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THE

Statutes at Large,

FROM THE

23^d to the 26th Year of King GEORGE II.

BY

DANBY PICKERING, of GRAY's INN, Esq;

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23^d to the 26th Year of King GEORGE II.

To which is prefixed,

A TABLE containing the TITLES of all the STATUTES
during that Period.

VOL. XX.

By DANBY PICKERING, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

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TABLE of the STATUTES,

Containing the Titles of all such Acts as are extant in print, from the Twenty Third to the Twenty Fifth Year of King GEORGE II. inclinve.

Anno 23 Georgii II.

Cap. 1. **F**OR reducing the several annuities, which now carry an interest after the rate of four pounds *per centum per annum*, to the several rates of interest therein mentioned.

Cap. 2. For granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and fifty.

Cap. 3. For continuing and granting to his Majesty certain duties upon malt, mum, cyder and perry, for the service of the year one thousand seven hundred and fifty.

Cap. 4. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 5. For enlarging the term and powers granted by an act passed in the fifth year of the reign of his present Majesty, for repairing and amending the roads leading from the town of *Manchester* in the county of *Lancaster*, through the town of *Abton under Line*, and parish of *Mettram Longendale*, and from thence to *Salters Brook* in the county palatine of *Chester*.

Cap. 6. For repairing, improving and maintaining the haven and piers of *Great Yarmouth*; and for depthning, and making more navigable the several rivers emptying themselves into the said haven; and also for preserving ships, wintering therein, from accidents by fire.

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Cap. 7. For enlarging the term and powers granted and continued by two former acts of parliament, for repairing, widening and amending the roads from *Wigan* to *Preston* in the county palatine of *Lancaster*; and for making the said acts more effectual.

Cap. 8. For enlarging the term and powers granted and continued by two acts of parliament, for amending the highways leading from *Brampton Bridge*, to *Welford Bridge* in the county of *Northampton*, and the great post road from *Morter Pitt Hill* to *Chain Bridge*, leading into *Market Harborough* in the county of *Leicester*; and for explaining and making more effectual the said acts; and also for repairing the roads leading from *Morter Pitt Hill* and *Brampton Bridge* to the town of *Northampton*.

Cap. 9. For repealing the duties now payable upon *China* raw silk, and for granting other duties in lieu thereof.

Cap. 10. For enlarging the term and powers granted by an act passed in the fourth year of the reign of his present Majesty, *For repairing the road leading from the town of Fulham in the county of Middlesex, through Fulham fields, to the great road near the pound at Hammersmith, in the said county.*

Cap. 11. To render prosecutions for perjury, and subornation of perjury, more easy and effectual.

Cap. 12. For improving the navigation

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tion of the river *Loyne*, otherwise called *Lune*; and for building a quay or wharf, near the town of *Lancaster*, in the county palatine of *Lancaster*.

Cap. 13. For the effectual punishing of persons convicted of seducing artificers in the manufactures of *Great Britain* or *Ireland*, out of the dominions of the crown of *Great Britain*; and to prevent the exportation of utensils made use of in the woollen and silk manufactures from *Great Britain* or *Ireland*, into foreign parts; and for the more easy and speedy determination of appeals, allowed in certain cases, by an act made in the last session of parliament, relating to persons employed in the several manufactures therein mentioned.

Cap. 14. For assigning a place proper for holding the market in the city of *Westminster*, in lieu of the ancient market place called the *Round Woolstaple*; and for regulating the said market.

Cap. 15. For taking down several buildings, and enlarging the streets and market places in the city of *Gloucester*.

Cap. 16. For granting to his Majesty the sum of one million to be raised by annuities at three pounds *per centum per annum*, and charged on the sinking fund, transferrable at the bank of *England*.

Cap. 17. For repairing the roads leading from *Dunglas Bridge* to the town of *Haddington*; and from thence to *Ravenhaughburn* in the county of *Haddington*.

Cap. 18. For enlightning the open places, streets, lanes, passages and courts; and for the better regulating the nightly watch, within the parish of *Saint John Southwark* in the county of *Surrey*.

Cap. 19. For making more effectual several acts of parliament passed for cleansing and making navigable

the channel from the *Hithe* at *Colchester* to *Wivenhoe* in the county of *Essex*; and for repairing and cleansing the streets and lanes of the town of *Colchester*.

Cap. 20. For encouraging the growth and culture of raw silk in his Majesty's colonies or plantations in *America*.

Cap. 21. For granting to his Majesty the sum of nine hundred thousand pounds out of the sinking fund, for the service of the year one thousand seven hundred and fifty; and for applying certain surplus monies remaining in the exchequer, as part of the supply of the said year; and for the application of certain savings in the hands of the paymaster general; and for obviating a doubt in an act of the fifth year of King *George the First*, in respect to the payment of certain annuities thereby granted for the improvement of fisheries and manufactures in *Scotland*; and for the further appropriating the supplies granted this session of parliament; and for giving further time for the payment of duties omitted to be paid for the indentures or contracts of clerks and apprentices; and for transferring the bounties now payable upon the exportation of *British* sail cloth, to the customs; and for enforcing the laws against the clandestine importation of soap, candles, and starch, into this kingdom.

Cap. 22. For giving further time to the proprietors of annuities, after the rate of four pounds *per centum per annum*, to subscribe the same in the manner and upon the terms therein mentioned; and for redeeming such of the said annuities, as shall not be so subscribed; and for empowering the *East India* company to raise certain sums by transferrable annuities.

Cap. 23. To continue several laws for

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for preventing the spreading of the distemper which now rages amongst the horned cattle, and for impowering his Majesty to prohibit the killing of cow calves.

Cap. 24. For the encouragement of the British white herring fishery.

Cap. 25. For making good a deficiency upon the revenue of the office of keeper or clerk of the hanaper, and for preventing any future deficiency therein, to answer the publick services provided for out of the same; and for augmenting the income of the office of master or keeper of the rolls.

Cap. 26. To continue several laws for the better regulating of pilots, for the conducting of ships and vessels from *Dover*, *Deal*, and *Isle of Thanet*, up the rivers of *Thames* and *Medway*; and for permitting rum or spirits of the British sugar plantations to be landed before the duties of excise are paid thereon; and to continue and amend an act for preventing frauds in the measurement of coals within the city and liberty of *Westminster*, and several parishes near thereunto; and to continue several laws for preventing exactions of occupiers of locks and wears upon the river *Thames* westward, and for ascertaining the rates of water carriage upon the said river; and for the better regulation and government of seamen in the merchants service; and also to amend so much of an act made in the first year of the reign of King *George the First*, as relates to the better preservation of salmon in the river *Ribble*; and to regulate fees in trials at assizes, and *Nisi Prius*, upon records issuing out of the office of pleas of the court of exchequer; and for the apprehending of persons in any county or place, upon warrants granted by justices of the peace in any other county or place; and to repeal so much of an act made in the twelfth year of the reign of King *Charles the Second*, as relates to the time during which the office of excise is to be kept open each day, and to appoint for how long time the same shall be kept open upon each day for the future; and to prevent the stealing or destroying of turnips; and to amend an act made in the second year of his present Majesty, for better regulation of attorneys and solicitors.

Cap. 27. For the more easy and speedy recovery of small debts within the city and liberty of *Westminster*, and that part of the dutchy of *Lancaster* which adjoineth thereto.

Cap. 28. To explain part of an act passed in the thirteenth and fourteenth years of the reign of King *Charles the Second*, for the uniformity of publick prayers, and administration of sacraments; and also part of an act passed in the thirteenth year of the reign of Queen *Elizabeth* for the ministers of the church to be of sound religion.

Cap. 29. To encourage the importation of pig and bar iron from his Majesty's colonies in *America*; and to prevent the erection of any mill or other engine for slitting or rolling of iron, or any plateing forge to work with a tilt hammer, or any furnace for making steel, in any of the said colonies.

Cap. 30. For the more easy and speedy recovery of small debts within the *Tower Hamlets*.

Cap. 31. For extending and improving the trade to *Africa*.

Cap. 32. For granting to his Majesty certain duties upon such species of sail cloth as are therein mentioned, which shall be imported from *Ireland* into *Great Britain*, during the time therein limited.

Cap. 33. For preventing delays and expences in the proceedings in the county court of *Middlesex*; and for

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for the more easy and speedy recovery of small debts in the said county court.

Cap. 34. For permitting raw silk of the growth or produce of *Perſia*, purchased in *Russia*, to be imported into this kingdom, from any port or place belonging to the empire of *Russia*.

Cap. 35. For making ~~www.englishbook.digicentri.it~~ a better and more effectual proviſion for the relief of the poor, for the cleansing the streets, and for keeping a nightly watch, within the parish of *Saint Martin in the Fields*, within the liberties of the city of *Westminster*.

Cap. 36. For settling a stipend or maintenance upon the rector of the parish of *Saint George the Martyr*, in the borough of *Southwark*, in the county of *Surrey*, and his successors, in lieu of tythes.

Cap. 37. For building a bridge cross the river of *Thames*, from *Hampton Court* in the county of *Middlesex*, to *East Moulsey* in the county of *Surrey*.

Cap. 38. For repairing the road from the city of *York* over *Skipbridge*, to *Boroughbridge* in the county of *York*.

Cap. 39. For the more effectual repairing and preserving the piers and harbour of *Whitby* in the county of *York*.

Cap. 40. For repairing and widening the roads leading from *Egremont* to *Dudden Bridge*, *Santon Bridge*, and *Salthouse*, in the county of *Cumberland*.

Private ACTS.

Anno 23 Georgii II.

1. An act for naturalizing *Thomas Abraham Ogier*, *Peter Henry Gauvain*, and others.

2. An act for naturalizing *Charles Lindegren*.

3. An act for naturalizing *Henry Joly*.

4. An act for naturalizing *Germain Lavie*.

5. An act for vesting in trustees certain leases and estates therein mentioned, of and in the manors of *Spalding* and *Holbeck*, and of several lands, tenements and hereditaments to the same belonging, in the county of *Lincoln*, which were forfeited by *James late duke of Monmouth*, put in exigent upon an indictment of high treason, to the intent that the lois of the record of such indictment, and of the *Capias* and exigent thereon, may be supplied for the purposes therein mentioned.

6. An act to empower the committees of *Thomas earl of Bradford*, a lunatick, to lay out part of his personal estate in the purchase of lands and estates of inheritance for the purposes therein mentioned.

7. An act to enable his Majesty to grant the inheritance of the manor of *Garftang* in the county of *Lancaster*, and of a messuage or tenement in *Newbigginge* in *Langdale*, in the county of *Westmoreland*, to trustees, in trust for the honourable *Edward Walpole esquire*, and his heirs, upon a full and valuable consideration to be paid for the same.

8. An act to enable *Roger Morstock*, doctor in divinity, now called *Roger Pettward*, and the heirs of his body, to take and use the surname and arms of *Pettward*.

9. An act to enable *Beckford Kendall* esquire, now called *Beckford Kendall Cater*, and his issue male, to take and use the surname and arms of *Cater*.

10. An act for naturalizing *John Peter Mandrot*, *Lewis Chabanel*, *William de Druſina*, and others.

11. An act for naturalizing *Isaac Schomberg*, doctor in physick.

12. An act for naturalizing *Engelbert Hake*.

13. An act to empower the guardians of *Henry earl of Pembroke and Montgomery*, an infant, to make leases

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1. leases of his real estate during his minority.

2. An act to enable *Hugh earl of Northumberland*, and *Elizabeth countess of Northumberland* and *baroness Percy*, his wife, and their children, progeny, and issue, to take and use the name of *Percy*, and bear and quarter the arms of the *Perties* earls of *Northumberland*.

3. An act for sale of part of the settled estate of *Sir Thomas Moystyn baronet*, in the county of *Anglesey*, for payment of debts, and for providing a recompence to his eldest son and issue in lieu thereof.

4. An act for establishing a partition made between dame *Mary Latre*, and others, of divers estates in the parishes of *West Thorock* and *Stifford*, in the county of *Essex*, in pursuance of several orders of the high court of *Chancery*.

5. An act for empowering trustees to cut down and sell timber upon the estate late of *John Trevor esquire*, in the counties of *Denbigh* and *Flint*, for discharging his debts, and also to make leases of mines in the said counties.

6. An act for investing part of the personal estate of *Charles Churchill esquire*, deceased, in the purchase of lands to be settled, pursuant to an agreement in the settlement made on the marriage of *Charles Churchill junior esquire*, with the lady *Maria Walpole*.

7. An act for sale of the manor of *Mursey*, and other estates in the county of *Bucks*, lately belonging to *Hugh Barker the younger esquire*, deceased, pursuant to an agreement made with him for that purpose.

8. An act for making effectual an agreement for sale of a messuage at *Parley Hill* in the county of *Berks*, with the appurtenances, late the estate of colonel *Charles Lanoe*, deceased, to *Alexander Walker esquire*.

9. An act for sale of the estates de- vised by the will of *John Hilton esquire*, deceased, and for applying the money arising thereby in the payment of his debts and legacies.

10. An act for explaining and amending several powers contained in the settlements made in the marriage of *Henry Walters gentleman*, and *Anne his wife*, for rendering the same more effectual for the purposes thereby intended.

11. An act to empower the executors and trustees of *Samuel Shepheard esquire*, deceased, to sell his houses at *Exning* in *Suffolk*, and in *Cavendish Square*, and the plate and furniture thereto belonging, and to apply the money produced by such sale, as the court of *Chancery* shall direct or appoint.

12. An act for sale of part of the estates of *John Needham esquire*, and *Anne his wife*; *John Leche esquire*, and *Mary his wife*; and *Elizabeth Hurleston*, for discharging incumbrances affecting the same, and other purposes therein mentioned.

13. An act to enable *William Cowper esquire*, to settle a jointure upon his present wife, and to make leases of certain estates in the county of *Hertford*.

14. An act for empowering trustees to raise money out of the settled estate of *Robert Dolman esquire*, for discharging several debts and sums of money contracted and borrowed by him.

15. An act for vesting the estates of *Richard Stanley esquire*, a lunatick, lying in the counties of *Kent* and *Middlesex*, in trustees, to be sold for the payment of several debts and incumbrances thereon, and for other purposes therein mentioned.

16. An act to sell part of the settled estate of *Thomas Sergison esquire*, and to lay out the money arising thereby, in the purchase of lands and hereditaments to be settled in lieu thereof.

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29. An act to enable *William Nisbet* of *Dirleton* esquire, and the heirs of intail for the time being, to make leases of lands in the county of *Haddington*, and for other purposes therein mentioned.

30. An act for raising money by sale or mortgage of the estate of *Garton Orme* esquire, in the county of *Sussex*, for the payment of his debts, and the portion of *Charlotte Orme* his daughter, and for other purposes therein mentioned.

31. An act for inclosing and dividing certain common fields and common grounds, called *Nether Heyford Common Fields*, lying and being in the parishes of *Nether Heyford*, *Stow with nine Churches*, and *Bugbrooke*, in the county of *Northampton*, and for extinguishing all right of common in certain meadows, pastures, and inclosed grounds in the said parishes, and providing a recompence to the rectors of the said parishes, in lieu of tythes.

