the Intention of the said Act, by repairing the Road from Chesterfield to Worksop, with Speed and Effect, the Trustees appointed to put the said Act in Execution, have borrowed several Sums of Money on the Credit of the said Act; which Money so borrowed and the Tolls collected by virtue of the said Act, have been duly laid out and applied in repairing the said Road from Chesterfield to Worksop, but by Reason of the many heavy Carriages passing through the said Road from Chesterfield to Worksop, and the smallness of the Duties collected thereon, a sufficient Fund cannot be raised by the present Tolls and Duties, for the effectual repairing and supporting the said Road, and paying the principal Money and Interest now charged upon the said Tolls and Duties; and in order to increase the said Fund, and discharge the Money borrowed on the Credit of the said Tolls and Duties, amounting to the Sum of Five thousand Pounds and upwards, it will be necessary that the present Tolls and Duties should be augmented, and that the Term and Powers granted by the said Act should be further continued, and the Provisions in the said Act varied and rendered more effectual: Wherefore, and to the Intent the said Road from the Town of Chesterfield to the Town of Worksop, intended to be repaired by the said former Act, may be effectually repaired, and hereafter kept in good Repair, for the Accommodation of all Travellers passing the same; and that the Money advanced or lent, or to be advanced or lent, on the Credit of the said former or this present Act, may be repaid, together with all Interest due or to grow due for the same: May it 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 passing this present Act, the said former Act, and all and every the Powers, Penalties, Forfeitures, Authorities, Exemptions, Articles, Rules, Clauses, Matters, and Things, therein

in contained (except such Clauses, Powers, Matters and Things, as are hereby explained, repealed, altered, amended, or discontinued, by this present Act) shall continue and be in full Force and Effect, and be executed for and during the Remainder of the said Term of Twenty one Years, for repairing the said Road leading from the Town of Chesterfield to the Town of Worksop aforesaid; and from and after the said Term of Twenty one Years by the said former Act granted, for the Term of Five Years, granted to all and every Act and Acts of Parliament, for repairing and amending Turnpike Roads, by the Act of Parliament of the Twenty eighth Year of his present Majesty; and also for the further Term of Twenty one Years from thence next ensuing, and from thence to the End of the next Session of Parliament, for the Purposes in the said former and this present Act mentioned and described; which said further or additional Terms shall be, and the same is hereby made subject and liable to the Payment of the Money borrowed, or to be borrowed, due, or to be due, upon the Credit of the said former and this present Act, for the making, repairing, and supporting, the said Road from the Town of Chesterfield to the Town of Worksop aforesaid.

Trustees Names.

And, for the more effectual putting the said former Act and this present Act in Execution; be it further enacted by the Authority aforesaid, That Peter Acklam, Henry Athorpe, Esquires; Francis Atkinson Gentleman, Richard Bagshaw Esquire, Alexander Barker, John Barker, William Barker, Benjamin Bates, Robert Bates, William Bennet, William Bettison, John Birch, Gentlemen; Henry Bourne Doctor in Physick, the Reverend Obadiah Bourne, Lawrence Bourne, Francis Bower, Clerks; Gervase Boseville, John Bowden, Joseph Bright, John Bright, Joseph Briggs, Gentlemen; John Bristowe Esquire, Edward Brockshop, William Brough, George Burden, Gentlemen; the Reverend William Barrow, William Burrow the younger, Clerks; John Burton, William Burton, Edward Buxton, Gentlemen; Richard Calton Gentleman, the Right Honourable Charles Cavendish Esquire, commonly called Lord Charles Cavendish; the Right Honourable George Cavendish Esquire, commonly called Lord George Cavendish; the Right Honourable Frederick Cavendish Esquire, commonly called Lord Frederick Cavendish; the Right Honourable John Cavendish Esquire, com-

monly called Lord John Cavendish; Sir Robert Clifton Baronet, Richard Cavendish, Godfrey Clarke, Godfrey Clarke the younger, Esquires; Thomas Clarke Gentleman, the Reverend William Clarke Clerk, Noble Champion, Joseph Clay, Richard Clay, Gentlemen; the Reverend John Cooke Clerk, Christopher Cotton Gentleman, Sir Nathaniel Curzon Baronet, Nathaniel Curzon, Asheton Curzon, Esquires; John Dakeyne Gentleman, the Reverend Claudius Daubuz Clerk, Gilbert Dixon Gentleman, George Donston Esquire, John Eddison Gentleman, Anthony Eyre, Henry Eyre, Vincent Eyre, Esquires; Nathaniel Eyre Gentleman, John Fell, John Fidler, Samuel Foxlowe, Gentlemen; Anthony Gallimore Gentleman, the Reverend William Gardiner Clerk, Gervase Gardiner, Roger Garvis, Gentlemen; Philip Gell Esquire, Thomas Garvis Gentleman, the Reverend James Gisborne Clerk, Thomas Gisborne Esquire, Henry Gladwin Gentleman, William Green Doctor in Physick, the Reverend John Griffith Doctor in Divinity, Middlemore Griffith, John Griffith, Thomas Grove Clerks; John Hall Esquire, Robert Hallifax Gentleman, Brabazon Hallows Esquire, the Reverend Chaworth Hallows Clerk, William Hallows Esquire, the Reverend Gilbert Hartshorne Clerk, Anthony Hartshorne, Mathew Heath, Gentlemen; Sir John Heathcote Baronet, the Reverend Ralph Heathcote Clerk, Godfrey Heathcote, Godfrey Heathcote the younger, Gentlemen; Windsor Heneage, John Hewett, Esquires; the Reverend James Heywood Clerk, Thomas Heywood, George Heywood, Jonathan Hill, Gentlemen; the Reverend Thomas Hinckesman Clerk, Robert Banks Hodgkinson Esquire, Sir Henry Hunloke Baronet, Windsor Hunloke, Robert Hunloke, James Hunloke, Esquires; Richard Jackson Gentleman, Joshua Jebb Esquire Mayor of the Borough of Chesterfield, and the Mayor of the Borough of Chesterfield for the time being, William Kirke Esquire, Edmund Kirke Gentleman, Ralph Knight Esquire, Henson Kirkby Gentleman, William Langley, Jonathan Lee, Gentlemen; Nicholas Leeke, William Levinz, John Litchfield, Esquires; John Lillyman Gentleman, John Linley, John Lister, Esquires; William Allwood Lord, Thomas Lucas, Bernard Lucas, Thomas Lucas the younger, John Lund, Gentlemen; George Marsh, John Mason, Gentlemen; George Mason, William Mellish, Esquires; the Reverend Edmund Meymot Clerk, Richard

