Anno tertio

Georgii III. Regis.

An Act to continue and render more effectual ſeveral Acts of Parliament for repairing the Road from *Highgate Gate-houſe*, in the County of *Middleſex*, to *Barnet Block-houſe*, in the County of *Hertford*; and the Road from the *Bear Inn* in *Hadley*, to the *Angel* in *Enfield Chace*; and alſo *Canewood Lane*, leading from *Highgate* to *Hampſtead*, in the ſaid County of *Middleſex*; and for repairing and widening the Road, being Part of the great *North Road* from *London*, beginning at *Barnet Block-houſe*, and ending at the *Bear Inn* in *Hadley* aforeſaid.

WHEREAS by an Act paſſed in the Tenth Year of the Reign of Her late Majeſty Queen Anne, intituled, An Act for repairing the Road from *Highgate Gate-houſe*, in the County of *Middleſex*, to *Barnet Block-houſe*, in the County of *Hertford*; ſeveral Tolls were granted and made payable for the Term of Thirteen Years, from the Twenty fourth Day of June, One thouſand ſeven hundred and twelve; which ſaid Term was, by another Act paſſed in the Seventh Year of the Reign of His late Majeſty King George the Firſt, enlarged for the further Term of Seventeen Years; and by the ſaid laſt mentioned Preamble.

tioned Act, the Road leading from the Bear Inn in Hadley, to the Sign of the Angel in Enfield Chace, in the said County of Middlesex, was directed to be repaired; and the said Term was, by another Act passed in the Ninth Year of the Reign of His late Majesty King George the Second, enlarged for the further Term of Twenty one Years; and by the said last mentioned Act, the Lane leading from Highgate to Hampstead, commonly called Canewood Lane, in the said County of Middlesex, was also directed to be repaired, and several new Tolls were thereby granted, and appointed to be collected and taken, instead of those made payable by the said first mentioned Act: And whereas the Road beginning at Barnet Block-house aforesaid, and ending at the Bear Inn in Hadley aforesaid, being Part of the great North Road, and containing Three Quarters of a Mile or thereabouts in Length, is now, by reason of the many great Loads and Carriages of Goods, and the many Passengers and Droves of Cattle which daily pass thereon, become very ruinous, and in some Part thereof is so narrow that Carriages cannot without Difficulty and Danger pass by each other; and the same cannot be effectually repaired and so kept, unless some other Provision than the ordinary Course appointed by the Laws in being, be made for that Purpose: And whereas the Trustees appointed to put the said recited Acts in Execution, have borrowed a considerable Sum of Money upon the Credit of the said Acts, in order to amend all the Roads directed to be repaired thereby; Part of which Money so borrowed is still due and owing, and although all the Money borrowed, together with all the Money arising by the Tolls collected, hath been duly laid out according to the Directions of the said Acts, yet some Parts of the said Roads are, in the Winter Season, in a ruinous Condition, and cannot be effectually repaired according to the true Intent and Meaning of the said former Acts, and the Money now due upon the Credit thereof, be repaid, unless the Terms and Powers granted by the said former Acts be further enlarged: For Remedy whereof, and to the End that the Repairs of the Highways intended to be amended by the said former Acts may be compleated, and the same kept in good Repair, and the Money due and owing upon the Credit of the said former Acts, or any of them, may be repaid, and also that the said last mentioned or additional Road may be repaired, widened, and amended, and from time to time hereafter kept in good and sufficient Repair; May it please Your most Excellent 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 ſaid recited Acts, and all the Powers, Penalties, Forfeitures, Exemptions, Authorities, Articles, Rules, and Clauſes, therein and herein mentioned and contained (except ſuch Clauſes and Powers as are hereby altered) ſhall be of full Force, and ſhall continue and be executed and applied from and after the Expiration of the ſaid Term of Twenty one Years granted by the ſaid laſt recited Act; and alſo of the additional Term granted by an Act made in the Twenty eighth Year of the Reign of His ſaid late 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 public 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, as well for the Intents and Purpoſes in the ſaid former Acts mentioned, as for repairing, amending, widening, and keeping in Repair the ſaid additional Road, from Barnet Block-houſe to the Bear Inn in Hadley aforeſaid, and to and for all and every the Ends, Intents, and Purpoſes, and Directions of this preſent Act, in as full and ample Manner, as if the ſame were herein again repeated and re-enacted in the Body of this preſent Act; and that the Truſtees appointed or to be appointed in purſuance of the ſaid former Acts, ſhall be, and they are hereby authorized and impowered to put the ſaid former Acts and this preſent Act in Execution, with Reſpect to all the ſaid Roads therein and herein before mentioned.