32. An act for confirming articles of agreement for inclosing and dividing the commons and waste grounds within the manor of *Culcheth* in the county of *Lancaster*.

33. An act for securing the sole property, benefit and advantage of an engine invented by *Israel Pownoll*, deceased, for raising ballast, sullage, and sand, and for removing banks, shelves and shoals, in rivers and harbours, to the children of the said *Israel Pownoll*, for a certain term of years.

34. An act for naturalizing *Jacob Van Wylick*.

Anno 24 Georgii II.

Cap. 1. For continuing and granting to his Majesty certain duties upon malt, mum, cyder and perry, for the service of the year one thousand seven hundred and fifty one.

Cap. 2. For granting to his Majesty

the sum of two millions one hundred thousand pounds, to be raised by annuities, and a lottery, and charged on the sinking fund, redeemable by parliament.

Cap. 3. For enlarging the term and powers granted by an act passed in the twelfth year of the reign of his present Majesty, for repairing the road between *Stamford* and *Grantham* in the county of *Lincoln*; and for making the same more effectual.

Cap. 4. For enabling his Majesty to raise the several sums of money therein mentioned, by exchequer bills, to be charged on the sinking fund; and for empowering the commissioners of the treasury to pay off the old and new unsubscribed *South Seas* annuities out of the supply granted to his Majesty for the service of the year one thousand seven hundred and fifty one; and for enabling the bank of *England* to hold general courts, and courts of directors, in the manner therein directed; and for giving certain persons liberty to subscribe bank and *South Seas* annuities omitted to be subscribed pursuant to two acts of the last session of parliament.

Cap. 5. To indemnify persons who have omitted to qualify themselves for offices and employments within the time limited by law, and for allowing further time for that purpose.

Cap. 6. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 7. For granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and fifty one.

Cap. 8. For the better carrying on, and regulating, the navigation of the river *Thames* and *Ijs*, from the city of *London* westward to the town

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town of *Cricklade* in the county of *Wilts.*

Cap. 9. For repairing the road leading from *West-Lavington* to the *Devizes*, and from the *Devizes* to *Stend*, in the county of *Wilts.*

Cap. 10. For enlarging the term and powers granted by two acts of parliament, for repairing the highways through the several parishes of *Saint Michael*, *Saint Alban*, *Saint Peter*, *Shenley-Ridge*, and *South-Mims*, in the counties of *Hertford* and *Middlesex*.

Cap. 11. For reducing the interest upon the capital stock of the *South Sea* company, from the time, and upon the terms, therein mentioned; and for preventing of frauds committed by the officers and servants of the said company.

Cap. 12. For appointing commissioners to put in execution an act made in the twenty second year of the reign of King *Charles the Second*, for making navigable the rivers commonly called *Brandon* and *Waveney*; so far as the same relates to the navigation of the river commonly called the *Lesser Oaze*, from *Thetford* to *Brandon*, and from *Brandon* to a place called the *White House*, near *Brandon Ferry*, in the counties of *Norfolk* and *Suffolk*.

Cap. 13. For repairing the road from *Croxford Bridge*, through the townships of *Stretford* and *Hulme*, to the town of *Manchester*, in the county palatine of *Lancaster*.

Cap. 14. For explaining and amending an act passed in the twenty first year of the reign of his present Majesty, intituled, *An act for the relief of the annuitants of the wardens and commonality of the mystery of Mercers of the city of London, and for other purposes therein mentioned.*

Cap. 15. To enable the parishioners of the parish of *Saint Mary, Islington*, in the county of *Middlesex*,

to rebuild the church of the said parish.

Cap. 16. For the more speedy and easy recovery of small debts within the city of *Lincoln*, and county of the same city, and the liberties and precincts thereof; and within the bail of *Lincoln* in the county of *Lincoln*.

Cap. 17. For repairing the road leading from the east end of *Brumpton High Lane* in the county of *York*, to the town of *Richmond*, and from thence to and through the towns of *Aiskrigg* and *Ingleton* in the said county, to the town of *Lancaster* in the county of *Lancaster*.

Cap. 18. For the better regulation of trials by jury; and for enlarging the time for trials by *Nisi Prius* in the county of *Middlesex*.

Cap. 19. For making the river *Nar* navigable, from the town and port of *King's Lynn*, to *Westacre*, in the county of *Norfolk*.

Cap. 20. For repairing and widening the road from *Preston* to *Lancaster*, and from thence to a place called *Heiring Syke*, that divides the counties of *Lancaster* and *Westmoreland*.

Cap. 21. For enlarging the term and powers granted by an act passed in the third year of the reign of his present Majesty, for repairing and amending the several roads leading from *Woodstock* through *Kiddington* and *Enstone* to *Rollright Lane*, and from *Enslow Bridge* to *Kiddington* aforesaid, in the county of *Oxford*; and for making the said act more effectual.

Cap. 22. For explaining and amending so much of an act passed in the fourteenth year of the reign of his present Majesty for the repairing and enlarging the roads from the town of *Selby*, in the west riding of the county of *York*, to the town of *Leeds*; and from thence in two several branches, one through *Bradford* and *Hertton*, and the other through

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through *Bowling* and *Wibsey*, to the town of *Halifax* in the same riding, as relates to that part of the said roads which lies between *Selby* and *Leeds*; and also for repairing the road from *Tadcaster* in the said west riding, over *Bramham Moor* thro' *Kidball Lane*, over *Win Moor*, and through *Seacroft*, to a place called *Halton Dyal*, where it comes into the above-said road, between *Selby* and *Leeds*.

Cap. 23. For regulating the commencement of the year; and for correcting the calendar now in use.

Cap. 24. To provide for the administration of the government, in case the crown should descend to any of the children of his late royal highness *Frederick* prince of *Wales*, being under the age of eighteen years; and for the care and guardianship, of their persons.

Cap. 25. For laying out, making, and keeping in repair, a road proper for the passage of troops and carriages from the city of *Carlisle*, to the town of *Newcastle upon Tyne*.

Cap. 26. For cleansing and enlightening the open places, streets, and other passages, and regulating the nightly watch and bedels, in the parish of *Saint Matthew*, *Bethnal Green*, in the county of *Middlesex*.

Cap. 27. To enable the present and future proprietors and inhabitants of the houses in *Golden Square*, in the parish of *Saint James*, *Westminster*, in the county of *Middlesex*, to make and levy a rate on themselves, for raising money sufficient for the better inclosing, paving, enlightening, and adorning of the said square; and supporting and keeping of the same in repair for the future.

Cap. 28. For repairing the road from the top of *Crickley Hill* in the county of *Gloucester*, to *Frogg-Mill*, through the towns of *Northleach*, *Burford*, and *Witney*, and parishes

of *Hanborough* and *Bladon*, to *Campsfield*, in the parish of *Kidlington*, in the county of *Oxford*; and also the road from *Witney*, through *Ensham*, *Cummer*, and *Booley*, to the city of *Oxford*.

Cap. 29. For repairing the road leading from the town of *Ludlow* in the county of *Salop*, through *Wofferton* and *Little Hereford*, to a place called *Monk's Bridge*, in the said county; and also from the said town of *Ludlow*, to a place or house called the *Maidenhead* at *Orleton* in the county of *Hereford*.

Cap. 30. For repairing the high roads leading from *Darlington* in the county of *Durham*, to *West Auckland*, and several other roads in the said county therein mentioned.

Cap. 31. For explaining, amending, and enforcing, an act passed in the thirteenth year of his late Majesty's reign, intituled, *An act for the better regulation of the linen and hempen manufactures in that part of Great Britain called Scotland*; and for further regulating and encouraging the said manufactures.

Cap. 32. For enlarging the term and powers granted by two acts of parliament for repairing the road from *Wendover*, to the town of *Buckingham* in the county of *Bucks*; and also for repairing and widening the road leading from the west end of the said town of *Wendover*, to the end of a lane called *Oak Lane*; next the great road called *The Oxford Road*, lying between the town of *Beaconsfield*, in the said county of *Bucks*, and *Uxbridge* in the county of *Middlesex*, and that part of the said great road which leads from the west end of the said town of *Beaconsfield*, to the river *Colne* near *Uxbridge* aforesaid.

Cap. 33. For enlarging the term and powers granted by an act passed in the fourth year of his present Majesty's reign, for repairing the roads leading

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leading from the most southern part of *Bass Lane*, in the parish of *Lawton*, in the county palatine of *Chester*, to *Lawton*; and from thence to *Henbards Smithy*, upon *Cranae Green* in the said county; and for making the said act more effectual.

Cap. 34. For the better preservation of the game in that part of Great Britain called *Scotland*.

Cap. 35. For repairing the high roads in the county of *Edinburgh*, to and from the city of *Edinburgh*; and from *Crammond Bridge* to the town of *Queen's Ferry* in the county of *Linlithgow*.

Cap. 36. For building a bridge over the river *Ribble*, between the townships of *Preston* and *Penwortham*, near a place called the *Fish-house*, in the county palatine of *Lancaster*.

Cap. 37. For dividing the parish of *Saint Philip and Jacob* in the county of *Gloucester*, and in the city and county of *Bristol*; and for erecting a church in the new intended parish.

Cap. 38. For levying a duty of two pennies *Scots*, or a sixth part of a penny *sterling*, on every *Scots* pint of ale and beer which shall be brewed for sale, brought into, tapped or sold, within the town of *Greenock*, and baronies of *Easter* and *Wester* *Greenock*, and *Finnart*, and liberties thereof, in the county of *Renfrew*, for repairing the harbour of the said town, and for other purposes therein mentioned.

Cap. 39. For the better regulating the navigation of the river *Avon*, running through the counties of *Warwick*, *Worcester* and *Gloucester*; and for ascertaining the rates of water-carriage upon the said river.

Cap. 40. For granting to his Majesty an additional duty upon spirituous liquors, and upon licences for retailing the same; and for repealing the act of the twentieth year of his present Majesty's reign, intituled,

*An act for granting a duty to his Majesty to be paid by distillers upon licences to be taken out by them for retailing spirituous liquors; and for the more effectually restraining the retailing of distilled spirituous liquors; and for allowing a drawback upon the exportation of British made spirits; and that the parish of *Saint Mary le Bon*, in the county of *Middlesex*, shall be under the inspection of the head office of excise.*

Cap. 41. For the more effectual securing the duties upon tobacco.

Cap. 42. To explain and amend an act passed in the last session of parliament, intituled, *An act for the more easy and speedy recovery of small debts within the city and liberty of Westminster, and that part of the dutchy of Lancaster, which adjoyneth thereto; and for making the said act more effectual*.

Cap. 43. For the more effectual preservation of the turnpike roads in that part of Great Britain called *England*; and for the disposition of penalties given by acts of parliament relating to the highways in that part of Great Britain called *England*, and for enforcing the recovery thereof; and for the more effectual preventing the mischiefs occasioned by the drivers riding upon carts, drays, carrs and wagons, in the city of *London*, and within ten miles thereof.

Cap. 44. For the rendering justices of the peace more safe in the execution of their office; and for indemnifying constables, and others, acting in obedience to their warrants.

Cap. 45. For the more effectual preventing of robberies and thefts upon any navigable rivers, ports of entry or discharge, wharfs and keys adjacent.

Cap. 46. For repealing the duties now payable upon foreign linen

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linen yarns, and for granting other duties in lieu thereof.

Cap. 47. For granting to his Majesty the sum of six hundred thousand pounds out of the sinking fund, for the service of the year one thousand seven hundred and fifty one; and for allowances to the poor widows of commission and warrant officers of the royal navy; and for the further appropriating the supplies granted this session of parliament; and for making forth duplicates of exchequer bills, lottery tickets, certificates, orders of loan, or annuity orders, payable at the exchequer in lieu of such as shall be lost, burnt or destroyed; and also for making forth new orders of loan or annuity orders, in lieu of such as shall become defaced, obliterated, or otherwise encumbered with assignments or endorsements thereon.

Cap. 48. For the abbreviation of *Michaelmas* term.

Cap. 49. For allowing further time to the commissioners appointed by and in pursuance of an act of the twenty third year of his present Majesty's reign, intituled, *An act for extending and improving the trade to Africa*, to inquire into the claims of certain creditors of the royal *African* company therein mentioned, and for the relief of *David Crichton*; and for restraining the said company from disposing of such of their effects as are therein mentioned; and for staying all suits for money due from or on the account of the said company, for the time therein mentioned.

Cap. 50. To enable his Majesty to make leases and copies of offices, lands and hereditaments, parcel of his dutchy of *Cornwall*, or annexed to the same.

Cap. 51. For encouraging the making of pot ashes and pearl ashes in the *British* plantations in *America*.

Cap. 52. For continuing several laws

therein mentioned, relating to the premiums upon the importation of masts, yards and bowsprits, tar, pitch and turpentine; to *British* made sail cloth, and the duties payable on foreign sail cloth; and to the allowance upon the exportation of *British* made gunpowder.

Cap. 53. To regulate and restrain paper bills of credit in his Majesty's colonies or plantations of *Rhode Island* and *Providence* plantations, *Connecticut*, the *Massachusetts Bay*, and *New Hampshire* in *America*; and to prevent the same being legal tenders in payments of money.

Cap. 54. For explaining, continuing, and enforcing several laws therein mentioned, more effectually to prevent the spreading of the distemper which now rages amongst the horned cattle in this kingdom.

Cap. 55. For amending and making more effectual a clause in an act passed in the last session of parliament, for the apprehending of persons in any county or place, upon warrants granted by justices of the peace of any other county or place.

Cap. 56. For ascertaining the admeasurement of wheat meal, or other corn or grain ground, for which a bounty is payable upon exportation; and for making allowances to the *East India* company, for their charges and expences in managing, paying, and transferring their reduced annuities.

Cap. 57. To continue several laws therein mentioned; for preventing theft and rapine on the northern borders of *England*; for the more effectual punishing wicked and evil-disposed persons going armed in disguise, and doing injuries and violences to the persons and properties of his Majesty's subjects, and for the more speedy bringing the offenders to justice; for continuing two clauses to prevent the cutting or breaking down the bank

or

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of any river or sea bank; and to prevent the malicious cutting of hop-binds; for the more effectual punishment of persons maliciously setting on fire any mine, pit, or delph of coal, or cannel coal; and of persons unlawfully hunting or taking any red or fallow deer in forests or chaces, or beating or wounding the keepers or other officers in forests, chaces or parks; for granting a liberty to carry sugars of the growth, produce, or manufacture of any of his Majesty's sugar colonies in America, from the said colonies, directly into foreign parts, in ships built in Great Britain, and navigated according to law; for preventing the committing of frauds by bankrupts; for giving further encouragement for the importation of naval stores from the British colonies in America; and for preventing frauds and abuses in the admeasurement of coals in the city and liberty of Westminster; and to make some further provisions in relation to the signing of certificates for the discharge of bankrupts.