Richard Milnes Esquire, Richard Milnes Doctor in Physick, William Milnes, William Milnes the younger, William Milnes, Richard Milnes, Gentlemen; Sir Charles Molyneux Baronet, William Molyneux, John Monk Morgan, Esquires; Sir John Moseley Baronet, George Mower Esquire, Roger Newham, John Nodder, Gentlemen; Samuel Owtram Gentleman, Strelley Pegge Esquire, the Reverend Samuel Pegge Clerk, John Pilkington, John Piddock, Gentlemen; the Reverend Samuel Pole Clerk, John Plumtre Esquire, Benjamin Proctor, John Renshaw, Thomas Reynold, John Richardson, Francis Richardson, Benjamin Roberts, Gentlemen; Gilbert Rodes, Lancelot Rollestone, John Rotheram, Esquires; Sir George Savile Baronet, the Reverend Joseph Saunders Clerk, William Saunders, Edward Sharpe, Thomas Sharpe, John Spencer, Robert Spencer, Gentlemen; Samuel Shore Esquire, Francis Simmes, John Simmes, Gentlemen; William Simpson Esquire, the Reverend John Simpson Clerk, Linley Simpson Esquire, William Sissons, William Sissons the younger, Gentlemen; William Sitwell, Adam Slater, Esquires; Richard Slater, Francis Slater, Gentlemen; the Reverend William Smith Clerk, William Soresby, Arthur Charles Stanhope, Jonathan Staniforth, Esquires; Charles Stanforth, John Storer, William Storrs, Gentlemen; Robert Sutton, Robert Sutton the younger, John Sutton, Esquires; George Shuttleworth, John Shuttleworth, Gentlemen; Bache Thornhill Esquire, Nicholas Thornhill, Henry Thornhill, Nicholas Twigg, William Toole, John Twigg, Gentlemen; the Honourable Morgan Vane, William Villa Real Esquire, the Reverend John Warde Clerk, Thomas Waterhouse, William Watson, Godfrey Webster, Gentlemen; the Reverend William Wheeler Clerk, Joshua Wheldon Gentleman, John White, Taylor White, Esquires; John Whitaker, John Wilkinson of Hilcote, Richard Wilkinson, John Wilkinson of Chesterfield, Joseph Wilson, Edward Wilson, Gentlemen; Thomas Wright Esquire, the Reverend Thomas Wright Clerk, John Wright of Eyam, William Wright, Clifton Woolby, and William Wylde, Gentlemen; shall be, and they are hereby nominated and appointed Trustees, for the surveying, ordering, amending, widening, turning, repairing, and keeping in Repair the said Road from the Town of Chesterfield to the Town of Worksop; and likewise for putting in Execution all other the Powers in

and

and by the said former and this present Act given, relating to the said Road.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That no Person shall be qualified or capable of acting as a Trustee, in the Execution of the said former or this present Act, unless he shall be in his own Right, or in the Right of his 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 Fifty Pounds above Reprizes; or shall be possessed of a Personal Estate to the Amount or Value of One thousand Pounds, or shall be Heir Apparent of some Person having a real Estate of the clear yearly Value of One hundred and fifty Pounds, and unless the Person (not being such Heir Apparent as aforesaid) shall take the Oath following, before any Two or more of the said Trustees, or their Successors, who are hereby authorized and required to administer the same, before he takes upon himself to act in the Trusts and Authorities of the said former or this present Act; which Oath shall be to the Effect following, as the Circumstances of the Case may require.

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 Right, or in the 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 Fifty Pounds above Reprizes, or possessed of a Personal Estate to the Amount or Value of One thousand Pounds, after all my Debts are paid.

So help me GOD.

Penalty on Persons acting, if not qualified.