The recited Act further continued for 21 Years.

And be it further enacted by the Authority aforeſaid, That from and after the Twenty fifth Day of March, One thouſand ſeven hundred and ſixty three, during the Continuance of the ſaid former Acts, and this preſent Act, the ſaid Road beginning at Barnet Block-houſe aforeſaid, and ending at the Bear Inn in Hadley aforeſaid, ſhall be repaired, amended, widened, and enlarged in ſuch Manner, and by ſuch Ways and Means, as the ſaid other Roads, or any of them, are by the ſaid former Acts, or any of them, and this preſent Act, directed to be repaired, amended, widened, and enlarged.

How the Road from *Barnet Block-houſe* to the *Bear Inn* in *Hadley* is to be repaired

And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty fifth Day of March, One thouſand ſeven hundred and ſixty three, it ſhall and may be lawful to and for the ſaid Truſtees appointed, or

The Tolls following to be taken inſtead of thoſe granted by the former Act.

to be appointed, to put the said former Acts and this present Act in Execution, 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, to demand and take the Tolls and Duties herein after mentioned (instead of the Tolls and Duties made payable by the said Act passed in the Ninth Year of the Reign of His late Majesty King George the Second) before any Coach, Berlin, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, Dray, Carriage, Horse, Mule, or Ass whatsoever, shall be permitted to pass through any Gate or Turnpike erected or to be erected by virtue of the said former Acts, or this present Act; that is to say,

The Tolls. For every Coach, Berlin, Chariot, Calash, Chaise, or Chair, drawn by Six Horses, the Sum of Five Pence; and drawn by Four Horses, Four Pence; and drawn by Two Horses, Three Pence; and drawn by One Horse, One Penny Halfpenny.

For every Waggon, or other Carriage, with Four Wheels, not laden with Hay or Straw, the Sum of Three Pence.

For every Waggon laden with Hay or Straw, the Sum of Two Pence.

For every Cart, Dray, or Carriage, laden with Hay or Straw, or other Goods, the Sum of Two Pence.

For every Horse, Mule, or Ass, laden or unladen, and not drawing, One Halfpenny.

For every Drove of Oxen or Neat Cattle, Two Pence per Score; and so in Proportion for any greater or lesser Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, One Penny per Score; and so in Proportion for any greater or lesser Number.

And the said Trustees, 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, and levying the Tolls and Duties hereby made payable, as are in and by the said former Acts, or this present Act, given and prescribed; and the said Tolls and Duties, and every Part thereof, shall be paid, applied, and disposed of, to and for such Uses, Intents, and Purposes, as are by the said former Acts, and this present Act, directed and appointed, and to and for no other Use, Intent, or Purpose whatsoever.

Application of the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees shall, and they are hereby required, to take such Security from their Treasurer or Treasurers as to the said Trustees, or any Five or more of them, shall appear reasonable. Treasurer to give Security.

Provided always, and be it further enacted, That no Person or Persons keeping an Inn, Ale-house, or other House of publick Entertainment, or who shall sell Ale, Wine, Brandy, or Spirituous Liquors, by Retail, shall be capable of taking, holding, or enjoying any Place or Places of Trust or Profit under this Act, during such Time as he or they shall keep such Inn, Ale-house, or other House of publick Entertainment, or shall sell Ale, Wine, Brandy, or other Spirituous Liquors, by Retail. No Victualler, &c. shall hold any Place of Profit.