Cap. 58. For making, widening, and keeping in repair, several roads in the several parishes of Lambeth, Newington, Saint George's Southwark and Bermondsey in the county of Surrey; and Lewisham in the county of Kent.

Cap. 59. For enlarging of the terms and powers, and making more effectual several acts of parliament for repairing and amending the highways leading from Royston in the county of Hertford, to Wansford Bridge in the county of Huntingdon, so far as relates to the amending of that part of the road as lies between a place called the White Post on Alconbury Hill in the county of Huntingdon, and Wansford Bridge in the same county, called the North Division; and that the tolls taken

at Saltree and Wansford toll-gates may, from and after a certain time, be lowered; and for repairing the road leading from Stilton in the said county of Huntingdon, to Peterborough in the county of Northampton.

Private Acts.

Anno 24 Georgii II.

1. An act to dissolve the marriage of Godfrey Copley esquire, with Anna Maria Brace, his now wife, and to enable him to marry again, and for other purposes therein mentioned.
2. An act to enable Samuel Smith esquire to take and use the surname of Holworthy only, and bear the coat armour of Matthew Holworthy esquire, deceased, pursuant to the will of Elizabeth his widow, also deceased.
3. An act to enable John Heath esquire, and his heirs male, to take and use the surname and arms of Duke, according to the direction of the last will and testament of Richard Duke esquire, deceased.
4. An act for naturalizing John Liotard, Daniel Richard, Daniel Ferrand, Charles Boucher and John Schenly.
5. An act for naturalizing Christopher Jacob Krauter.
6. An act for empowering the trustees, named in the settlement made upon the marriage of Edward Hulse esquire, with Hannah his wife, to lay out part of the trust-monies therein mentioned, in the purchase of reversionary estates, as well as lands in possession, to be settled to the uses of the said marriage settlement, with power to make leases thereof, according to the custom of the country.
7. An act to enable George Lane, heretofore called George Fox esquire, and his issue male, to take and use the surname and arms of Lane, pursuant to the will of James lord viscount

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1. Viscount *Lansborough*, in the kingdom of *Ireland*, deceased, and for enrolling the said will, and making the exemplification thereof evidence in all courts in *Great Britain* and *Ireland*.

2. An act to enable *Thomas Smith*, now called *Thomas Panuwell*, and the heirs of his body, to take and use the surname and arms of *Panuwell*.

3. An act to enable the most noble *Jane*, duchess dowager of *Argyll* and *Greenwich*, to grant leases of the ground, and repairing leases of the houses and buildings in the county of *Middlesex*, mentioned in the will of *John* late duke of *Argyll* and *Greenwich* deceased.

4. An act for charging divers houses, tenements and hereditaments, in the city of *London* and county of *Hertford*, part of the settled estate of *William* earl *Cowper*, with raising money towards defraying the expences of rebuilding the said houses in *London*, burnt down and destroyed by fire.

5. An act for vesting divers lands, tenements and hereditaments in the county of *Cork* in the kingdom of *Ireland*, comprised in the marriage-settlement of *John* earl of *Egmont*, in him and his heirs, discharged of the uses of that settlement, and for settling other lands and hereditaments in the said county, of greater value, in lieu thereof, to the same uses.

6. An act for the sale of a capital messuage at *Bromley*, and divers messuages, lands and hereditaments in the counties of *Middlesex* and *Essex*, late the estate of *Sir Charles Peers*, knt. deceased, some time since one of the aldermen of the city of *London*, and for purchasing another estate to be settled to the uses of his will.

7. An act to enable *John Primrose* esquire, commonly called lord *Dal-*

manie

monie

to secure a jointure to *Mary* countess of *Rosberry*, his mother, and make provisions for his brother and sister, out of the entailed estate late of *Sir Archibald Primrose* knight, deceased.

8. An act for vesting the undivided twelfth part of *John Jekyll*, an infant, in the real estate of *Sir Joseph Jekyll* knight, deceased, in trustees, to be sold for the purposes therein mentioned.

9. An act for sale of the estate late of *Edmund Pleydell* esquire, in *Gloucestershire*, and for laying out the money arising by such sale, in the purchase of another estate, to be settled to the uses of his will.

10. An act to enable *Sir William Maxwell*, of *Monreith*, baronet, or other heirs of entail for the time being, to sell lands in the county of *Wigtown*, for payment of debts, and other purposes therein mentioned.

11. An act for the effectual securing of a jointure, by way of rent-charge, for *Barbara Mainwaring Ellerker*, wife of *Eaton Mainwaring Ellerker* esquire, and raising portions for their younger children, pursuant to an agreement contained in their marriage-settlement, and for confirming and establishing the surname of *Ellerker*, and the coat of arms of the *Ellerkers*, of *Riby* in the county of *York*, and the crest granted by King *Henry the Eighth*, to the said *Eaton Mainwaring Ellerker*, and his issue.

12. An act for confirming a partition of the estate late of *George Gardner* esquire, deceased, and for settling and disposing of the lands belonging to *Edward Bulstrode* esquire, upon the said partition, for discharging incumbrances, and for a provision for himself, and his wife and children, pursuant to his marriage-settlement.

13. An act to empower the guardian

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or guardians of *Thomas Horner* esquire, an infant, for the time being, to make leases and copyhold grants of his estates in the county of *Somerset*, during his minority, according to the usage and custom of the country, and for other purposes therein mentioned.

20. An act for vesting a messuage and lands in *Suffolk*, part of the settled estate of *Thomas Moyle* esquire, in trustees, in trust to sell the same, pursuant to an agreement for that purpose, and for applying the money arising by such sale, towards the purchase of another estate of greater value, to be settled to the like uses.

21. An act for the better effecting the purposes mentioned in the will of *John Michel*, late of *Richmond* in the county of *Surrey* esquire, deceased, for the benefit and advantage of *Queen's College* in the university of *Oxford*.

22. An act to confirm and establish an agreement for inclosing and dividing several lands and grounds in the parish of *Welton* in the county of *York*, and for settling a yearly sum on the vicar in lieu of tithes, and other purposes therein mentioned.

23. An act for confirming articles of agreement for inclosing and dividing certain commons and waste grounds in the parish of *Yatton* in the county of *Somerset*.

24. An act for inclosing and dividing the common fields, common pastures, common meadows and waste grounds in the manor and parish of *Eastbingstone* in the county of *Northampton*.

25. An act for confirming articles of agreement for inclosing and dividing the common fields, meadows and common fen in the manor and parish of *Dunby* in the county of *Lincoln*, and for rendering the same more effectual, and for other purposes therein mentioned.

26. An act for empowering Sir *Thomas Saunders Sebright* baronet, to inclose *Besford* common, in the county of *Worcester*, and for setting out and appointing proper roads over the same; and for charging the said common with a perpetual yearly rent, in lieu of certain rights and privileges claimed by *James Cocks* esquire, as lord paramount of the manor of *Besford*.

27. An act for confirming articles of agreement for inclosing the common pastures and common grounds within the manor of *Hutton Bushell* in the county of *York*.

28. An act for vesting for a certain term of years, in *Michael Menzies* esquire, his executors, administrators and assigns, the sole property of a machine, by him invented, for conveying of coals from the places where they are dug, to the heaps at the mouths of the pits, and in some cases from the heaps to the staiths, or places where they are put on board ships or keels.

29. An act to enable *William Leybourne*, formerly called *William Leybourne Taylor*, to take and use the surname of *Leybourne* only, and bear the coat of arms of the family of *Leybourne*, pursuant to the will of his uncle *William Leybourne*, deceased.

30. An act for enabling *James Langston*, formerly called *James Haughton*, and his heirs, to use the surname, and bear the family arms of *Langston*, pursuant to the will of *James Langston* his uncle, deceased.

31. An act to enable *John Fenwick*, lately called *John Wilson*, and the heirs male of his body, to take the name and bear the arms of *Fenwick* only, pursuant to the wills of *Robert Fenwick* and *Nicholas Fenwick*.

32. An act for naturalizing count *Stephanus Laurentius Neale*.

33. An act for establishing and confirming

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firming articles entered into upon marriage of *Henry Arthur* earl of *Powis*, with *Barbara* countess of *Powis*, his wife, an infant, and for the more effectually carrying the same into execution.

34. An act for enabling the right honourable *John Thynne*, lord *Chedworth*, to settle a jointure on *Martha Parker* spinster, upon their inter-marriage, and for making provision for their younger children, and for explaining the will of *Sir Philip Parker Long* baronet, deceased, and for other purposes herein mentioned.

35. An act for completing the sale of the estate late of *Francis Scott*, commonly called earl of *Dalkeith*, deceased, in the county of *Lincoln*; and for applying the money arising thereby pursuant to an agreement for that purpose; and for empowering the guardians of the heir of the said late earl, for the time being, to make leases of ground and buildings in the county of *Middlesex*, during the minority of such heir.

36. An act for sale of part of the settled estate of *Thomas* lord viscount *Kilmorey*, for raising money to discharge the incumbrances affecting the same, prior to his marriage-settlement, and for laying out the surplus thereof in the purchase of other lands and hereditaments, to be settled to the uses of the said settlement.

37. An act for vesting the undivided moiety of divers lands and hereditaments in the counties of *Leicester*, *Stafford* and *Derby*, devised by the will of *Sarah Frowde* widow, deceased, in *Ralph Blois* clerk, in fee-simple; and for settling an entire estate in the county of *Suffolk*, of greater value, to the uses limited by the same will.

38. An act for vesting part of the settled estate of *George Barlow* esquire, in him and his heirs, and for settling another part of his estate of greater value, to the same uses, except as therein is excepted, in lieu thereof.

39. An act for sale of the estates late of *William Newland* esquire, deceased, in *Gatton*, *Rygate* and *Measham* in the county of *Surrey*, for discharging incumbrances.

40. An act for sale of certain estates in the county of *Stafford*, of *Christopher Wood*, esquire, for discharging incumbrances affecting the same, and for settling other lands in lieu thereof.

41. An act for making and granting leases of lands, tenements and mines in the county of *Cornwall*, comprised in the marriage settlement and will of *Kellond Courtney* esquire, deceased, during the minority of his issue claiming under the said settlement and will.

42. An act for selling part of the settled estate of *George Courtenay* esquire, for discharging incumbrances affecting the same, and for enabling him to make a provision for his wife and children, pursuant to his marriage articles.

43. An act to enable the honourable *John Fitz Maurice*, and his issue, to take and use the surname of *Petty*, pursuant to the will of the right honourable *Henry* earl of *Shelburne* in the kingdom of *Ireland*, deceased.

44. An act for enabling *Richard King Stubblefield* gentleman, and his issue, to take and use the surname of *King*.

45. An act for naturalizing *Philip Jacob* baron de *Soesdyk Van Cloon*, lord of *Rhynwick*.

46. An act for naturalizing *John Juga*, *Stephan Cagigian*, *John Jacob Zornlin*, and *John Adolph Speck*.

Auno 25 Georgii II.
Cap. 1. For continuing and granting
to his Majesty certain duties upon
malt

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10. **malt, mum, cyder and perry for the service of the year one thousand seven hundred and fifty two.**

Cap. 2. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 3. For granting an aid to his Majesty by a land-tax to be raised in Great Britain within the space of one year, from the twenty fifth day of March one thousand seven and fifty two.

Cap. 4. For appointing the deputy or secondary of the chief clerk to in-roll pleas in the King's Bench, called *The Master of the King's Bench office*, one of the registers or masters for the inrollment of deeds, wills, and other conveyances in the county of Middlesex, in the place and stead of such chief clerk.

Cap. 5. To continue and make more effectual an act passed in the second year of the reign of his present Majesty, for repairing the highways between Sheppard's Shord and Horsey Upright Gate leading down Bagdown Hill in the county of Wilts, and other ruinous parts of the highways thereunto adjacent.

Cap. 6. For avoiding and putting an end to certain doubts and questions, relating to the attestation of wills and codicils, concerning real estates, in that part of Great Britain called England, and in his Majesty's colonies and plantations in America.

Cap. 7. To rectify a mistake in an act passed in the twenty fourth year of the reign of his present Majesty, intituled, *An act for explaining and amending an act passed in the twenty first year of his present Majesty, intituled, An act for the relief of the annuitants of the wardens and commonalty of the mystery of Mercers in the city of London*; and for other purposes therein mentioned.

Cap. 8. For repairing the road leading from the Royal Oak on Wrotham Heath, to the town of Wrotham in the county of Kent; and from thence to the village of Foot's Cray in the said county.

Cap. 9. For enlarging the term granted by two several acts of the third and ninth years of his late Majesty's reign, for continuing the duty of two pennis Scots upon every pint of ale and beer sold in the city of Edinburgh, for the purposes therein mentioned; and for discontinuing payment of the petty port customs there.

Cap. 10. For the more effectual securing mines of black lead from theft and robbery.

Cap. 11. To enable the parishioners of the parish of East Greenwich in the county of Kent, to deposit corpse in the vaults or arches under the church in the said parish, and to ascertain the fees that shall be paid for the same.

Cap. 12. For repairing and widening the road from the town of Warminster in the county of Wilts, to the city of Bath in the county of Somerset; and also the road from the town of Frome in the said county of Somerset, to the town of Beckington in the same county; and for repairing the road from Heytesbury to Anstrow Hill in the county of Wilts.

Cap. 13. For repairing the road from the town of Cirencester to the town of Stroud, and that part of Redborough Hill which leads to Dudbridge; and also the road leading from Cirencester towards Bisley, so far as the bottom of Gulph Hill; all in the county of Gloucester.

Cap. 14. To open the port of Lancastier for the importation of wool and woollen yarn from Ireland.

Cap. 15. To indemnify persons who have omitted to qualify themselves for offices and employments; and also persons who have omitted to make and file affidavits of the execution

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cution of articles of clerkship, within the time limited by law; and for allowing further time for those purposes.

Cap. 16. For enlarging the term and powers granted by two acts of parliament, for repairing and amending the highways between the town or village of *Tittensor*, and the most northern part of *Talk on the Hill in Butt Lane* in the county of *Stafford*.

Cap. 17. For repairing the road leading from the *Green Man* in the chapelry of *Seend* in the county of *Wilts*, through *Trowbridge* to a place called *White Trough* in the parish of *Trowbridge* in the same county; and from thence by *Road Church* to *Beckington* in the county of *Somerset*.

Cap. 18. For repairing the road leading from *Long Horsley* bar or gate, on the post road near the town of *Morpeth*, by or through *Long Horsley*, *Weldon Bridge* and *Whittingham*, to the river *Breamish*, and from thence to *Piercy's Crofs* in the county of *Northumberland*.

Cap. 19. To open the port of *Great Yarmouth* for the importation of wool and woollen yarn from *Ireland*.

Cap. 20. To obviate doubts that have arisen with regard to the admission of the vassals of the principality of *Scotland*, and payment of their rents and duties.

Cap. 21. For repairing the roads from *Wallingford* in the county of *Berks*, to *Wantage*, and from thence to *Farrington*, and also from *Wantage* to *Idsen* in the said county.