And if any Person hereby deemed unqualified or incapable to act, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to be recovered in a summary Way before the Justices of the Peace at their Quarter Sessions, or before the Judge or Judges of Assize for the said County of Derby or Nottingham; and the Person so prosecuted shall prove that he is qualified as above, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such

Person

Person hath acted as a Trustee in the Execution of this Act; One Moiety of which said Forfeiture shall be paid to the Prosecutor, and the other Moiety shall be applied in repairing the said Road hereby directed to be repaired.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the House of William Thacker being the Sign of the Castle in the said Town of Chesterfield, on Thursday the Fifteenth of June, One thousand seven hundred and fifty eight, and then and there chuse a Clerk or Clerks to write their Orders, and take Minutes and make Entries of their Proceedings, and for other Purposes; and shall then adjourn to any Place or Places, in or near the Road hereby intended to be repaired; and if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act, then and in such Case, a Majority of such Trustees, or if none attend, then the Clerk to the said Trustees, shall and may by publick Notice in Writing, to be fixed at or on all the Turnpikes erected by virtue of the said former Act, or which shall be erected in pursuance of this present Act, and on the respective Market-houses of Chesterfield and Worksop aforesaid, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the House or Place where the last Meeting of the said Trustees was appointed to be held, or at some other convenient House in or near the said Road, on that Day Month next after the Day on which such last Meeting of the said Trustees was appointed to be held; and that the said Trustees, at their First, and all subsequent Meetings, shall defray their own Charges and Expences.

In Default of a sufficient Number to act, Notice to be given of another Meeting.

Trustees to defray their own Expences.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons named or appointed, or which shall be named or appointed Trustees for putting the said former or this present Act in Execution, shall be impowered to do any Act in the Execution of the Powers hereby given, except it be at some publick Meeting to be by them held in pursuance of this Act.

Trustees not impowered to act, but at a Meeting held in pursuance of this Act.

And be it further enacted by the Authority aforesaid, That such of the said Trustees, and their Successors, as shall be in the Commission of the Peace for the Counties of Derby and Nottingham, or either of them, may, and is and are hereby authorized and impowered, to act as a

Trustees in the Commission of the Peace may act as Justices.

Justice or Justices of the Peace in the Execution of the Powers and Authorities by the said former or this present Act given to any Justice or Justices of the Peace, notwithstanding his or their being such Trustee or Trustees.

Trustees may erect Turnpikes and Toll-houses;

And be it further enacted by the Authority aforesaid, That the said Trustees, and their Successors, or such other Person or Persons as they, or any Five or more of them, shall authorize and appoint, shall and may erect or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, and also a Toll-house or Toll-houses, in, upon, across, or on the Sides of any Part of the said Road from the Town of Chesterfield to the Town of Worksop aforesaid; and at such Gate or Gates, shall and may demand and take the Tolls and Duties following, before any Coach, Landau, Berlin, Chariot, Chaise, Calash, Chair, Hearse, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, Ox, Sheep, Hog, or other Cattle whatsoever, shall be permitted to pass through the same; that is to say,

and take the following Tolls thereat.

The Tolls.

For every Horse, Mare, Gelding, Mule, or Ass, drawing in any Carriage whatsoever, the Sum of Three Pence.

For every Ox or other Cattle, drawing any Carriage whatsoever, the Sum of Two Pence.

For every other Horse, Mare, Gelding, Mule, or Ass, laden or unladen, the Sum of One Penny.

For every Drove of Oxen or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

For every Pair of Mill Stones, the Sum of Two Two Shillings and Six Pence.

Tolls how to be paid.

Which said respective Tolls shall be paid Twice between the said Town of Chesterfield and the said Town of Worksop, in Manner following (that is to say) Once between Chesterfield and Barlbrough in the County of Derby, and Once between Barlbrough and Worksop aforesaid, for any of the Horses, Cattle, Carriages, or Things aforesaid.

And

And be it further enacted by the Authority aforesaid, That the said Trustees, and their Successors, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, shall have the same Powers, Authorities, and Remedies, for demanding, collecting, recovering, or levying, the Tolls and Duties hereby made payable, as are in and by the said former Act given and prescribed in relation to the Tolls and Duties thereby granted; and for chusing new Trustees in the Room of such of the Trustees hereby appointed, as shall die, remove, or refuse to act, and for other Purposes, as fully and effectually, as if the said Powers, Authorities, and Remedies, were herein again repeated and re-enacted; and the said Tolls and Duties shall be and are hereby vested in the Trustees hereby nominated and appointed; and the same and every Part thereof, shall be paid, applied, and disposed of, or assigned, to and for such Uses, Intents, and Purposes, and in such Manner, as are in the said former and this present Act directed and appointed.

Trustees may erect Turnpikes and Toll-houses;

Tolls vested in Trustees.

Application of the Tolls and to what Purposes.

And be it further enacted by the Authority aforesaid, That no Gate or Turnpike now erected, or hereafter to be erected, by virtue of the said former, or in pursuance of this present Act, upon any Part or Parts, or on the Sides of the said Road hereby intended to be repaired, shall at any Time be taken down or removed to any other Place or Places on the said Road, except by Order of the said Trustees, or their Successors, or any Five or more of them, in Meeting assembled; of which Meeting Ten Days previous Notice shall be given in Writing by the Clerk, and affixed on all such Turnpike-gates as now are, or shall hereafter be erected by virtue of the said former, or in pursuance of this Act, and on the respective Market-houses of Chesterfield and Worksop aforesaid; any thing herein contained to the contrary notwithstanding.

No Turnpike to be removed but by Order of the Trustees.