And be it also enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors appointed, or to be appointed, according to the Directions of the said former Acts, or such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, to widen any of the narrow Parts of the said additional Road, by opening, clearing, and laying into the same any Land or Ground of any Person or Persons lying contiguous thereto (not being a Garden, Orchard, Yard, or the Site of any House or Building) and to make and erect Arches of Brick, Timber, or Stone: And also to cause Causeways, Drains, Ditches or Trenches, to be made on any Part of the said additional Road, in such Manner as the said Trustees, or any Five or more of them, shall judge necessary, for the better amending and repairing the same (so nevertheless as that no Part of the Foot-paths or Causeways contiguous or belonging to the said additional Road or Highway be less than Three Feet in Width) the said Trustees making reasonable Satisfaction to every Owner or Occupier of such Ground which shall be so laid in or unto the said Road, or through which any such Drain or Drains shall be cut, or on which any such Arch or Arches shall be made, for the Damages which such Owner or Occupier shall or may thereby sustain; such Damages to be assessed and adjudged (in case of any Difference concerning the same) in such and the like Manner and Form as Damages sustained by Owners or Occupiers of Ground by any of the said former Acts authorized to be taken into the Roads therein mentioned, or any of them, are thereby directed to be assessed and adjudged. Surveyors may make Causeways, &c. making Satisfaction to the Owners of the Ground.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Surveyor Surveyors may remove Annoyances, &c.

or

or Surveyors nominated by the Trustees acting under the Authority of the said former Acts, or any Five or more of them, to prevent and remove Annoyances on the said Roads or Highways, authorized to be repaired by this or any of the said former Acts, by Filth, Dung, Ashes, or Rubbish, or by Sinks or Drains running into the said Roads; and to cleanse any Ditch or Water-course adjacent or adjoining to the same, the Owner or Occupier thereof neglecting so to do by the Space of Ten Days after Notice in Writing given for that Purpose, under the Hands of the said Trustees, or any Five or more of them; the Charges whereof shall be reimbursed to the said Trustees in such Manner as the Charges of Surveyors of the Highways are by Law appointed to be reimbursed.

Owners of Watercourses, &c. neglecting to scour the same,

And, for the better preventing Annoyances and Encroachments in or upon the said Roads, be it further enacted by the Authority aforesaid, That if any Person or Persons, being Owner or Owners, Occupier or Occupiers, of any Lands, Tenements, or other Premisses near to the said Roads authorized to be repaired by this or any of the said former Acts, shall, from and after the said Twenty fifth Day of March, One thousand seven hundred and sixty three, neglect or refuse, by the Space of Six Days next after Notice in Writing given to him, her, or them, or left at his, her or their usual Place or Places of Abode respectively, under the Hands of the said Trustees, or any Five or more of them, to scour and cleanse their Watercourses, Ditches or Drains adjoining to any of the said Roads; or shall neglect or refuse to make, build, or erect Arches, under their Gateways or Passages into Fields or Grounds leading over any of the Ditches or Water-courses, lying by the Sides of any of the said Roads, sufficient to carry or admit the Water through; or shall neglect or refuse to remove any other Annoyances or Encroachments upon any of the said Roads, contiguous or adjoining to their Lands or Premisses; then, and in every such Case, it shall and may be lawful to and for the Surveyor or Surveyors appointed or to be appointed in Pursuance of the said former Acts, or of this Act, to employ or set to work any Person or Persons to scour and cleanse any such Water-courses, Ditches, or Drains, and to make, build, or erect, such Arches as aforesaid, and to remove any other Annoyances or Encroachments: And in such Cases respectively, it shall and may be lawful to and for the said Surveyor or Surveyors, calling to his or their Assistance the Constable or Headborough of the Parish or Place where the Cause