Cap. 22. For repairing the roads from the town of *Sbrewsbury*, through *Ellesmere* in the county of *Salop*, and *Overton* in the county of *Flint*, to *Wrexham* in the county of *Denbigh*.

Cap. 23. For the better relief and employment of the poor in the parishes of *Saint Margaret* and *Saint John the Evangelist* in the city of *Westminster*; and for cleansing the

streets, and repairing the highways within the said parishes.

Cap. 24. For repairing and widening the roads from *Tinhead Hill*, to the *Round Stone* in *Trowbridge*; and from *Flinty Nap*, to *Western Down* in the parish of *Edington* in the county of *Wilts*; and other roads in the counties of *Wilts* and *Somerset*, leading towards the cities of *Bristol* and *Bath*.

Cap. 25. For granting to his Majesty a certain sum of money therein mentioned, out of the sinking fund; and for enabling his Majesty to raise a further sum of money therein also mentioned, by exchequer bills, to be charged on the said sinking fund, for the service of the year one thousand seven hundred and fifty two; and for the further appropriating the supplies granted in this session of parliament.

Cap. 26. To restrain the making insurances on foreign ships bound to or from the *East Indies*.

Cap. 27. For converting the several annuities therein mentioned, into several joint stocks of annuities transferrable at the bank of *England*, to be charged on the sinking fund; and also for consolidating the several other annuities therein mentioned, into several joint stocks of annuities, transferrable at the *South Sea House*.

Cap. 28. For repairing the post road from the city of *Edinburgh* through the counties of *Linlithgow* and *Sterling*, from the *Boathouse Ford*, on *Almond Water*, and from thence to the town of *Linlithgow*, and from the said town to *Falkirk*, and from thence to *Sterling*; and also from *Falkirk* to *Kilsyth*, and to *Inch Belie Bridge*, on the post road to the city of *Glasgow*.

Cap. 29. For giving a proper reward to coroners, for the due execution of their office; and for the removal of coroners upon a lawful con-

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conviction for certain misdemeanors.

Cap. 30. To amend an act made in the last session of parliament, intituled, *An act for regulating the commencement of the year, and for correcting the calendar now in use.*

Cap. 31. To continue, explain and amend several laws more effectually to prevent the spreading of the distemper which now rages amongst the horned cattle in this kingdom.

Cap. 32. To allow the importation of gum senega into this kingdom, from any part of Europe, upon the payment of a duty; and for relief of *James Guthrie*, with respect to the duties paid and secured upon a quantity of tobacco, burnt at the port of *Kircudbright*; and for giving further time for payment of duties omitted to be paid for the indentures or contracts of clerks and apprentices.

Cap. 33. For repairing the road leading from the town of *Morpeth*, by or through *Mitford, Threpple, Long Witton*, and by the north side of *Rosley Park* wall, to *Sting Cross*, and to the *High Cross* in *Elsdon* in the county of *Northumberland*.

Cap. 34. For the more easy and speedy recovery of small debts within the town of *Birmingham*, and hamlet of *Deritend* thereto adjoining in the county of *Warwick*.

Cap. 35. For continuing the act for encouraging the growth of coffee in his Majesty's plantations in *America*; and also for continuing, under certain regulations, so much of an act as relates to the *Premiums* upon the importation of masts, yards and bowsprits, tar, pitch and turpentine.

Cap. 36. For the better preventing thefts and robberies, and for regulating places of publick entertainment, and punishing persons keeping disorderly houses.

Cap. 37. For better preventing the horrid crime of murder.

Cap. 38. For the more easy and speedy recovery of small debts within the borough of *Saint Albans* in the county of *Hertford*; and the several towns, parishes, wards, hamlets and places within the liberty of *Saint Albans*.

Cap. 39. To obviate doubts that may arise upon an act made and passed in the eleventh and twelfth years of the reign of his late majesty King *William the Third*, intituled, *An act to enable his Majesty's natural born subjects to inherit the estate of their ancestors, either lineal or collateral, notwithstanding their father or mother were aliens.*

Cap. 40. For the application of a sum of money therein mentioned, granted to his Majesty, for making compensation and satisfaction to the royal *African company of England*, for their charter, lands, forts, castles, slaves, military stores, and all other their effects whatsoever; and to vest the lands, forts, castles, slaves, and military stores, and all other their effects, in the company of merchants trading to *Africa*; and for other purposes in the act mentioned.

Cap. 41. For annexing certain forfeited estates in *Scotland* to the crown unalienably; and for making satisfaction to the lawful creditors thereupon; and to establish a method of managing the same; and applying the rents and profits thereof, for the better civilizing and improving the highlands of *Scotland*; and preventing disorders there for the future.

Cap. 42. To render valid and effectual all contracts and agreements which shall be made by the commissioners or governors of the royal hospital for seamen at *Greenwich*, for the purchase of lands, tenements and hereditaments, for the finishing

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finishing and completing the said hospital; and for ascertaining the recompence that shall be made for the same.

Cap. 43. For the more easy and speedy recovery of small debts in the town and port of *Liverpoole*, and liberties thereof, in the county palatine of *Lancaster*.

Cap. 44. To explain and amend an act passed in the fifth year of his present Majesty's reign, intituled, *An act to enlarge the pier and harbour of Scarborough in the county of York*; and for making the said act more effectual.

Cap. 45. For the more easy and speedy recovery of small debts within the city and county of the city of *Canterbury*, and the liberties and precincts of the same.

Cap. 46. For repairing and widening the road from *Alemeuth* through the town of *Alnwick*, to *Rothbury*, and from thence to the town of *Hexham*, and also the road leading out of the aforesaid road, between *Alnwick* and *Rothbury*, to *Jockey's Dike Bridge* in the county of *Northumberland*.

Cap. 47. For repairing and widening the roads from the east end of *Monk Bridge*, near the suburbs of the city of *York*, to *New Malton*, and from thence to *Scarborough* in the north riding of the county of *York*; and also from *Spittle-house* in the east riding of the said county, to *Scarborough* aforesaid.

Cap. 48. For repairing and widening the road leading from a part of the road (directed to be repaired by an act passed in the last session of parliament, from *Carlisle* to *Newcastle upon Tyne*) near *Glenwalt*, to another part of the road (so making from *Carlisle* to *Newcastle*) upon *Shildon Common* in the county of *Northumberland*.

Cap. 49. For repairing the high road from the town of *Shrewsbury*, thro' *Cressage*, *Harley*, *Much Wenlock*, by

Muckley Cross, and through *Merville*, to *Bridgnorth* in the county of *Salop*.

Cap. 50. For repairing the roads from the north end of *Malling Street*, near the town of *Lewes*, to *Witch Cross*, and from the north end of *Malling Street* aforesaid, to the *Broil Park gate*; and from *Offham*, to *Witch Cross* aforesaid, all lying within the county of *Sussex*.

Cap. 51. For amending and making more effectual several acts for amending the roads from the city of *London*, to *East Grinstead* in the county of *Sussex*; and to the towns of *Sutton* and *Kingston* in the county of *Surrey*; and for more effectually repairing the road from *Newington*, through *Camberwell* in the said county to *New Cross* in the county of *Kent*; and for repairing and widening the road from *Camberwell Green*, to the *Fox under the Hill* in the parish of *Camberwell*.

Cap. 52. For widening and repairing the road from *Combebridge* in the county of *Somerset*, to *Bradford* in the county of *Wilts*; and from thence through *Hilperton*; and so far over *Ashton Common*, as to join the road which leads from *Steeple Ashton* to *Trowbridge*; and also the road leading from *Bradford* aforesaid, to *Cockhill Gate* in the said county of *Wilts*.

Cap. 53. For repairing the road from *Knaresborough* in the county of *York*, by *Longflat Lane*, *Gouldsborough Fields*, *Flaxby*, *Allerton*, *Mauleverer* and *Scate Moor*, to *Green Hammerton* in the same county; and for making the same a high carriage road.

Cap. 54. For amending the several roads leading from the town of *Taunton* in the county of *Somerset*.

Cap. 55. For explaining and amending so much of an act passed in the fourteenth year of the reign of his present Majesty, for the repairing and enlarging the roads from the town of *Selby* in the west riding of the

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the county of *York*, to the town of *Leeds*; and from thence in two several branches, one through *Bradford* and *Horton*, and the other through *Bowling* and *Wibsey*, to the town of *Halifax* in the same riding; as relates to that part of the said roads which lies between *Leeds* and *Halifax*.

Cap. 56. For repairing the several roads leading from the town of *Bromyard* in the county of *Hereford*, to the several places called the *Halfway Aſt* in the parish of *Docklow*, *Herefordshire Lake* in the parish of *Whitburne*, *Perry Bridge* in the parish of *Stoke Blis*, leading through the several parishes of *Edwin*, *Ralph*, *Collington*, and the hamlet of *Little Kyre*, *Sapey Wood* in the parish of *Upper Sapey*, *Bifbop's Froome*, *Wooferwood Gate*, and *Herefordshire Lake* in the said parish of *Bromyard* in the counties of *Hereford* and *Worcester*.

Cap. 57. For repairing and widening the road leading from *Market Harborough* in the county of *Leicester*, through *Desborough*, *Rowell*, *Kettering*, *Barton Seagrave* and *Thrapston* in the county of *Northampton*; and through *Bythorne*, *Spaldwick* and *Ellington*, to the *Pound* in the parish of *Brampton* in the county of *Huntingdon*.

Cap. 58. For repairing the roads from the town of *Leeds*, through *Harrowd*, to the south west corner of the inclosures of *Harrowgate*; and from thence in two branches (one through *Ripley*, over *Burage Green*, and the other through *Knaresborough* and *Boroughbridge*) to *Ripon*; and from thence to the first rill of water or watercourse on *Hutton Moor* in the county of *York*; and for repairing the sloughs or rutts on the said moor.

Cap. 59. For repairing and widening the roads leading from *Chippingham Bridge* in the county of *Wilts*, to

the top of *Togg Hill* in the county of *Gloucester*; and from *Chippingham Bridge* aforesaid, to the top of *Old Sodbury Hill* in the said county of *Gloucester*.

Cap. 60. For repairing and amending the several roads leading from the west end of *Upton Bridge* in the county of *Worcester*, to the parish of *Tylym* in the county of *Gloucester*; and to the parish of *Colwall* in the county of *Hereford*; and to the further side of a place called *The Rid Green* in the road to the city of *Worcester*, and through a place called *Roberts End Street* to *Malvern Chace* in the said county of *Worcester*.

Private Acts.

Anno 25 Georgii II.

1. An act for enabling *George Oxenden* esquire, and his heirs, to use the surname, arms and crest of *Dixwell*, pursuant to the will of Sir *Basil Dixwell* baronet, deceased.
2. An act for enabling *William* duke of *Devonshire*, to make provision for his younger sons, out of his estate in the county of *Huntingdon*.
3. An act for supplying certain defects and omissions in a settlement of the family estates of *Peregrine* duke of *Ancester* and *Kesteven*, by enabling him to raise portions thereout for his daughters, in the manner therein mentioned.
4. An act for empowering the trustees of the will of *William* late marquis of *Powis*, to make sales, exchanges, and leases of divers parts of his estate, for the purposes therein mentioned, and for making the exemplification of the same will, and attested copies of the enrollment thereof, evidence in all courts in *Great Britain*.
5. An act to enable the right honourable *William* lord *Blantyre*, and the heirs of entail for the time being, to alienate,

A TABLE of the STATUTES.

alienate, by way of exchange or excambion, certain lands in the constabulary of *Haddington*, and shire of *Edinburgh*.

6. An act for confirming a lease or grant, made by the devisees of the real estate late of the right honourable *Bussy*, late lord *Mansel*, in the county of *Glamorgan*, to *Rowland Pytt* iron-master, for certain purposes therein expressed.

7. An act for sale of certain estates in the counties of *Norfolk* and *Suffolk*, comprised in the marriage settlements of Sir *William Harbord* baronet, and knight of the most honourable order of the *Bath*, and for purchasing other estates to be settled to the like uses in lieu thereof.

8. An act for providing and securing portions and maintenance for the younger sons and daughter of Sir *Thomas Heathcote* baronet.

9. An act for vesting divers manors and lands in the counties of *Lancaster* and *Chester*, devised by the will of the late Sir *John Bland* baronet, deceased, in the present Sir *John Bland*, in fee-simple, discharged of the trust of the said will, and for settling an estate in the county of *York*, in lieu thereof, and in exchange for the same.

10. An act for sale of part of the intailed estate of Sir *George Mackenzie* knight, deceased, lying in that part of *Great Britain* called *Scotland*, and for purchasing other estates to be settled to the same uses, and for other purposes therein mentioned.

11. An act for vesting divers lands and hereditaments in the county of *Oxford*, devised by the will and codicil of *Nathaniel Bacon* esquire, deceased, in *Edward Bacon* esquire, in fee-simple, and for settling an estate in the county of *Norfolk*, of greater value, to the uses limited by the same will and codicil.

12. An act to empower the guardians of *William Wyndham* esquire, an infant, to make leases and copyhold grants of his estates, in the manor of *Uphaven*, and in *Lufton* and *Odcombe* in the counties of *Wilts* and *Somerset*, during his minority.

13. An act for sale of the moiety of the manor of *Icombe*, part of the settled estate of *Richard Hepton* esquire, and others, and laying out the money arising thereby in the purchase of an entire estate, to be settled to the same uses.

14. An act to empower the committee or committees of *Thomas Southcote* esquire, a lunatick, for the time being, to make leases and copyhold grants of his estates, in the counties of *Berks*, *Essex* and *Surry*, and for other purposes therein mentioned.

15. An act for vesting the real estate of *William Barnesley* esquire, deceased, in trustees, for the benefit of *William Barnesley* esquire, his only son and heir, who is a lunatick; and for raising money to pay the costs of several suits and proceedings at law, and in equity, brought for recovery of the said estate.

16. An act for vesting the manor of *Stepney*, and divers lands and hereditaments in the parish of *Stepney*, in the county of *Middlesex*, comprised in the marriage settlement of *John Wicker* esquire, in him and his heirs, and for settling lands in the counties of *Suffex*, *Surrey* and *Kent*, in lieu thereof, to the uses of that settlement.

17. An act to empower *John Preston* merchant, to make a jointure on any future marriage.

18. An act to enable the commissioners for executing the office of treasurer of his Majesty's exchequer, or the lord high treasurer for the time being, to compound with *George Whitehead* of *Bristol*, merchant, and his sureties, *John Whithead* and *Thomas Whitehead*, a debt due to the crown for customs for tobacco.

19. An

A TABLE of the STATUTES.

19. An act to dissolve the marriage of *Daniel Lascelles* of *London*, merchant, with *Elizabeth Southwicke*, his now wife, and to enable him to marry again, and for other purposes therein mentioned.

20. An act to dissolve the marriage of *Thomas Benson* gentleman, with *Jane Board* his now wife, and to enable him to marry again, and for other purposes therein mentioned.

21. An act to enable his Majesty to grant the inheritance of the manor of *Crowland*, in the county of *Lincoln*, to trustees, in trust for *Thomas Orby Hunter* esquire, and his heirs, upon a full and valuable consideration to be paid for the same.