The Tolls

And whereas soon after the passing of the said recited Act of the Twelfth Year of the Reign of His present Majesty, the most Noble Edward Duke of Norfolk, in pursuance of an Agreement entered into by him with the said Trustees, authorized by the said Act, whereby he did agree to give Leave for a Cart-way to be made through Part of his Estate, as herein after mentioned, on Condition that he the said Duke, and his Heirs, Servants, and Friends, residing or visiting at his Mansion House or Manor called Worksop Manor, in the said County of Nottingham, should

Tolls how to be paid

should be exempted from the Payment of the Tolls or Duties payable at any Turnpike or Toll-bar to be placed upon the said new Road, or any of the Road in the said Act of Parliament, within the Distance herein after mentioned, did, by Indenture, bearing Date the Sixteenth Day of May, One thousand seven hundred and forty, and made between him the said Edward Duke of Norfolk of the One Part, and such of the said Trustees as were then present at a publick Meeting appointed at Chesterfield, aforesaid, of the other Part, for himself and his Heirs, give, grant, and confirm, unto the Trustees therein before-named, full and free Licence and Liberty to make a new Cart-way upon and through the Grounds of the said Duke, from a Place commonly called Steetly Turn, in the Parish of Whitwell, in the said County of Derby, unto Worksop aforesaid, where there was then a Bridle-way between the Towns of Chesterfield and Worksop aforesaid, to be used and enjoyed, from and after the completing thereof, as a common Highway, for the Carts and Carriages of all the King's liege People, without any Interruption whatsoever by the said Duke, his Heirs, or Assigns; and the said Trustees named in the said Indenture, in Performance of the said Agreement, on the Part of the Trustees appointed by the said Act, so far as they lawfully might, and for the Time they were authorized by the said Act, did grant and confirm unto the said Duke, and his Assigns, all and singular the Tolls and Duties that should or might, at any Time during the Remainder of the Term of Twenty one Years in the said Act mentioned, become due or payable from the said Duke, or his Heirs, and his or their Servants, and from all other Persons which did or should reside or dwell at the said Duke's said Mansion House or Manor called Worksop Manor, for their passing and repassing in or through any Turnpike or Toll-bar which should be erected upon the said Road between Chesterfield and Worksop, within Four Miles of Worksop Manor aforesaid, with any Coach, Berlin, Landau, Chariot, Chaise, Calash, or Carriage (Carriages with Coals only excepted) or on Horseback, or with Horses, or with Cattle; and also the like Tolls and Duties that should or might become due from such of the Friends of the said Duke, or his Heirs, as, from time to time, during his or their Residence and Abode at Worksop Manor aforesaid, within the Remainder of the Term aforesaid, should visit him or them there, provided particular Notice should be given, from time to time,

time, of such Visit, to the Collector or Collectors of such Turnpike or Toll-bar, by some Servant of the said Duke, or his Heirs; and the said Trustees did likewise, for the Considerations aforesaid, and so far as they lawfully might, and for the Time they were authorized by the said Act, grant full and free Liberty to the said Duke, and his Heirs, and to all and every the Persons before described, of passing and repassing in and through such Turnpikes or Toll-bars as aforesaid, without Payment of any of the Duties there collected, or of any other Sum or Sums of Money, and without any Interruption or unnecessary Delay whatsoever: And whereas the said Trustees did accordingly make a new Cart-way upon and through the Grounds of the said Duke of Norfolk, from the said Place called Steetly Turn to Worksop aforesaid, which hath been used as a common Highway for Carts and Carriages during so much of the said Term of Twenty one Years, mentioned in the said former Act, as is now elapsed, and the said Duke is consenting that the said Road shall be used and enjoyed for Carts and Carriages, in like Manner for ever hereafter, on the Terms and Conditions under which the said Road was by the said Duke before granted to the said former Trustees: be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Edward Duke of Norfolk, and all and every other Person and Persons, who, for the time being, shall be Owner or Owners of the Inheritance or Freehold of the said Mansion House or Manor called Worksop Manor, and his and their Servants, and also to and for such of the Friends of the said Edward Duke of Norfolk, and of such other Person and Persons so being Owner or Owners of the Freehold or Inheritance of the said Mansion House or Manor called Worksop Manor, who, from time to time, during his or their Residence and Abode at Worksop Manor aforesaid, shall visit him or them there, as well during the Remainder of the Term of Twenty one Years, mentioned in the said recited Act, as during the Term of Five Years granted to all and every Act and Acts of Parliament for repairing and amending Turnpike Roads, by the Act of Parliament of the Twenty eighth Year of His present Majesty's Reign, and also during the further Term of Twenty one Years, by this present Act granted, and from thence to the End of the then next Session of Parliament, to pass and repass through all such Turnpikes or Toll-bars,

General Exemption from Tolls granted to the Duke of *Norfolk* and his Friends and Visitors at *Worksop Manor*, and the future Lords of that Manor, &c.

Toll-bars, as have been, or which at any Time or Times during the said Two Terms now subsisting as aforesaid, or the Continuance of this present Act, shall or may be erected upon such Part of the said Road between Chesterfield and Worksop, as lies within Four Miles of Worksop Manor aforesaid, with any Coach, Berlin, Landau, Chariot, Chaise, Calash, or Carriage (Carriages with Coals only excepted) or on Horseback, or with Horses, or with Cattle, without paying any of the Tolls or Duties granted or made payable by the said recited Act, or by this present Act, or which shall be collected or taken at such Turnpikes or Toll-bars, or any other Sum or Sums of Money, and without any Interruption or unnecessary Delay whatsoever; any thing herein contained to the contrary in any wise notwithstanding.