Cauſe of Complaint ſhall ariſe, who is and are hereby required to be aiding and aſſiſting therein, by Warrant under the Hands and Seals of any Five or more of the ſaid Truſtees, to levy the Charges and Expences thereof, upon the Goods or Eſtate of the Owner or Owners, Occupier or Occupiers of ſuch Lands or Premiſſes, who ſhall ſo refuſe or neglect to ſcour and cleanſe ſuch Watercourſes, Ditches, or Drains, or to make, build, or erect ſuch Arches as aforeſaid, or to remove any other Annoyances or Encroachments as aforeſaid, by Diſtreſs and Sale of the Offenders Goods and Chattles, rendering the Overplus upon Demand (if any be) after Payment of all Charges unto him, her, or them, whoſe Goods and Chattles ſhall be ſo diſtrained and ſold: And if, after the Removal of any of the ſaid Annoyances or Encroachments, any Perſon or Perſons ſhall again offend in the like Kind, every Perſon ſo offending, and being thereof convicted, upon the Oath of One or more credible Witneſs or Witneſſes, or by his, her, or their own Confeſſion, before One or more Juſtice or Juſtices of the Peace for the County wherein ſuch Offence ſhall be committed, ſuch Perſon or Perſons ſhall for every ſuch Offence, forfeit and pay to the ſaid Truſtees, at a Meeting of any Five or more of them, or to the Turnpike Surveyor or Surveyors by them appointed, the Sum of Twenty Shillings, to be applied in repairing the ſaid Roads, over and above the Charges of cleanſing any ſuch Drains, or of making, building, or erecting ſuch Arches, or of removing any other Annoyances or Encroachments whatſoever as aforeſaid.

and levy the Charges by Diſtreſs and Sale.

Penalty of a Second Offence.

And, for the better preventing the making of Sinks or Drains to run into the ſaid Roads or Highways, and throwing into or upon the ſame, Duſt, Dirt, Aſhes, Rubbiſh, Dung, or other Filth; be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, from and after the ſaid Twenty fifth Day of March, One thouſand ſeven hundred and ſixty three, make, ſink, or dig, or cauſe to be made, ſunk, or dug, any Sinks or Drains to run into the ſaid Roads or Highways, or ſhall ſuffer or permit any Sinks or Drains whatſoever to run into the ſame, or ſhall throw, caſt, or lay, or cauſe, permit, or ſuffer to be thrown, caſt, or laid, any Duſt, Dirt, Aſhes, Rubbiſh, Dung, or other Filth, in or upon any of the ſaid Roads, or into any of the Drains or Watercourſes belonging thereto, every ſuch Perſon or Perſons (being thereof convicted, upon the Oath of One or more Witneſs or Witneſſes, or by his, her, or their own Confeſſion, before One or more Juſtice or Juſtices of the

Penalty on digging Drains, &c. to run into the Road;

or laying Rubbiſh, &c. thereon.

Peace for the County where the Offence shall be committed) shall, for every such Offence, forfeit and pay to the said Trustees, or any Five or more of them, or to the Surveyor or Surveyors by them appointed, the Sum of Twenty Shillings, to be applied in repairing the said Roads, over and above the Charges of stopping up such Sinks or Drains, and removing such Dust, Dirt, Ashes, Rubbish, Dung, or other Filth, which the said Surveyor or Surveyors is and are hereby authorized to stop up or remove: And all the said Forfeitures, as well as the Charges of stopping up and removing such Annoyances (which Charges any Five or more of the said Trustees are hereby impowered to settle and ascertain) shall, in case of Nonpayment, by Warrant under the Hand and Seal of One or more Justice or Justices of the Peace for the County where the Offence shall be committed (who is and are hereby authorised and required to grant the same) directed to the Constable or other Peace Officer of the same Parish where the Offence shall be committed, be levied by Distress and Sale of the Goods and Chattles of the Person or Persons so offending, rendering the Overplus, upon Demand (if any be) after all Charges paid, to the Person or Persons whose Goods and Chattles shall be so distrained and sold: And in case sufficient Distress cannot be found, the Offender or Offenders shall be committed to the House of Correction for the County where the Offence shall have been committed, by Warrant under the Hand and Seal of any such Justice or Justices, there to remain without Bail or Mainprize, for any Time not exceding Three Calendar Months, nor less than One Month.