22. An act to extinguish the right of the lord of the manor of *Ombersley*, in the county of *Worcester*, of keeping a warren for conies on *Linall Common*, the *Birchin Valley*, and the *Lyth*, and for securing to the said lord the rent now paid for the same; and for annexing and uniting the said *Birchin Valley* to several ancient copyholds, or customary tenements, within the said manor.

23. An act for dividing and inclosing the common fields and common meadows of *Narborow*, otherwise *Narborough*, in the county of *Leicester*.

24. An act for confirming articles of agreement, and an award, for inclosing and dividing certain wastes and commons in the manor of *Ridley*, in the county of *Northumberland*.

25. An act for dividing and inclosing the common fields, common pastures, common meadows, common grounds, and waste grounds, in the hamlet of *Drayton*, within the parish of *Daventry*, in the county of *Northampton*.

26. An act for establishing and rendering effectual certain articles of agreement, for the inclosing and dividing the commons and waste grounds in the townships of *Snaith*, *Cowick* and *Rawcliffe*, in the county of *York*.

27. An act for inclosing and dividing *Wytham on the Hill Infield*, in the county of *Lincoln*, and for settling a stipend on the vicar in lieu of glebe and tythes.

28. An act to impower *Richard Chandler* esquire, and *Elizabeth* his wife, and their issue, to take and use the surname of *Cavendish*.

29. An act to enable *John Cave*, now called *John Browne*, and his issue, to take and use the surname of *Browne*.

30. An act to enable *Michael Archer* esquire, and his issue male, to take and use the surname of *Newton* only, and to take and use the coat of arms of the family of *Newton*.

31. An act for naturalizing *Jane Magdalen Robelon*.

32. An act for naturalizing *Francis Degen*.

33. An act for naturalizing *John Matthias Miller*.

34. An act for naturalizing *Frederick William Commerell*, *John Anthony Toopken*, and *Christian Gottlieb Moffer*.

35. An act for naturalizing *Christian Samuel Geledneki*.

36. An act for naturalizing *Philip Denoyer*.

37. An act for naturalizing *James Fremeaux* merchant.

38. An act for naturalizing *Andrew Girardot*.

39. An act for naturalizing *Peter Au-riol* and *David Pratviel* of *London*, merchants.

40. An act for naturalizing *Andrew Annibal Leques*, and *Frederick Charles Augustus Blomberg*.

41. An act for naturalizing *Johan Meybohm*.

The END of the TABLE.

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T H E

STATUTES at Large, &c.

Anno vicefimo tertio GEORGII II. Regis.

*AT the parliament begun and holden at West-
minster, the tenth day of November, An-
no Dom. 1747, in the twentyfirst year of the reign
of our sovereign Lord George the Second, by the
grace of God, of Great Britain, France, and Ire-
land, King, defender of the faith, &c. And from
thence continued by several prorogations to the six-
teenth day of November, 1749, being the third session
of this present parliament.*

C A P. I.

*An act for reducing the several annuities, which now carry
an interest after the rate of four pounds per centum per
annum, to the several rates of interest therein mentioned.*

Most gracious Sovereign,

*WHEREAS there is now due and owing from the publick,
to the proprietors of certain annuities payable at the receipt
of his Majesty's exchequer, the sum of three hundred and twelve thou-
sand pounds, and to the corporation of the governor and company of
the bank of England, in their own right, the sum of eight millions
four hundred eighty six thousand eight hundred pounds; and to the
proprietors of certain annuities transferrable there, the sum of eighteen
millions four hundred two thousand four hundred seventy two pounds,
and ten pence; and to the corporation of the united company of merchants
of England trading to the East Indies, the sum of three millions two
hundred thousand pounds; and also to the governor and company of
merchants of Great Britain trading to the South Seas, and other
parts of America, and for encouraging the fishery, commonly called
the South Sea Company, in their own right, and for the use and
benefit of the proprietors of the annuities, commonly called the Old
South Sea Annuities, and New South Sea Annuities, the sum of
twenty seven millions three hundred two thousand two hundred three
pounds, five shillings, and six pence halfpenny: all which said sev-
eral and respective principal sums do amount in the whole to the sum
of fifty seven millions seven hundred three thousand four hundred sev-
enty five pounds six shillings, and four pence halfpenny, and are attended*

with annuities, or an interest after the rate of four pounds per centum per annum, redeemable by parliament: and whereas your majesty hath been pleased, by your most gracious speech to both houses assembled in parliament, to recommend to your dutiful and faithful commons of Great Britain, to be watchful to improve any opportunity of putting the national debt in a method of being reduced, with a strict regard to publick faith and private property; and your said dutiful and loyal commons being truly sensible, that nothing can so effectually contribute to make the trade of this kingdom flourish, and render your Majestys reign glorious to posterity, on the lessening the publick debts and incumbrances, consistent with justice and publick faith, have resolved, that any person or persons, bodies politick or corporate, who now are, or hereafter may be, interested in, or intitled unto, any part of the national debt redeemable by law, incurred before Michaelmas one thousand seven hundred and forty nine, which now carries an interest after the rate of four pounds per centum per annum, and who shall, on or before the twenty eighth day of February, one thousand seven hundred and forty nine, subscribe their names, or signify their consent to accept of an interest of three pounds per centum per annum, to commence from the twenty fifth day of December, one thousand seven hundred and fifty seven, subject to the same proviso, notices, and clauses of redemption, which their respective four per cents are now liable to, shall in lieu of their present interest be intitled unto, and receive an interest of four pounds per centum per annum till the twenty fifth day of December, one thousand seven hundred and fifty; and from and after the said twenty fifth day of December, one thousand seven hundred and fifty, an interest of three pounds ten shillings per centum per annum, until the said twenty fifth day of December, one thousand seven hundred and fifty seven; and no part of the same, except what is due to the East India company, shall be liable to be redeemed till after the said twenty fifth day of December, one thousand seven hundred and fifty seven; and that all executors, administrators, guardians, and trustees, may subscribe and signify such consent for the several parts of the said debt, for the holding of which their names are made use of respectively; and that all duties, revenues, and incomes which now stand appropriated to the payment of the said interest of four pounds per centum per annum respectively, shall continue, and be appropriated and applied to the payment of the respective interest of four pounds per centum per annum, three pounds ten shillings per centum per annum, and three pounds per centum per annum, in the same manner as the same now stand appropriated to the payment of the said four pounds per centum per annum; and that the surplusses of the said funds, after the said twenty fifth day of December, one thousand seven hundred and fifty, shall be made part of the Sinking fund, and applied in the same manner as the surplusses of the said funds are now applicable; and also that books be opened at the receipt of his Majestys exchequer, at the bank of England, and South Sea house, for receiving the said subscriptions or consent: they therefore do most humbly beseech 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

the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That any person or persons, bodies politick or corporate, who now Persons inter- or hereafter may be interested in, or intitled unto, any part of rest in the the said national debt redeemable by law, incurred before Mi- national debt, chaelmas, one thousand seven hundred and forty nine, amount- 57,793,475*l.* ing in the whole to the sum of fifty seven millions seven hun- 6*s.* 4*d.* 2*q.* dred three thousand four hundred seventy five pounds, six shil- which now lings and four pence halfpenny, which now carries an interest carries an in- after the rate of four pounds *per centum per annum*, and who have per cent. or shall, on or before the said twenty eighth day of *February*, one who shall con- thousand seven hundred and forty nine, subscribe their names sent to accept or signify their consent, to accept of an interest of three pounds of 3*l.* per cent. *per centum per annum*, to commence from the said twenty fifth 1757, shall re- day of *December*, one thousand seven hundred and fifty seven, receive 4*l.* per subject to the same provisoos, notices, and clauses of redemp- cent. until tion, which their respective four *per cents* are now liable to, 25 Dec. 1750, shall, in lieu of their present interest be intitled unto, and re- 3*l.* 10*s.* ceive an interest of four pounds *per centum per annum*, until the 25 Dec. 1757. said twenty fifth day of *December*, one thousand seven hundred 2*3* Geo. 2. c. 22. and fifty ; and from and after the said twenty fifth day of *De- cember*, one thousand seven hundred and fifty, an interest of three pounds ten shillings *per centum per annum* until the said twenty fifth day of *December*, one thousand seven hundred and fifty seven ; and no part of the same, except what is due to the *East India company*, shall be liable to be redeemed till after the said twenty fifth day of *December*, one thousand seven hundred and fifty seven.

II. And be it further enacted by the authority aforesaid, That The said annuities of four pounds *per centum per annum*, now payable in respect of the said principal sum of fifty seven millions seven hundred three thousand four hundred seventy five pounds, six shillings, and four pence halfpenny, to the proprietors thereof, and by this act continued to them until the said twenty fifth day of *December*, one thousand seven hundred and fifty, as also the several and respective reduced annuities of three pounds ten shillings *per centum per annum*, and three pounds *per centum per annum*, by this act made payable in lieu thereof, from the respective days therein mentioned, shall during the respective continuances thereof, be paid and payable to the respective persons and corporations intitled thereunto, their executors, administrators, and assigns, at the same respective offices and places, and out of the same duties, revenues, and incomes, and at such time or times, and shall be assignable, transferrable, and disposeable, in the same manner and form, as the said annuities of four pounds *per centum per annum*, are now payable, assignable, transferrable, and disposeable, by the respective acts or statutes now in force, for or concerning the same, and as if this present act had never been made, subject to re- nevertheless to redemption by parliament, from the said twenty fifth day of *December*, one thousand seven hundred and fifty 1757.

seven, in manner herein after-mentioned; any thing herein contained to the contrary thereof, in any wise notwithstanding.

III. And whereas books have been already opened in pursuance of a resolution of the commons of Great Britain, in this session of parliament, in the office of the auditor of the receipt of his Majesty's exchequer at Westminster, and also at the respective offices of the governor and company of the bank of England, and of the said governor and company of merchants of Great Britain trading to the South Seas, and for encouraging the fishery, commonly called the South Sea Company, for taking in the subscriptions, or receiving the consents of such persons or corporations, as now are, or shall be, interested in, or intitled unto, any part of the said annuities or interests, after the said rate of four pounds per centum per annum, who are willing to accept of an annuity of three pounds ten shillings per centum per annum, in lieu thereof, from the said twenty fifth day of December, one thousand seven hundred and fifty, until the said twenty fifth day of December, one thousand seven hundred and fifty seven, and of an annuity of three pounds per centum per annum, from the said twenty fifth day of December, one thousand seven hundred and fifty seven, in such manner as hath already been, or hereafter shall be directed in that behalf: and whereas in pursuance of the said resolution, notices have already been affixed in the office of the auditor of the said receipt of exchequer, and in other the publick offices aforesaid, and at the Royal Exchange of London, and also published in the London Gazette, that the book or books for taking in the said subscriptions, or receiving the said consents, were laid open at the said receipt of exchequer, and in other the publick offices aforesaid, to the end the proprietors of the said annuities, after the said rate of four pounds per centum per annum, might be apprized thereof, and make their subscriptions, or give their consents, in the said respective book or books, under a proper preface to be prepared for that purpose, by subscribing their respective sums, names, and places of abode, with his, her, or their respective proper additions: and whereas it may so happen, that notwithstanding the said several notices, many of the persons or corporations intitled to the said annuities or interests, after the said rate of four pounds per centum per annum, may hitherto have omitted to make such subscriptions, or give their consents in the said books, in the manner before-mentioned; be it therefore enacted by

Books to be open at the exchequer, &c. until 28 Feb. 1749, for subscriptions of the 4 l. per cent.
See 23 Geo. 2. c. 22.

the authority aforesaid, That the said several and respective books shall constantly be opened at the said receipt of exchequer, and other the publick offices aforesaid, for that purpose every day, Sundays only excepted, until the said twenty eighth day of February, one thousand seven hundred and forty nine, inclusive, and no longer; subject nevertheless to such further directions, with respect to the taking in or receiving such subscriptions or consents from the proprietors of the said annuities of four pounds per centum per annum, as shall or may be given by the commissioners of the treasury or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, for the benefit and advantage of the publick; and it shall and may be lawful

lawful to and for the proprietors of the said annuities of four pounds *per centum per annum*, or such person or persons, as he, she, or they shall respectively authorize and empower by writing in that behalf, to subscribe or consent for them, in manner aforesaid, to have free access to the said several books, at all seasonable hours, and they have hereby power to make their subscriptions, or give their consents therein, for the whole sum or sums due to them, or any of them, according to this act, without any fee or charge whatsoever; and the several and respective officers of the said receipt of exchequer, and of other the publick offices aforesaid, appointed or to be appointed to take in such subscriptions, or receive such consents, as aforesaid, shall, during the time aforesaid, constantly attend at the said respective offices for that purpose, at such hours as business is usually transacted at the said several and respective publick offices.

IV. And be it further enacted by the authority aforesaid, That all and every person and persons, bodies politick or corporate, who have or shall, on or before the said twenty eighth day of *February*, one thousand seven hundred and forty nine, have subscribed, or given their consent in the book or books aforesaid, to accept of an interest or annuity after the rate of three pounds ten shillings *per centum per annum*, from the said twenty fifth day of *December*, one thousand seven hundred and fifty, until the said twenty fifth day of *December*, one thousand seven hundred and fifty seven; and of an annuity of three pounds *per centum per annum*, to commence from the said twenty fifth day of *December*, one thousand seven hundred and fifty seven, in lieu of their present annuities of four pounds *per centum per annum*, shall have, receive, and enjoy, and they are hereby declared to be intitled to an annuity of three pounds ten shillings *per centum per annum*, from the said twenty fifth day of *December*, one thousand seven hundred and fifty, until the said twenty fifth day of *December*, one thousand seven hundred and fifty seven; and to an annuity of three pounds *per centum per annum*, from the said twenty fifth day of *December*, one thousand seven hundred and fifty seven, redeemable by parliament, in manner herein-after mentioned; and the said annuities of three pounds ten shillings *per centum per annum*, and three pounds *per centum per annum*, and the principal or capital for which the same shall be payable, are hereby declared, and shall be adjudged, taken, and accepted in construction of law, and in all courts of law and equity whatsoever, to all intents and purposes whatsoever, to be a personal and not a real estate, and shall go to the executors or administrators of the person or persons dying possessed thereof, interested therein, or intitled thereunto, and not to the heirs of such person or persons; any law, statute, custom, or usage to the contrary notwithstanding; and that the said annuities shall be free from all taxes, charges, free from and impositions whatsoever, in the same manner as they now taxes. are.