Provided nevertheless, That no Person or Persons who shall so visit at Worksop Manor aforesaid, shall be exempted from the Payment of the said Tolls or Duties, unless particular Notice shall, from time to time, be given of such Visit to the Collector or Collectors of such Turnpikes or Toll-bars, by some Servant of the said Duke, or of such other Person or Persons so being Owner or Owners of the Freehold or Inheritance of the said Mansion House or Manor called Worksop Manor.

And it is hereby also enacted, That the said Cart-way so made upon and through the said Grounds of the said Edward Duke of Norfolk, from the said Place called Steetly Turn to Worksop aforesaid, shall, as well during the said Two Terms now subsisting as aforesaid, and during the Term of Twenty one Years, by this present Act granted, as at all Times for ever thereafter, continue to be used and enjoyed as a common Highway, for the Carts and Carriages of all His Majesty's Subjects, without any Interruption whatsoever, by the said Edward, Duke of Norfolk, his Heirs, or Assigns, yet so as that he the said Duke of Norfolk, and all other Persons Owners of the Freehold and Inheritance of the said Manor or Mansion House of Worksop, shall, and may have the same Right to apply to Parliament for an Exemption from Tolls upon any future Enlargement of the said Term granted by this Act, as the said Duke had before the passing thereof.

Exemptions from Tolls.

And whereas in and by the said former Act (among other Things, it is declared, That no Person or Persons should be charged with any of the Tolls and Duties granted and made payable by the said Act, for passing through any of

the Turnpikes that should be erected by virtue thereof, for any Horse, Mule, Ass, Waggon, Cart, or other Carriage, which should carry or draw through the said Turnpikes any Dung, Mould, Soil, Marl, Lime, or Compost of any Nature or Kind whatsoever, for manuring of Gardens or Land, in any of the Parishes wherein the same did lie, or in any of the neighbouring Parishes; be it therefore enacted by the Authority aforesaid, That so much of the Clause in the said Act, as herein before-mentioned, relating to the said Exemptions, shall, from and after the passing this present Act, be, and the same is hereby declared to be, repealed and made null and void, to all Intents and Purposes, except such Dung, Mould, Soil, Marl, Lime, or Compost, shall be gotten, arise, or be made, in the Parish wherein such Turnpike or Gate is or shall be erected.

Penalty on Persons making illegal Claims.

Provided nevertheless, That if any Person or Persons shall claim and take the Benefit of any of the Exemptions in the said former or this present Act, not being intitled to the same, such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Ten Shillings.

Penalty on Persons permitting or using private Passage,

And be it further enacted by the Authority aforesaid, That if any Person or Persons owning or occupying any Land or Ground adjoining to or near the Road hereby intended to be repaired, or any Turnpike erected or to be erected in pursuance of the said former or this present Act, shall permit or suffer any Person or Persons whatsoever to pass through any Gateway or Passage therein (not being a common Road) with any Coach, Landau, Berlin, Chariot, Chaise, Calash, Chair, Hearse, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, or any other Beast or Cattle, liable to any of the Tolls and Duties hereby made payable, whereby the Payment of the said Tolls and Duties, or any of them, shall be avoided; or if any Person or Persons shall by passing through any such Land or Ground, or any Gate, Way, or Passage, therein as aforesaid, with an Intent or Purpose to avoid the Payment of any the said Tolls and Duties by this Act granted; or if any Person or Persons shall at any Time unload, lay down, deposit, or cause to be unloaded, laid down, or deposited, any Sort of Grain, Coal, Lime, Goods, Wares, or Merchandizes, or shall take off or carry away, or cause to be taken off or carried away, any such Grain, Coal, Lime, Goods, Wares, or Merchandizes, so unloaded, laid down, or deposited, or shall take off, or cause to be taken off, any Horse, Mare, Gelding, or Mule, from any

for unloading of Goods, &c.

for taking off Horses, &c. to avoid Payment of the Tolls.

any Coach, Landau, Berlin, Chariot, Chaise, Calash, Chair, Hearse, or any Horse, Mare, Gelding, Mule, Ass, Ox, or other Beast, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall be brought or come to any of the Gates or Turnpikes, erected or to be erected by virtue or in pursuance of the said former or this present Act, with an Intent to avoid or lessen the Payment of any of the Tolls and Duties hereby made payable; every Person so offending in any of the Cases aforesaid, and being thereof convicted upon the Oath of One or more Witness or Witnesses, before any Justice or Justices of the Peace of and for the County where the Offence or Offences shall be committed (and which said Oath such Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer or Clerk for the time being, the Sum of Twenty Shillings.

Tolls to be paid but Once a Day.

And it is hereby further enacted by the Authority aforesaid, That no Person or Persons having paid the Tolls or Duties hereby directed to be paid, at the Gates or Turnpikes erected, or to be erected, by virtue of or in pursuance of the said former or this present Act, through which such Person or Persons shall pass, with any Coach, Landau, Berlin, Chariot, Chaise, Calash, Chair, Hearse, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, Ox, Calf, Sheep, Lamb, Hog, or other Cattle, and producing a Note or Ticket, that such Toll was paid (which Note or Ticket the Collector or Collectors, Receiver or Receivers, is and are hereby required, upon Demand, to give) shall be liable to pay the same, for returning through the same Gates or Turnpikes on the same Day, or before Twelve of the Clock at Night, with the same Coach, Landau, Berlin, Chariot, Chaise, Calash, Chair, Hearse, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, Ox, Calf, Sheep, Lamb, Hog, or other Cattle.