Penalties and Forfeitures to be levied by Distress and Sale:

For want of Distress, Offender to be committed.

Provided always nevertheless, That all and every Person or Persons so committed shall, upon Payment of such Forfeitures, and all Charges, be immediately released from his, her, or their Confinement: And in case the Person or Persons who shall be guilty of the Offences aforesaid, cannot be found out and discovered, so as to be convicted thereof, then, and in such Case, the Occupier or Occupiers of such Houses, Lands, or other Premisses adjoining or contiguous to the said Roads, or any of them, into or through which such Sinks or Drains shall run, or before whose Door or Premisses the Dust or Dirt, Ashes, Rubbish, Dung, or other Filth or Annoyances, shall be thrown, cast, or laid, shall be accounted the Offender or Offenders, and be liable to the Forfeitures and Penalties herein before mentioned.

Upon Payment of the Forfeitures and Charges, the Party to be released.

If the Offender cannot be found out, the Occupier of the adjoining Premisses, &c. deemed the Transgressor, and liable to the Forfeiture.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, from and after the

said Twenty fifth Day of March, One thousand seven hundred and sixty three, take or carry away, or otherwise waste or destroy any Ballast, Gravel, Sand, Stones, Posts, Rails, or other Materials whatsoever, laid on any Part of the said Roads or Highways authorized to be repaired by this or any of the said former Acts, or employed in or about the Repairs thereof, or shall take or carry away, or wilfully break or deface, any Mile Stone or Stones erected or to be erected on any of the said Roads, or shall take or carry away any of the Drift from the said Roads, without Leave from the said Trustees, or any Five or more of them, or of the said Surveyor or Surveyors; any Person or Persons so offending, and being thereof convicted before One or more Justice or Justices of the Peace for the County where the Offence shall have been committed, upon the Oath or Oaths of the Turnpike Surveyor or Surveyors, or One or more credible Witness or Witnesses, or by his, her, or their own Confession, shall, for every such Offence, forfeit and pay to the said Trustees, at a Meeting of any Five or more of them, or to the Turnpike Surveyor by them appointed, the Sum of Twenty Shillings, to be applied in repairing the said Roads: The said Forfeiture or Forfeitures, in case of Non-payment, to be recovered, raised, and levied in like Manner as any other Penalties and Forfeitures are herein before directed to be recovered, raised, and levied; and the Offender and Offenders to be dealt with, in case of the Want of Distress, as is herein before directed.

Penalty of taking away, wasting, or destroying, any of the Materials for Repair of the Roads; or defacing Mile Stones; or taking away the Drift without Leave.

And whereas the Owners or Occupiers of Lands lying contiguous to, or immediately bordering upon, the said Roads or Highways, do frequently, for the Purpose of receiving the Drift or Soil of the said Roads in large Quantities, dig their Ditches adjoining to, or immediately bordering upon, the said Roads or Highways, of a much greater Depth and Breadth than is necessary, to the great Detriment of the said Roads, as well as Danger to the Passengers and Carriages travelling thereon; for Remedy thereof, be it further enacted by the Authority aforesaid, That from and after the said Twenty fifth Day of March, One thousand seven hundred and sixty three, no such Owner or Occupier of Lands as aforesaid, shall make, or cause to be made, any Ditch or Drain lying contiguous to, or bordering upon, the said Roads, or any of them, of the Depth of more than One Foot, nor of the Breadth or Width of more than Two Feet. And in case any such Ditch or Drain shall be found to be of greater Depth or Width than is herein before prescribed,