Annuitiess
cured to the
subscribers;

personal estate,

V. And it is hereby enacted and declared, That it shall and Executors,

&c. impower- may be lawful for all executors, administrators, guardians, trustees, committees of the estates of ideots or lunaticks, and the accomptant general of the court of chancery, and the deputy remembrancer of his Majesty's court of exchequer, to make, or cause to be made, subscriptions in the said book or books, signifying their consent to accept an interest or annuity of three pounds ten shillings *per centum per annum*, from the said twenty fifth day of *December*, one thousand seven hundred and fifty, until the said twenty fifth day of *December*, one thousand seven hundred and fifty seven, and of an annuity of three pounds *per centum per annum*, to commence from the said twenty fifth day of *December*, one thousand seven hundred and fifty seven, for and on the behalf of their respective testators, infants, minors, feme covert, ideots, or lunaticks, and the suitors of the court of chancery, and of the said court of exchequer, and others, for whom they are or shall be respectively entrusted; and such executors, administrators, guardians, trustees, committees, and accomptant general, and deputy remembrancer, are, and shall be, by virtue of this act, indemnified in and for doing the same.

Treasury to
defray the
charges.

VI. Provided always, and be it further enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall have power, and they are hereby authorized, out of any money remaining in the receipt of the exchequer, of or for the duties, revenues, and incomes appropriated for the payment of the said annuities of four pounds *per centum per annum*, to reward all such persons as shall be any ways employed in the execution of this act, in relation to the taking in such subscriptions, or receiving such consents as aforesaid, and to defray all such incident charges, as shall necessarily attend the execution of the said act, in such manner as to them shall seem just and reasonable.

The funds
made subject
to the reduced
interest,

VII. And it is hereby also enacted by the authority aforesaid, That all the duties, revenues, and incomes which are now appropriated, subject, or applicable to the payment of the said annuities of four pounds *per centum per annum*, shall, from and after the said twenty fifth day of *December*, one thousand seven hundred and fifty, be subject and liable to the payment of such of the said annuities of four pounds *per centum per annum*, as shall not be subscribed, in case any shall be unsubscribed, and also of the said reduced annuities of three pounds ten shillings, and three pounds *per centum per annum*, in the same manner, to all intents and purposes, as the same were liable and subject to the payment of the said annuities of four pounds *per centum per annum*; and all the monies coming into the exchequer, of or for the several duties, revenues, and incomes, appropriated, subject, or liable to the payment of the said unsubscribed annuities and of the said reduced annuities of three pounds ten shillings *per centum per annum*, and three pounds *per centum per annum*, which

and the sur-
plus as be-
fore.

which shall be more than sufficient to answer and pay the said respective annuities, shall, from and after the said twenty fifth day of December, one thousand seven hundred and fifty, be applied to the same uses, intents, and purposes, and in the same manner, as the several surplusses, excesses, or overplus monies of the said duties, revenues, and incomes are now applicable.

VIII. Provided always, and it is hereby enacted by the authority aforesaid, That from and after the said twenty fifth day of December, one thousand seven hundred and fifty seven, the said reduced annuities of three pounds *per centum per annum*, shall and may be redeemed by parliament, upon giving the said notices, and making the same payments of principal money at a time to such persons or corporations as now are, or hereafter shall be, intitled to the said annuities, and of all arrearages of the said annuities, as are directed to be given and made by the several and respective acts, by which the said several annuities, after the rate of four pounds *per centum per annum*, were made payable, and from and after payment of any such principal money, to the said persons or corporations, as are or shall be intitled to the same, a proportional part of the said annuities shall cease and determine, and be understood to be redeemed; any thing in this or any former act or acts of parliament to the contrary in any wise notwithstanding.

C A P. II.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty. EXP. At 3*s.* in the pound.

C A P. III.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and fifty. EXP.

C A P. IV.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters. EXP.

C A P. V.

An act for enlarging the term and powers granted by an act passed in the fifth year of the reign of his present Majesty, for repairing and amending the roads leading from the town of Manchester in the county of Lancaster, through the town of Ashton under Line, and parish of Mottram Longendale, and from thence to Salters Brook in the county palatine of Chester.

The act 5 Geo. 2. c. 10. continued for 21 years.

C A P. VI.

An act for repairing, improving, and maintaining the haven and piers of Great Yarmouth; and for deepening, and making more navigable the several rivers emptying themselves into the said haven; and also for preserving ships, wintering therein, from accidents by fire.

WHEREAS by an act made in the twentieth year of his present Majesty's reign, intituled, An act to revive, continue, c. 40.

20 Geo. 2.

and amend an act made in the ninth year of the reign of his late majesty King George the First (intituled, *An act for clearing, deepthing, repairing, extending, maintaining, and improving the haven and piers of Great Yarmouth; and for deepthing and making more navigable the several rivers emptying themselves at the said town; and also for preserving ships, wintering in the said haven, from accidents by fire*) the several duties, granted by the said act made in the ninth year of his said late Majesty's reign, for the purposes therein mentioned, were revived and made payable, from the twenty fourth day of June, one thousand seven hundred and forty seven, for and during the term of two years, and from thence to the end of the then next session of parliament: and whereas the said duties, revived and made payable as aforesaid, have not been sufficient for the effectual reparation and improvement of the said haven and piers, which (notwithstanding very great sums of money have already been expended in and about the same) have of late been, and still continue in so bad a condition, that the same will, unless some further and more effectual provision be made by parliament for the preservation thereof, in a short time fall into irreparable decay, and the harbour, so beneficial to the trade and navigation of this kingdom, become inaccessible: therefore for preserving to the inhabitants of the said borough, and of the adjacent counties, the benefit of the said haven and piers; and to the end that the said haven, which is of so great importance to the trade of these kingdoms in general, may be cleared and deepthened, and the said piers repaired, extended, altered, improved, and maintained; and that the jettee on the north side of the said haven may be repaired and preserved, and timber, and other materials for those purposes, provided from time to time, as occasion shall require; and that the channel of that part of the river Yare called Braiden, leading from Great Yarmouth to the city of Norwich, and so much of the river Wensum, commonly called Yare, as lies between the new mills in Norwich and Hardly Cross in Hardly, in the county of Norfolk, and also the river Waveney, and also the river Bure, commonly called the North River (which said rivers empty themselves into the said haven) may be deepthened and made more navigable for boats and keels usually passing upon the same, and that the bridge and publick keys belonging to the said town, may be repaired; may it please your Majesty that it may be enacted,

&c.

From the 25th of March, 1750. the duties payable by the said act shall cease; and there shall be paid for 21 years, and to the end of the next session, by every master of a ship, which shall unlade within the haven, or in Yarmouth Road, from the south part of Scratby, to the north part of Corton, for every chaldron of coals, last of wheat, or other grain, and weigh of salt, and for every ton of other goods (fish excepted) *viz.* for 7 years 1s. 6d. and for the remainder of the 21 years. &c. 10d. or such greater sum, as the commissioners shall order, not exceeding 12d. Collectors to pay over the monies to the chamberlain. Salary allowed them of 6d. in the pound. Corporation to be answerable for all monies received; and impowered to call the collectors and chamberlains to account; and to levy the same by distress and sale; and where no distress can be had, to commit the party. Twelve commissioners to be nominated annually: three by the corporation of Yarmouth, three by the corporation

poration of Norwich, three by the justices of Norfolk, and three by the justices of Suffolk. Proportion in which the duties are to be applied. 1d. 2 q. towards cleansing the river Yare, &c. and the expence of a commission of sewers. 2 q. towards cleansing the north river, &c. and the expences of a commission of sewers. 1 q. towards clearing the river Waveney, and the expences of a commission of sewers. 2 q. towards repairing the bridge, and publick keys. Other 3 d. in the following proportions: 2 q. towards clearing the river Bure; 2d. 2 q. towards clearing the river Yare. The last mentioned 3d. not to be raised unless necessary, and notice be given by the commissioners to the mayor. 4d. to be applied for 7 years in clearing the haven, &c. If the said sum shall not be sufficient, the commissioners empowered to order a further part of the residue of the duties to be applied towards clearing the haven. Not to be applied in erecting new works, &c. 8d. to be applied for 7 years in extending the haven, and erecting new works. Commissioners to appoint a committee of 12 inhabitants, who are to inspect the works, &c. The duty of 8d. to cease upon certificate of the works being compleated. Upon determination of the duty of 8d. 4d. is to be applied towards clearing the haven, &c. If 4d. shall not be found sufficient, the commissioners to direct a further sum of 2d. to be raised. If the commissioners shall not audit the accounts yearly, the corporation is empowered to examine the same. No ship to be cleared at the custom-house till payment of the duties. Fish oil, &c. exempted from payment of the duties. On re-exportation of goods, the duties to be repaid. Penalty on throwing ballast, &c. into the haven. The mayor to appoint a nightly watch. Vessels wintering to pay 2q. per ton, towards the watch. Penalty of 10s. on suffering fire or lighted candle in ships wintering in the haven. Watch empowered to go on board to extinguish lights. No vessel to be moored with her side towards the key for longer than one tide, &c.

C A P. VII.

An act for enlarging the term and powers granted and continued by two former acts of parliament for repairing, widening, and amending the roads from Wigan to Preston in the county palatine of Lancaster; and for making the said acts more effectual.

The acts 13 Geo. 1. c. 10. and 20 Geo. 2. c. 8. continued for 21 years.

C A P. VIII.

An act for enlarging the term and powers granted and continued by two acts of parliament, for amending the highways leading from Brampton Bridge to Welford Bridge, in the county of Northampton, and the great post road from Morter Pitt Hill to Chain Bridge, leading into Market Harborough in the county of Leicester; and for explaining and making more effectual the said acts; and also for repairing the roads leading from Morter Pitt Hill and Brampton Bridge to the town of Northampton.

The acts 8 Geo. 1. c. 13. and 12 Geo. 2. c. 35. continued for 21 years.

C A P. IX.

An act for repealing the duties now payable upon China raw silk, and for granting other duties in lieu thereof.

WHEREAS the duties now payable upon raw silk imported from China are a great discouragement to the importation thereof: and whereas a constant and plentiful supply of that valuable commodity to be manufactured in this kingdom will be a publick benefit, and greatly contribute to the increase and improvement of the silk manufactures: therefore we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, being desirous to promote and encourage the manufactures of this kingdom, do most

most humbly beseech 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 twenty fourth day of June, one thousand seven hundred and fifty, the several rates, duties, subsidies, and impositions, now payable upon the importation of raw silk of the growth or produce of *China*, by virtue of several acts of parliament now in force, shall cease, determine, and be no longer paid.

The present duties payable on importation of raw silk from China to cease.

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Raw silk from China to pay the same duties as raw silk of Italy.

II. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, all raw silk imported from *China* into this kingdom by the united company of *MERCHANTS OF ENGLAND* trading to the *East-Indies*, or by any licence from the said company, shall, in lieu of the said rates, duties, subsidies, and impositions, by this act repealed, as aforesaid, be charged with and pay the same rates, duties, subsidies, and impositions, as are now charged upon, and payable for, raw silk of the growth or produce of *Italy*; which said rates, duties, subsidies, and impositions, by this act granted, shall be paid by the said united *East-India* company, at the same times, and in the same manner, as the several rates, duties, subsidies, and impositions, by this act repealed, as aforesaid, have been paid.

The manner of levying and application of the duties.

III. And be it further enacted by the authority aforesaid, That the several rates, duties, subsidies, and impositions, by this act granted, shall be raised, levied, collected, paid and applied, in such manner, and for the same purposes, as the said several rates, duties, subsidies, and impositions, by this act repealed, as aforesaid, are now respectively raised, levied, collected, paid, and applied; and all the provisions of or in any act or law now in force for raising, levying, collecting, paying, and applying the rates, duties, subsidies, and impositions hereby repealed, as aforesaid, shall be in full force, and shall be put in execution for raising, levying, collecting, paying, and applying the rates, duties, subsidies, and impositions, by this act granted, as fully and effectually, to all intents and purposes, as if the said provisions were particularly repeated and re-enacted in the body of this present act.

Raw silk from China, to be allowed the same draw back.

IV. And be it further enacted and declared by the authority aforesaid, That all raw silk of the growth or produce of *China*, imported after the twenty fourth day of June, shall, upon the exportation thereof from this kingdom, be intitled to and receive the same drawbacks and allowances only, as are now by law directed to be paid upon the exportation of raw silk of the growth or produce of *Italy*; any law or usage to the contrary notwithstanding.

CAP. X.

An act for enlarging the term and powers granted by an act passed in the fourth year of the reign of his present Majesty, For repairing the road leading

leading from the town of Fulham in the county of Middlesex, through Fulham fields, to the great road near the pound at Hammersmith in the said county.

The act 4 Geo. 2. c. 34 continued for 21 years.

C A P. XI.

An act to render prosecutions for perjury, and subornation of perjury, more easy and effectual.

WH E R E A S by reason of difficulties attending prosecutions for perjury, and subornation of perjury, those heinous crimes have frequently gone unpunished, whereby wicked and evil-disposed persons are daily more and more emboldened to commit the same, to the great dishonour of God, and manifest let and hindrance of justice; for remedy whereof 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 in every information or indictment to be prosecuted against any person for wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what court, or before whom the oath was taken (averring such court or person or persons, to have a competent authority to administer the same) together with the proper averment or averments to falsify the matter or matters wherein the perjury or perjuries is or are assigned; without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding either in law or equity, other than as aforesaid; and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed; any law, usage, or custom to the contrary notwithstanding.

What shall be sufficient in indictments of perjury.

II. And be it further enacted by the authority aforesaid, That in every information or indictment for subornation of perjury, &c. for subornation or corrupt bargaining or contracting with others to commit perjury, it shall be sufficient to set forth the jury. *Informations, &c. for subornation of perjury, &c.* for wilful and corrupt perjury, it shall be sufficient to set forth the jury. substance of the offence charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed, or was agreed or promised to be committed; any law, usage, or custom to the contrary notwithstanding.

III. And the better to prevent great offenders from escaping punishment by reason of the expence attending such prosecutions; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any of his Majesty's justices of assize, or *Nisi prius*, or general gaol delivery, or of any of the great sessions of the principality of Wales, or of the counties palatine; and they are hereby authorized (sitting the court, or within twenty four hours after) to direct any person examined as a witness upon any trial before him or them, to be prosecuted for the said offence of perjury, in case there shall appear to him

or them a reasonable cause for such prosecution, and that it shall appear to him or them proper so to do; and to assign the party injured, or other person undertaking such prosecution, council, who shall and are hereby required to do their duty without any fee, gratuity, or reward for the same: and every such prosecution, so directed as aforesaid, shall be carried on without payment of any tax or duty, and without payment of any fees in court, or to any officer of the court, who might otherwise claim or demand the same: and the clerk of assize, or his associate or prothonotary, or other proper officer of the court (who shall be attending when such prosecution is directed,) shall and is hereby required, without any fee or reward, to give the party injured, or other person undertaking such prosecution, a certificate of the same being directed, together with the names of the council assigned him by the court; which certificate shall in all cases be deemed sufficient proof of such prosecution having been directed as aforesaid, provided that no such direction or certificate shall be given in evidence upon any trial to be had against any person upon a prosecution so directed as aforesaid.

The prosecution to be carried on without fees.

The clerk of assize to give the prosecutor a certificate.

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or other person undertaking such prosecution, a certificate of the same being directed, together with the names of the council assigned him by the court; which certificate shall in all cases be deemed sufficient proof of such prosecution having been directed as aforesaid, provided that no such direction or certificate shall be given in evidence upon any trial to be had against any person upon a prosecution so directed as aforesaid.