Trustees may farm, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, and their Successors, or any Five or more of them, from time to time, by Writing under their Hands and Seals, to assign, lease, demise, let, farm, or set out, the Tolls and Duties by this Act granted, or any Part of such Tolls and Duties, to any Person or Persons whatsoever, from Year to Year, or for any Part of the said Term hereby granted, not exceeding Seven Years, upon Thirty Days previous Notice in Writing to be affixed on all the Turnpike Gates, and also upon the several Market

Market Houses of Chesterfield and Worksop, for the best Price such Trustees can get for such Tolls and Duties, or any Part thereof, payable at such Times, and under such Covenants, as they the said Trustees, and their Successors, or any Five or more of them, shall think fit; and to be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint to receive the same; which Money so to be paid, shall be applied and disposed of for the Purposes herein before and herein after mentioned.

Charges of passing this Act to be first paid, &c.

And be it further enacted by the Authority aforesaid, That out of the First Money arising by the Tolls or Duties which shall be collected at the Turnpike or Turnpikes erected, or to be erected by virtue of the said former or in pursuance of this present Act, or out of such Money as shall be advanced, lent, or borrowed, upon the Credit thereof; the said Trustees, and their Successors, or any Five or more of them, shall in the First Place pay and discharge all the Expences and Charges incident to and attending the obtaining and passing this Act, and also the Charges and Expences of putting up and erecting such Turnpikes and Toll-houses, as they shall think proper to put up and erect, in pursuance of this Act; and that from and after paying the said Expences and Charges, then, and from thenceforth, the Money arising by the said Tolls and Duties, shall be laid out and applied for and towards the repairing the said Road, and other necessary Charges attending such Repairs, in such Manner and Proportions, as the said Trustees, or any Five or more of them, shall, from time to time, direct or appoint.

Trustees not to repair Pavements.

Provided also, and be it enacted by the Authority aforesaid, That nothing in the said former or this present Act contained, shall authorize and impower the said Trustees, or their Successors, or any of them, to repair or amend the Pavements or Causeways in the Streets of any Town to, from, or through which the said Road hereby intended to be repaired, doth lead; but that such Pavements and Causeways shall continue to be repaired and kept in Repair, by such Ways and Means, as they have heretofore been repaired, before the passing of the said former or this present Act; any thing therein or herein contained to the contrary thereof in any wise notwithstanding.

Assignments may be transferred.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, and their Successors, or any Five or more of them, at their first or any subsequent Meeting, from time to

time, by any Writing or Writings under their Hands and Seals, to assign over the Tolls and Duties arising by virtue of the said former or this present Act, upon the said Road from the said Town of Chesterfield to the Town of Worksop (the Costs and Charges of assigning the same to be paid out of such Tolls and Duties) for any Time or Term during the Continuance of this Act, as a Security for any Sum or Sums of Money already borrowed or to be borrowed, to such Person or Persons, or their Trustees, who shall advance the same, to secure the Repayment thereof, together with such Interest as is or shall become due upon the same; and the Money so to be borrowed on the Credit of the said Tolls and Duties, shall, after Payment of the Charges of passing this Act, and also of erecting such Turnpikes and Toll-houses as shall be erected in pursuance of this Act, be disposed of as the said Tolls or Duties by this Act are directed to be applied and disposed of.

Copies of Assignments of the Trustees to be entered in Books.

And be it further enacted by the Authority aforesaid, That Copies of all and every the Assignment or Assignments so to be made by the said Trustees, and their Successors, as aforesaid, shall be entered at Length in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers, to the said Trustees.

Assignments may be transferred, and the Manner of doing so.

And be it further enacted, That all and every Person and Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by Words of Assignment to be indorsed on his, her, or their Security or Securities, assign or transfer such Security or Securities, without any Stamp thereon, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest, to the Principal and Interest Money thereby secured, to any other Person or Persons whomsoever, as often as they shall think fit; and such Assignment being duly entered by a Copy with the Clerk or Clerks, shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign the same again, and so toties quoties; and it shall not be in the Power of such Person or Persons, who shall make such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof, or do any Act to the Prejudice of his Assignee, or any subsequent Assignee.

Entry to be made thereof.

And

And be it further enacted by the Authority aforesaid, That if any Person or Persons, during the Continuance of this Act, shall hale or draw, or cause to be haled or drawn, in or along the said Road by this Act intended to be repaired, any Tree or Trees, Piece or Pieces of Timber, otherwise than except upon Wheels or other Carriages, every such Person, for every such Offence, shall forfeit and pay any Sum of Money, not exceeding the Sum of Ten Shillings. Penalty on drawing Timber, &c. otherwise than on Carriages.

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

And be it further enacted, That if any Person or Persons who shall come to work as Labourers, or be sent with any Team, Draught, or Cart, to work on the said Roads for the Repair thereof, commonly called Statute-work, or Labour, are found idle and negligent, or shall not properly perform such Statute-work, the Turnpike Surveyor or Surveyors may, and is and are hereby impowered and required to remove and discharge such Person or Persons; and it shall be deemed and taken as if such Person or Persons had not come or sent any Team, Draught, or Cart, to work on the said Roads; and he, she, or they shall be subject and liable to the respective Forfeitures mentioned in the said former Act, as if he, she, or they had neglected or refused to do or perform the said respective Days Work. Penalty of not performing Statute work.