Ditches or Drains bordering on the Roads, if found to be more than 1 Foot Deep, and 2 Feet wide;

it

it shall and may be lawful for the Turnpike Surveyor or Surveyors, or any Person or Persons to be appointed by the said Trustees, or any Five or more of them, by Writing under their Hands, to stop or fill up such Ditch or Drain, until the same shall be of the Depth and Width herein before prescribed; the Charges whereof (which any Five or more of the said Trustees are hereby impowered to settle and ascertain) shall, in case of Non-payment, be levied by Distress and Sale of the Goods and Chattels of the Owner or Occupier of such Lands to whom such Ditches or Drains shall belong, in like Manner as the Charges of stopping up Sinks or Drains running into the said Roads, or removing Filth or Annoyances from the same, are herein before directed to be raised and levied; and shall be paid to the said Trustees, to be applied in repairing the said Roads; and in Default of Distress, the Offender or Offenders shall be dealt with in like Manner as is herein before directed respecting the Offences before mentioned.

may be filled up to that Depth and Width,

and the Charges levied by Distress and Sale on the Offender.

Trustees may reduce the Tolls, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, at a General Meeting to be called for that Purpose, whereof Fourteen Days publick Notice shall be given, from time to time, to lessen and reduce the Tolls by this Act granted, and afterwards to raise and augment the same again, so as not to exceed the Tolls hereby granted; and such Tolls so lessened and reduced shall and may be collected and levied, in such Manner, and applied for such Purposes only, as the Tolls hereby granted are directed to be recovered, levied, and applied.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That all Charges and Expences expended in, about, or by reason of passing this present Act of Parliament, and all Money due upon the Credit of the said former Acts, or due for any Materials delivered or taken pursuant thereto, or otherwise due on Account thereof, or which shall hereafter become due, shall be paid out of the Money collected or to be collected or borrowed on the Credit of the said former Acts, or this present Act.

If the Roads shall be adjudged to be sufficiently repaired before the Expiration of the said Term, and the Money due be repaid, the Tolls, &c. to cease.

Provided always, That if at any Time before the Expiration of the said additional Term, all the said Roads mentioned in the said former Acts, and in this present Act, shall be sufficiently repaired, and so adjudged by the Justices of the Peace for the said Counties of Middlesex and Hertford, at their respective General Quarter Sessions to be holden for the said Counties, then, from and after such Adjudication made, and Repayment of all such

Monies

Monies as shall have been borrowed upon the Credit of the said former Acts, or this present Act, with Interest for the same, the Tolls hereby continued, and all the Powers contained in this or the said former Acts, or any of them, shall cease and determine; any thing in this or the said former Acts contained to the contrary in any wise notwithstanding.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That no Person shall be deemed qualified or capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, and Receipt of the Rents and Profits of Lands, Tenements or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or possessed of, or intitled to a Personal Estate alone, or a Real and Personal Estate together, to the Amount or Value of One thousand Pounds.

Penalty on acting, not being qualified.

And if any Person hereby deemed incapable of acting, shall nevertheless presume to act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts at Westminster, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed; Two Thirds of which said Forfeiture shall be paid to the Prosecutor, and One Third shall be applied to the repairing of the said Roads; and the Person so prosecuted shall prove that he is so qualified as aforesaid, 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 had acted as a Trustee in the Execution of this Act.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Suit or Action shall be brought or prosecuted against any Person or Persons, for any thing done or to be done in pursuance of the said former Acts, or this present Act, or in relation to the Premisses, every such Suit or Action shall be commenced within Six Months next after the Fact committed, and not afterwards, and shall be brought and tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the General Issue, and give the said former Acts, and this present Act, in Evidence at any Trial to be had thereupon; and that the same was done in pursuance and by Authority of the said former Acts, or this present Act: And if the same shall appear to have been so done, or if

General Issue.

any Suit or Action shall be brought after the Time before limited, or shall be brought 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 Nonsuit, 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 have Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

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. 8

FINIS.