C A P. XII.

An a^ct for improving the navigation of the river Loyne, otherwise called Lune; and for building a quay or wharf near the town of Lancaster in the county palatine of Lancaster.

WHEREAS the town of Lancaster, in the county palatine of Lancaster, from its great and extensive commerce to the West Indies, and other foreign parts, is now become a very considerable port; and has for some time past employed and maintained great numbers of ships, mariners, and seamen, to the great advancement of the revenue, and the improvement of the trade and navigation of this kingdom: and whereas the navigation of the river Loyne, otherwise called Lune, is become very difficult and dangerous; and the only place near the said town where ships can be moored and discharged, is by reason of the shoals, and other obstructions in the soil of the said river, become very unfit and unsafe for that purpose: insomuch that many ships and vessels stationed there, have been overset and damaged, to the great loss of the owners and freighters thereof respectively: and whereas it is conceived to be highly necessary for the benefit and improvement of the said navigation, that a quay or wharf, with other conveniences, should be built and erected on the south west side of the said river, and that buoys should be placed at the entrance into the said river, and other parts thereof, and land marks erected, for guiding and directing ships and vessels to and from the said town; and that a place of safety should be made for the harbouring and protection of the shipping at or near the mouth of the said river; which would tend not only to the preservation and security of ships trading to and from the said town, but also of his Majesty's ships of war, and other vessels, that should put in there by stress of weather, or otherwise: and whereas the reverend James Fenton doctor of laws, vicar of the parish church

church of Lancaster, and in the diocese of Chester, is in right of the said church seised of and in divers parcels of land and ground herein after-mentioned and described, which are very commodiously and conveniently situated for the purposes aforesaid; and the right reverend Samuel lord bishop of Chester, the ordinary, Edward Marston esquire, the patron or owner of the advowson of the vicarage of the said church, and the said James Fenton, the present incumbent thereof, have respectively consented and agreed, that the said pieces or parcels of ground shall be converted, applied, and disposed of, for the purposes herein after-mentioned, ~~www.123too.com~~ and under, and subject to the rents, reservations, provisions, and restrictions herein after expressed, provided, and declared: wherefore for the promoting, carrying on, and effecting a design so beneficial for the town of Lancaster, and so conducive to the increase of trade and navigation, and the good of the publick; may it please your most excellent Majesty, that it may be enacted, &c.

Certain parcels of lands vested in trustees, for the purposes of this act. The vicar of the parish to be paid thereout an annual rent of 14l. 14s. by quarterly payments. The lands to be employed as a wharf, &c. Upon the death of any trustee, another to be chosen, &c. Conveyance of the premises to be made to the new trustee. The trustees to separate the lands veiled in them from the other parts of the vicarage lands by a stone wall; and to make a reservoir of water, &c. and in case of any overflow, to divert the waters into the Lune, &c. Occupiers of the vicarage lands impowered to take sand along the Summer-Pasture, and to drive their cattle to and from water. The ways to be appointed by the trustees, or on their neglect, by the vicar. The vicar to have the herbage until the division wall be built. No way, &c. to be made through the wall, without consent of the vicar. Commissioners appointed to execute this act to May, 1755. Upon the death of any commissioner another to be elected. Merchants, &c. to meet every third year, and nominate 16 inhabitants to be joint commissioners, who are impowered to build a quay, &c. and to let the same; and to erect piers at the mouth of the river, &c. Duties granted on vessels coming into or going out of the port for the term of 21 years. No vessel to pay inwards and outwards for the same voyage. One moiety of the duties only to cease after 21 years. No vessel to be cleared at the custom-house without a certificate of payment of the duties. Commissioners impowered to make by-laws, &c. and to contract for the works; and to borrow 2000l. on the duties. Collectors books of receipts and payments, to be produced at the quarter sessions. Commissioners to appoint collectors, and to allow them not exceeding 1s. in the pound. Commissioners to meet twice in the year, and audite all accounts, and may remove collectors, &c. Commissioners to appoint a person who shall order the mooring, &c. of ships. Twenty shillings penalty on throwing rubbish, &c. into the river.

S C H E D U L E of the duties.

FOR every ship coming in or going out of the port of Lancaster, and trading to or from any place in Europe, within the Streights; or in Africa, America, or Greenland, 1s. per ton.

For every ship trading to or from any foreign port in Europe, 8d. per ton.

For every ship trading to or from any place in Great Britain south of Holly Head, or north of the Mull of Galloway, 6d. per ton.

For every ship trading to or from any place in Ireland, or the Isle of Man, 4d. per ton.

For every ship trading to or from any place in Great Britain north of Holly Head, or south of the Mull of Galloway, 2d. per ton.

And

And for every ship coming in ballast into the river Loyne, and not lading, or unlading, for every ton one fourth part of the duties.

C A P. XIII.

An act for the effectual punishing of persons convicted of seducing artificers in the manufactures of Great Britain or Ireland, out of the dominions of the crown of Great Britain ; and to prevent the exportation of utensils made use of in the woollen and silk manufactures from Great Britain or Ireland, into foreign parts ; and for the more easy and speedy determination of appeals, allowed in certain cases, by an act made in the last session of parliament, relating to persons employed in the several manufactures therein mentioned.

5 Geo. I. c. 27. WHEREAS by an act made in the fifth year of his late majesty King George the First, intituled, An act to prevent the inconveniencies arising from seducing artificers in the manufactures of Great Britain, into foreign parts ; it is amongst other things enacted, That if any person or persons shall contract with, entice, endeavour to persuade, or solicit any manufacturer or artificer of or in wooll, iron, steel, bras, or any other metal, clock-maker, watch-maker, or any other artificer or manufacturer of Great Britain, to go out of this kingdom, into any foreign country out of his Majesty's dominions, and shall be lawfully convicted thereof, in the manner prescribed by the said act ; the person and persons so convict, shall be fined any sum not exceeding one hundred pounds for such first offence, according to the discretion of the court, in which such conviction shall be, and shall be imprisoned for the space of three months, and until such fine shall be paid : and if any person or persons having been once convict as aforesaid, shall offend again, and be so convict a second time of the like offence, then, and in such case, the person so convict a second time shall be fined at the discretion of the court, where such conviction shall be, and shall be imprisoned for twelve months, and until such fine shall be paid : and whereas, notwithstanding the penalties to which offenders against the said act are thereby subjected, divers wicked and evil disposed persons have of late seduced into foreign parts several artificers in the woollen and other manufactures : and it is therefore become necessary to make some further and more effectual provision, to deter such persons from committing the said offences, so destructive to the trade of this kingdom : therefore for preventing the said pernicious practices for the future, and for explaining, amending, and rendering more effectual the said act, 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 at any time after the twenty fourth day of June, one thousand seven hundred and fifty, any person or persons shall contract with, entice, persuade, or endeavour to persuade, solicit, or seduce any manufacturer, workman, or artificer of or in wooll, mo-

Persons convicted of seducing artificers in the manufactures of Great Bri-

hair, cotton, or silk, or of or in any manufactures made up of tain or Ire-
wooll, mohair, cotton, or silk, or any of the said materials mix-
ed one with another, or of or in iron, steel, brass, or any other metal, or any clock-maker, watch-maker, or any other man-
ufacturer, workman, or artificer of or in any other of the man-
ufactures of *Great Britain* or *Ireland*, of what nature or kind so-
ever, to go out of this kingdom, or out of the kingdom of Ire-
land, into any foreign country, not within the dominions of or
belonging to the crown of *Great Britain*; and shall be lawfully
convicted thereof, upon any indictment or information to be
preferred or brought against him, her, or them, in his Majes-
ty's court of *King's Bench* at *Westminster*, or by indictment at the
assizes or general gaol delivery for the county, riding, or division,
wherein such offence shall be committed (if such offence
shall be committed in that part of *Great Britain* called *England*)
or by indictment in the court of *Justiciary*, or any of the circuit
courts in *Scotland* (if such offence shall be committed in that
part of *Great Britain* called *Scotland*) or by indictment or infor-
mation in his Majesty's court of *King's Bench* at *Dublin* (if such
offence shall be committed in *Ireland*) the person or persons so
convicted, shall, for every artificer, workman, or manufacturer,
so by him, her, or them, respectively contracted with, enticed,
persuaded, solicited, or seduced, severally forfeit the sum of five to forfeit 500.
hundred pounds of lawful money of *Great Britain*; and shall and to be im-
also suffer imprisonment in the common gaol of the county, rid-
ing, division, shire, or stewartry, wherein such offender or offend-
ers shall be respectively convicted, for the space of twelve calendar months.
months.

and for a se-
cond offence
to forfeit
1000.

and for a se-
cond offence
to forfeit
1000.

prisoned for 2
years.

II. Provided nevertheless, That no person shall be prosecuted for any of the offences aforesaid, unless such prosecution shall be commenced within the space of twelve calendar months next af- ed within 12
ter such offence shall be committed.

III. And whereas the exportation of the several tools or utensils made use of in preparing, working up, and finishing the woollen and silk manufactures, or any or either of them, will enable foreigners to work up such manufactures, and thereby greatly diminish the exportation of the same from this kingdom: therefore, for preserving as much

Persons exporting utensils of the woolen and silk manufactures.

much as possible to his Majesty's British subjects, the benefits arising from those great and valuable branches of trade and commerce; be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, one thousand seven hundred and fifty, if any person or persons in *Great Britain* or *Ireland*, shall, upon any pretence whatsoever, load or put on board, or cause to be loaden or put on board of any ship, vessel or boat which shall not be bound directly to some port or place in *Great Britain* or *Ireland*, or to some other of the dominions of the crown of *Great Britain*, any such tools or utensils as are commonly used in, or are proper for the preparing, working up, or finishing of the woollen or silk manufactures, or any or either of them, or any parts or parcels of such tools or utensils, by what name or names such tools or utensils shall or may be called or known, the person or persons so offending, shall for every such offence, not only forfeit and lose all such tools and utensils, or parts or parcels thereof, which shall be so loaden or put on board as aforesaid, but also the sum of two hundred pounds of lawful money of *Great Britain*, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of session in *Scotland*, or in any of the four courts at *Dublin* respectively, wherein no escoin, protection, privilege, or waager of law shall be allowed, or more than one imparlance.

Officers of the customs impowered to seize tools found on board ships bound to foreign parts;

to be sold after condemnation.

Captains of vessels permitting such utensils to be put on board to forfeit 100l.

IV. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, one thousand seven hundred and fifty, it shall and may be lawful to and for any officer of his Majesty's customs in *Great Britain*, and for any officer of the revenue in *Ireland*, to seize and secure in some or one of his Majesty's warehouses, all such tools or utensils by this act prohibited to be exported, as such officer shall find or discover to be laid or put on board of any ship, vessel, or boat, which shall not be bound directly to some port or place in *Great Britain* or *Ireland*, or to some other of the dominions of the crown of *Great Britain*, and that every officer who shall seize and secure any of the said tools or utensils, shall be fully and absolutely indemnified for so doing; and all tools or utensils so seized and secured as aforesaid, shall, after condemnation thereof, in due course of law, be publickly sold to the best bidder, and one moiety of the produce arising by the sale of such tools and utensils, shall be to the use of his Majesty, his heirs and successors, and the other moiety to the officer who shall seize and secure the same as aforesaid.

V. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, one thousand seven hundred and fifty, if the captain or master of any ship, vessel, or boat, in *Great Britain* or *Ireland*, shall knowingly permit any of the said tools, or utensils by this act prohibited to be exported as aforesaid, to be put on board his said ship, vessel, or boat, every such captain or master shall, for every such offence, forfeit the sum of one hundred pounds of lawful money of *Great Britain*, to be sued for and recovered

ed in the same manner as the penalties by this act inflicted up- Captains of on persons exporting the ſaid tools or utensils are to be ſued for and recovered; and if the ſaid ſhip, vessel, or boat be- belongs to his Majesty, his heirs or successors, then the captain or master thereof ſhall not only forfeit the ſum of one hundred pounds of lawful money of *Great Britain*, to be ſued for and recovered as aforesaid, but ſhall also forfeit his employment, and be incapable of any office or employment under his Majesty, his heirs or successors.

VI. And be it further enacted by the authority aforesaid, That if any customer, comptroller, surveyor, searcher, waiter, custom house, or other officer of the customs in *Great Britain*, or any officer of the revenue in *Ireland*, ſhall take, or knowingly or willingly ſuffer to be taken, any entry outward, or ſhall sign any cocker, warrant, or ſufferance for the ſhipping or exporting of any of the ſaid tools or utensils by this act prohibited to be exported, or ſhall knowingly or willingly permit or ſuffer the ſame to be done, direſtly or indirectly, contrary to the true intent and meaning of this act, every ſuch customer, comptroller, surveyor, searcher, waiter, or other officer of the customs in *Great Britain* or officer of the revenue in *Ireland* ſo offending, ſhall forfeit the ſum of one hundred pounds of lawful money of *Great Britain*, to be ſued for, and recovered as aforesaid; and ſhall also forfeit his office, and be incapable of any office or employment under his Majesty, his heirs or successors.

VII. And be it further enacted by the authority aforesaid, That one moiety of the reſpective forfeitures by this act inflicted upon offenders against the ſame, ſhall, when recovered, go and the other to be applied to the uſe of his Majesty, his heirs and successors, and the profeſſor the other moiety to the uſe of the person or persons who ſhall sue and prosecute for the ſame reſpectively.

VIII. And be it further enacted by the authority aforesaid, That if any ſuit or action ſhall be commenced againſt any per- ſon for what he ſhall do in purſuance of this act, ſuch action ſhall be commenced within fix months after the fact committed; and the perſon ſo ſued may file common bail, or enter a common appearance, and plead the general iſſue, not guilty, and may give this act, and the ſpecial matter in evidence; and if the plaintiff or prosecutor ſhall become nonsuit, or ſuffer discontinuance, or if a verdict paſſes againſt him, or if, upon demurrer judgment be given againſt him, the defendant ſhall recover treble costs.