And whereas in and by the said former Act (amongst other Things) it is declared and enacted, That the said Trustees therein named should, from time to time, as they should see convenient or think fit, during the Continuance of the said Act, compound or agree by the Year, or otherwise, with any Person or Persons using to travel through the Turnpike or Turnpikes erected by virtue of the said Act, with any Horse, Ass, Mule, Cattle, Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Mill Stones, Waggon, Wain, Cart, or other Carriage, for any Sum or Sums of Money to be paid quarterly, from time to time, for and in lieu of Payment of any Toll or Duty after such Agreement should be made; be it therefore Trustees may compound with Persons for Statute-work.

fore enacted by the Authority aforesaid, That the said Clause in the said recited Act relating to such Composition, shall, from and after the passing of this present Act, be, and the same is hereby declared to be, repealed, and made null and void, to all Intents and Purposes whatsoever.

Surveyors may remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, from time to time, to remove and prevent all Annoyances on any Part of the said Roads hereby intended to be repaired, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Road, or otherwise, to the Prejudice thereof; and to open, scour, or cleanse, any Watercourses or Ditches adjoining to the said Road, and make the same as deep and large as shall be necessary; and to make any necessary new Drains adjoining to the said Road, so as the same be not made through any Garden, Orchard, Park, Yard, planted Walk, or Avenue to a House, or any Plantation or Nursery for Trees; and also to lop Timber Trees; and cut down, lop, or top, any other Trees or Bushes, growing in the said Road, or in the Hedges or Banks adjacent thereto; and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to remove the same, or to cut down or carry away such Trees or Bushes, as aforesaid, or to open, scour, or cleanse, such Watercourses or Ditches, or to remove such other Annoyances, within the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of the Surveyor or Surveyors, or of the said Trustees and their Successors, or any Five or more of them; the Charges whereof, to be settled by the said Trustees, and their Successors, or any Five or more of them, shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers so neglecting to cut down and carry away such Trees or Bushes, or to remove such other Annoyances, as aforesaid; to be recovered, levied, and disposed of, in such Manner as the Penalties and Forfeitures are herein after directed to be recovered, levied, and disposed of: And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit unto the said Trustees and their Successors, the Sum of Twenty Shillings.

scour Ditches,

and lop or top Trees, &c.

the Owners neglecting to remove the same after Notice.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor

veyor and Surveyors, or such Person or Persons as he or they shall appoint, by Order of the said Trustees and their Successors, or any Five or more of them, to make or cause to be made Causeways, and also Ditches and Drains in and upon the said Road, and through any Grounds lying contiguous thereto; and to erect Bridges or Arches upon the said Road, and also to widen any of the narrow Parts of the said Road, by opening, clearing, or laying into the said Road any Grounds of any Person or Persons lying contiguous to the same (not being the Ground whereon any House or Houses stand, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House) so as such Parts of the said Road do not exceed in Width Fifteen Yards; and also to make, or cause to be made, a Road through the adjoining Grounds of any narrow or ruinous Part of the said Road, to be made use of by all Passengers with Cattle, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road is repairing or widening, and till such Time as it shall be convenient and safe for Passengers and Carriages to travel and go along the said Road hereby intended to be repaired; making such reasonable Satisfaction to the Owners or Occupiers of such Grounds respectively, through which any such necessary Drains shall be cut, or on which any such Arches or Bridges shall be made, or which shall be so laid into the said Road, or through which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees and their Successors, or any Five or more of them; and in case of any Difference concerning the same, between such Owners or Occupiers and the said Trustees or their Successors, that then it shall and may be lawful for the Justices of the Peace, or the major Part of them assembled at the next General Quarter Sessions for the County of Derby or Nottingham, in their respective Counties, to settle, adjudge, and finally determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid.

erect Bridges, &c.

and make a temporary Road;

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

And in case the said Trustees or their Successors shall think proper to turn or alter the Path of any Part of the said Road; be it further enacted, That the Trustees and their Successors, or any Five or more of them, shall have full Power, from time to time, to contract with any Owners, Occupiers of, and Persons interested in, any Lands

Trustees may contract for the Purchase of Lands to be taken into the Roads, &c.

or Hereditaments, for the Purchase thereof, or for the Damage they may sustain by the turning or altering of any Part of such Road; and out of the said Tolls, or of the Money borrowed on the Credit thereof, to pay for such Grounds or Hereditaments, or for such Damage as aforesaid; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whatsoever, and all other Persons, to contract and agree with the said Trustees and their Successors for such Purchase or Recompence as aforesaid; and all Contracts, Agreements, and Conveyances, which shall be so made, shall be valid and effectual to all Intents and Purposes whatsoever; and all such Persons are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act; and such Grounds and Hereditaments over which the said Road shall be so turned, shall be deemed a publick Highway, and be from thenceforth Part of the said Road for ever after; and the Grounds constituting the former Road shall be vested in, and may be sold by, the Trustees and their Successors, or any Five or more of them, for the best Price that can be got for the same; and the Money arising thereby shall be applied for the Purposes in this Act mentioned; and the Sale and Conveyance of such Grounds being executed by any Five or more of the Trustees, or their Successors, and inrolled with the Clerk of the Peace for the County wherein such Lands shall respectively lie, shall be good and effectual in Law to all Intents and Purposes whatsoever.

Bodies Politick, or Corporate, &c. impowered to sell Lands, &c.

Old Road may be sold.

And be it further enacted by the Authority aforesaid, That the said Trustees, and their Successors, or any Five or more of them, shall and may, and are hereby authorized to cause the said Road hereby intended to be amended, to be measured, and Stones or Posts to be erected or set up in or near the Sides of such Road, at the Distance of One Mile from each other, denoting the Distance from One Place to another, as to them shall seem meet; and if any Person or Persons shall wilfully or maliciously break, or dig or pull up, injure, or destroy, any of such Stones or Posts so to be erected or set up, or shall erase, obliterate, or deface, any of the Words, Letters, Figures, or Marks, that shall be engraved or inscribed thereon, or cause or procure the same to be done, and shall be convicted thereof, either upon his or her own Confession, or by the Oath of One or more credible Witness or

Roads to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones;

or Witnesses, before the said Trustees, or their Successors, or any Five or more of them, or before any Justice of the Peace for the County, Town or Place, where such Offence shall be committed (which Oath the said Trustees, and their Successors, or any Two or more of them, or the said Justice or Justices are and is hereby impowered and required respectively to administer) every such Person so offending, shall respectively forfeit and pay the Sum of Twenty Shillings for each Stone or Post so wilfully or maliciously broken, digged or pulled up, erased, obliterated, or defaced, to be levied by Distress and Sale of his or her Goods and Chattles, by Warrant under the Hands and Seals, or Hand and Seal, of the said Trustees, or their Successors, or any Five or more of them, or of such respective Justice or Justices before whom such Conviction shall be made; One Moiety of which Forfeitures shall go to the Informer, and the other Moiety shall be laid out and applied in repairing the Stones or Posts so broken, digged or pulled up, erased, obliterated, or defaced, or in supplying new Ones in their Stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing and widening the said Road; and in case the Person or Persons so offending and convicted, shall have no Goods or Chattles, to levy the said Forfeiture or Forfeitures upon, then it shall and may be lawful to and for the said Trustees, and their Successors, or any Three or more of them, or such respective Justice of the Peace as aforesaid, by Warrant under his or their Hand and Seal, or Hands and Seals respectively, to commit such Offender or Offenders to the House of Correction of the respective County or Town where such Offence shall be committed, for the Space of One Calendar Month from the Date of his or her Commitment, and not to be thence discharged until Payment of the said Twenty Shillings, or Expiration of the said Calendar Month.

to be levied by Distress and Sale.

For want of Distress, Offender to be committed.

Provided also, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered, shall be signed by the Clerk or Clerks to the said Trustees, at any Meeting of Five or more of the Trustees aforesaid assembled, as the Case shall require; and such Orders shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of Five or more of the said Trustees; which said Book

Proceedings to be entered in a Book.

or Books, and also the said Book directed to be kept for registering the said Mortgages and Assignments, shall and may be produced and read in Evidence in all Cases of Appeals, in Suits or Actions touching any thing done by virtue of the said former or in pursuance of this present Act.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Oath, Affidavit, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting the said former or this present Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them or any of them, touching, concerning, or in Execution of any of the Powers or Authorities thereby or hereby granted to them, or any of them, shall be chargeable with any Stamp Duty whatsoever.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all and every the Penalties and Forfeitures by the said former or this present Act imposed, or to be incurred thereby (where the Manner and Method of levying and recovering thereof, is not thereby or hereby otherwise prescribed or directed) shall be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of the said Trustees, or their Successors, or any Five or more of them, or of One or more of his Majesty's Justices of the Peace for the respective Counties where such Offender or Offenders shall live, either upon the Confession of such Offender or Offenders, or upon the Oath of One or more Witness or Witnesses (which Oath the said Trustees, and their Successors, or any Two or more of them, or such respective Justice or Justices, is and are hereby authorized and required to administer gratis, and to grant out his or their said Warrant or Warrants thereupon accordingly) and the said Penalties and Forfeitures when recovered, shall, from time to time, be paid to the said Trustees, or their Successors, or to their Treasurer or Treasurers for the time being, to be laid out and applied (if not otherwise directed to be applied by the said former or this present Act) in and towards the repairing or widening, and keeping in Repair, the

the said Road hereby intended to be amended, or in making or taking in any new Road or Roads as aforesaid, where the Offence or Offences for which such Penalties and Forfeitures were incurred respectively, shall be committed.

No Victualler, &c. to accept of a Place of Profit.

And be it further enacted by the Authority aforesaid, That no Person or Persons, keeping any Inn, Alehouse, or other House of publick Entertainment, or who shall sell Ale, Wine, Cyder, 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 or this present Act, during such Time as he or they shall keep such Inn, Alehouse, or other publick House of Entertainment, or shall sell Ale, Wine, Cyder, Brandy, or other Spirituous Liquors by Retail.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit, shall be brought against any Person or Persons for any thing done or to be done in pursuance of this or the said former Act, or in relation to the Premisses, every such Action or Suit shall be brought or commenced within Six Calendar Months after the Fact committed, and not afterwards; and shall be laid or brought in the said Counties of Derby or Nottingham, where the Cause of Action shall happen to arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act, and the said former Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance of, and by the Authority of this Act, or the said former 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 brought in any other County or Place, that then and in such Case, 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 Suit; 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, and have the like Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

General Issue.

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 shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.