IX. And whereas by an act made in the laſt ſeffion of parliament (intituled, An act for the more effectual preventing of frauds and abuses committed by perſons employed in the manufacture of hats, and in the woollen, linen, fuflian, cotton, iron, leather, furr, hemp, flax, mohair, and ſilk manufactures; and for preventing unlawful combinations of journeymen dyers and journeymen hot-pressers, and of all perſons employed in the ſaid manufactures; and for the better payment of their wages) it is, amongſt other things enacted, That if any perſon convicted of buying, receiving,

receiving, or taking to pawn any of the materials in the said act mentioned, shall think himself or herself aggrieved by the judgment of the justice or justices before whom he or she shall have been convicted, such person shall have liberty to appeal to the justices at the next general or quarter sessions of the peace which shall be held for the county, riding, division, city, liberty, town, or place where such judgment shall have been given; which justices, in the said general or quarter sessions, are to hear and finally determine the matter of the said appeal; but whereas great delays and inconveniences have arisen and may arise in the bearing ~~and determining of such appeal~~, inasmuch as no provision is made by the said act in relation to the form or manner in which such convictions shall be drawn up; therefore, for preventing such delays and inconveniences for the future, be it further enacted by the authority aforesaid, That the justice or justices of the peace before whom any person shall be convicted, in manner prescribed by the said act, of buying, receiving, or taking to pawn any of the materials or wares therein mentioned, shall cause such conviction to be drawn up in the form and words following; (that is to say)

Middlesex, BE it remembered, That on the day of
to wit, B in the year of his Majesty's reign
A. B. was convicted before me [or us] of his
Majesty's justices of the peace for the said county of
[or for the riding [or division] of the said
county of] or for the city, liberty, or town of
in the said county of (as the case
shall be) of buying, receiving, or taking to pawn (as the
case shall happen to be) (specifying the ma-
terials or wares so bought, received, or taken to
pawn) the property of C. D. of in the county
of and by him [or her] delivered to to
be manufactured.

Given under my hand and seal [or our hands and seals]
the day and year aforesaid.

Not liable to
be removed by
Certiorari;

and transmitt-
ed to the les-
sions.

Justices to
hear appeals.

Which said form and conviction shall not be liable to be removed by Certiorari into his Majesty's court of King's Bench; and the said justice or justices before whom such conviction shall be had shall cause the same, drawn up in the form aforesaid, to be fairly written upon parchment, and transmitted to the next general or quarter sessions of the peace to be held for the county, riding, division, city, town, or liberty, wherein such conviction was had, to be filed and kept amongst the records of the said general or quarter sessions; and in case the person or persons so convicted shall appeal from the judgment of the said justice or justices to the said general or quarter sessions, the justices in such general or quarter sessions are hereby required, upon receiving the said conviction drawn up in the form aforesaid, to proceed to the hearing and determination of the matter of

of the said appeal, according to the directions of the said act; any law or usage to the contrary notwithstanding.

C A P. XIV.

An act for affigning a place proper for holding a market in the city of Westminster, in lieu of the ancient market place called the Round Woolstaple; and for regulating the said market.

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WHEREAS the market for the city of Westminster, hath, from ancient times, been held from or under the dean and chapter of the collegiate church of Saint Peter, Westminster, by their lessee, of the office of keeper and sweeper of the said market, in a place called the Round Woolstaple, in the parish of Saint Margaret, in the said city of Westminster; which market place hath been lately purchased by the commissioners constituted and appointed by divers statutes for building a bridge cross the river Thames, from the Woolstaple, or thereabouts, in the parish of Saint Margaret, Westminster, to the opposite shore in the county of Surry, for the sum of eight hundred and forty pounds; and the said ground hath been converted by the said commissioners to the publick use of widening the streets leading to and from the said bridge, according to the directions of the said statutes: and whereas it is necessary for the accommodation of the inhabitants of the said city of Westminster, that the said market should be held in some other convenient place; and the most convenient place for that purpose is within the bounds and limits hereafter described; that is to say, between the place called the Broad Sanctuary, in the parish of Saint Margaret in the said city of Westminster, and Bow Street in the said parish: and whereas the ground and soil within the said limits, or the greatest part thereof, is the freehold of the said dean and chapter, and by them leased out for terms of years to their tenants; and that the said dean and chapter would be willing and desirous, for the accommodation of the inhabitants of the said city, that the said sum of eight hundred and forty pounds should be applied in buying in such leases or terms of years as are out-standing, and in purchasing such other estates as might be necessary for holding the said market within the said limits, in case such application of the said money was not restrained by the said acts of parliament made for the building the said bridge, whereby the said money is directed to be laid out in the purchase of estates in fee simple: and whereas other difficulties may arise in the purchase of such ground as may be necessary for holding the said market, within the limits aforesaid, by reason of legal disabilities which the owners or occupiers of such ground may be under to dispose of the same to the said dean and chapter for the purposes aforesaid; which difficulties cannot be removed but by authority of parliament; be it therefore enacted, &c.

The commissioners may extend the limits of the new market within the open space of the Broad Sanctuary, so far as a line from the gateway of Green's Alley, to the front of the house on the east of the way from the Broad Sanctuary into the Little Sanctuary, will admit. The commissioners are to set out the ground; and the dean and chapter to purchase the same; and to have the right of holding the market, and the rents and pro-

fits thereof. No provisions to be sold within 100 feet of the bounds of the market, without licence, under penalty of 5l. Justices may mitigate the penalties. Persons aggrieved may appeal to the quarter sessions. Proceedings not to be removed by Certiorari. If any person refuse to treat, the commissioners are to issue out a warrant to the high bailiff to return a jury, to view the places in question, and to assess upon oath the recompence. Commissioners to give judgement thereon. 20 days notice to be given to the parties interested, before such assessment. The verdicts, &c. to be entered in the register's office of the county of Middlesex, &c. Upon payment or tender of the purchase-money, the dean and chapter may enter on the premises, and convert the same into a market. No leases to be for less than the rents heretofore paid for the market in the Round Woolſtaple, &c.

C A P. XV.

An aet for taking down ſeveral buildings, and inlarging the ſtreets and market places in the city of Glouceſter.

W H E R E A S the trade and inhabitants of the city of Glouceſter have of late years greatly increased: and whereas, in the four chief ſtreets of the ſaid city, commonly called Eastgate Street, Westgate Street, Northgate Street, and Southgate Street, and where the markets are uſually kept, there are ſeveral old houses or tenements, ſtalls, and buildings, ſome of which ſtand in the middle of the ſaid ſtreets, and the rest of them jet out, project, and are extending irregularly beyond the range or ſides of the ſaid ſtreets, towards the middle thereof respectively; whereby the area of, or places uſed for the markets of the ſaid town are greatly ſtraitened and confined, and the paſſage of carriages, horses, cattle, and persons, in and through the ſame, is very much obſtructed, and rendered difficult and dangerous; and whereas by taking down the ſeveral houses or tenements, ſtalls, and buildings aforesaid, the ſaid ſtreets will be greatly opened, and rendered much more commodious for the paſſage of carriages and foot paſſengers, and for the holding and keeping the fairs and markets, and carrying on the trade and buuſeſs of the ſaid city; and the owners of ſuch houses or tenements, ſtalls, and buildings, or the greatest part of them, are willing to ſell and diſpoſe of the ſame, in order that they may be taken down for the purpoſes aforesaid: but as ſeveral of the ſaid houses or tenements, ſtalls, and buildings, and the ſite and ſoil of the ſame respectively, belong to, and are the estates and property of eccleſiaſtical and other incorporated bodies, femes covert, infants, and others, who by law are diſabled to make an absolute ſale and conveynance thereof in feeſimple, the ſame cannot be applied and diſpoſed of for the purpoſes aforesaid without the aid and authority of parliament; May it therefore please your Maſteſty, that it may be enacted,

Etc.

Commissioners impoſered to contract for the purchase of ſuch houses and grounds as are deſcribed in the ſchedule. Persons interested, impoſered to make ſale thereof. If any refule to treat, or if the ſame be the property of infants not having guardians, the commissioners are to issue warrants to the ſheriff, to return a jury, who ſhall inquire upon oath into the damages and recompence, and their verdicts to be binding to all parties. 3 days notice to be given of the commissioners and jury's meeeting. The purchase money of the estates of infants and femes covert, &c. to be paid to the mayor and burgesses of Glouceſter. Upon payment or tender of the purchase-money, the commissioners may cauſe the buildings to be taken down, and the ground to be uſed as a highway. The purchase money

of the estates of infants and females covert, to be laid out in other purchases to the same uses; and till purchases can be made, the money is to be put out to interest, &c.

C A P. XVI.

An act for granting to his Majesty the sum of one million, to be raised by annuities at three pounds per Centum per Annum, and charged on the sinking fund, transferrable at the bank of England.

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Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirous to raise the necessary supplies which we have cheerfully granted to your Majesty, in the easiest manner we are able for the benefit of your subjects, have freely and voluntarily given and granted, and by this act do give and grant unto your Majesty the sum of one million, to be raised in such manner and form as is herein after directed; and to that end do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the annuities which by this act shall be granted and made payable in respect of the said principal sum of one million, until redemption thereof by parliament, in manner herein after-mentioned, shall, from and after the feast day of the annunciation of the Blessed Virgin Mary, which shall be in the year of our Lord one thousand seven hundred and fifty, be charged and chargeable upon, and payable out of the monies which, from and after the said feast day, shall, from time to time, arise and be remaining in the receipt of his Majesty's exchequer, of or for the surpluses, excesses, or overplus monies of the fund, commonly called the *sinking fund*; and the said surpluses, excesses, or overplus monies are hereby appropriated for that purpose accordingly.

The sum of
1,000,000l.
granted to his
Majesty.

The annuities
payable in re-
spect thereof
to be charged
on the sinking
fund.

II. And for or towards raising the said sum or sums of money, not exceeding in the whole the said sum of one million, for the purposes aforesaid, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to contribute, advance, and pay to the first or chief cashier or cashiers of the governor and company of the bank of England for the time being, at or before the respective days and times by this act limited in that behalf, any sum or sums of money, not exceeding in the whole the said sum of one million, for the purchase of any annuity or annuities, to commence from the said feast of the annunciation of the blessed Virgin Mary, in the said year one thousand seven hundred and fifty, and to be paid and payable to such contributor or contributors, or such as he, she, or they shall nominate, his, her, or their executors, administrators, successors, or assigns respectively, until the same shall

for the pur-
chase of an-
nuities.

Cashier of the bank to give security.

be redeemed according to the tenor or true meaning of the proviso or condition herein after-mentioned in that behalf; so as such cashier or cashiers do first give security to the good liking of any three or more of the commissioners of his Majesty's treasury now being, or of the high treasurer, or commissioners of the treasury for the time being, for duly answering and paying into the receipt of his Majesty's exchequer, for the publick use, the money so to be advanced or contributed, and to account duly for the same; which annuities so mentioned shall be computed at the rate of three pounds *per centum per annum* for every one hundred pounds, and proportionably for any greater sum so to be advanced or paid; and the purchase money for every such annuity, at the rate aforesaid, is hereby appointed to be paid to the said cashier or cashiers, as aforesaid, at or before the respective days or times herein after limited; that is to say,

Annuities to be at 3 per cent.

the rate of three pounds *per centum per annum* for every one hundred pounds, and proportionably for any greater sum so to be advanced or paid; and the purchase money for every such annuity, at the rate aforesaid, is hereby appointed to be paid to the said cashier or cashiers, as aforesaid, at or before the respective days or times herein after limited; that is to say,

Times of payment of the contribution money.

ten pounds *per centum*, part thereof, on or before the twentieth day of *April*, which shall be in the year of our Lord one thousand seven hundred and fifty; fifteen pounds *per centum*, other part thereof, on or before the twentieth day of *June* then next ensuing; twenty five pounds *per centum*, other part thereof, on or before the eighteenth day of *August* then next ensuing; twenty five pounds *per centum*, other part thereof on or before the eighteenth day of *October* then next ensuing; and the remaining twenty five pounds *per centum*, on or before the eighteenth day of *December* then next following:

Annuities not to exceed 30,000*l.* and to commence 25 March, 1750, and to be paid half-yearly.

all which annuities so to be purchased, shall not exceed in the whole the sum of thirty thousand pounds *per annum*, and shall commence from the feast day of the annunciation of the blessed Virgin *Mary*, which shall be in the year of our Lord one thousand seven hundred and fifty, and shall be paid and payable in the manner, and at the respective feast days herein after-mentioned; that is to say, the first payment thereupon shall be made for the three quarters of a year, which will be due thereupon, computed from the feast of the annunciation of the blessed Virgin *Mary*, in the year one thousand seven hundred and fifty, to the feast of the birth of our Lord Christ then next ensuing, and the subsequent payments half-yearly, at the feasts of the nativity of *Saint John the Baptist*, and the birth of our Lord Christ, or within six days after every of the said feast days; and that the first of the said half-yearly payments shall be paid at the feast of *Saint John the Baptist*, which shall be in the year of our Lord one thousand seven hundred and fifty one, or within six days after the said feast day; nevertheless the said annuities shall be redeemable according to the purport and true meaning of a proviso or condition herein after contained in that behalf, and not otherwise: and the said cashier or cashiers of the said governor and company for the time being, is hereby authorized and required, upon the advancing and paying to him or them any sum or sums of money, as aforesaid, forthwith to give a receipt in writing signed by himself or themselves, for each payment, to the contributor or payer thereof; which receipts shall be assignable by indorsement thereupon made, at any time before the eighteenth day of *December*, one thousand seven hundred

Cashier to give contributors receipts,

which shall be assignable;

meaning of a proviso or condition herein after contained in that behalf, and not otherwise: and the said cashier or cashiers of the said governor and company for the time being, is hereby authorized and required, upon the advancing and paying to him or them any sum or sums of money, as aforesaid, forthwith to give a receipt in writing signed by himself or themselves, for each payment, to the contributor or payer thereof; which receipts shall be assignable by indorsement thereupon made, at any time before the eighteenth day of *December*, one thousand seven hundred

dred and fifty, and no longer: and the said cashier or cashiers and to pay the
shall, from time to time pay into the receipt of his Majesty's monies into
exchequer all the monies which he or they shall receive of or for
the said sum, not exceeding one million, as fast as he or they
shall receive the same, or any part thereof, or within five days
at the farthest; and to account for all the monies so to be ad-
vanced and paid to him or them in his Majesty's court of exche-
quer, according to the due course thereof.

III. And it is hereby enacted, That in the office of the ac- Contributors
names to be
entered in a
book, with the
sums paid;
comptant general of the governor and company of the bank of
England for the time being, there shall be provided and kept a
book or books, in which there shall be fairly entered the
names of all who shall be contributors for such annuities
after the rate of three pounds *per centum per annum*, as aforesaid,
and of all persons by whose hands the said contributors shall
pay in any of the said sums upon this act, and also the sum so
paid; to which book or books, it shall be lawful for the said re-
spective contributors, their executors, administrators, successors,
and assigns, from time to time, to have resort at all seasonable
times, and to inspect the same without fee or charge; and the
said accomptant general for the time being, shall, on or before
the twenty fifth day of *March*, which shall be in the year of our
Lord one thousand seven hundred and fifty two, transmit an at-
tested duplicate, fairly written on paper, of the said book or
books, into the office of the auditor of the receipt of his Maje- which may be
inspected gratis.
sty's exchequer, there to remain for ever.

IV. And it is hereby enacted by the authority aforesaid, That Contributors
all and every contributor and contributors upon this act, duly paying the
paying the consideration or purchase-money at the rate aforesaid,
at or before the respective days or times in this act before limit-
ed in that behalf, for such annuity or annuities as aforesaid, or
such as he, she, or they shall appoint, his, her, or their re-
spective executors, administrators, successors or assigns, shall
have, receive, and enjoy, and be intitled by virtue of this act,
to have, receive, and enjoy the respective annuity and annuities
so to be purchased out of the monies by this act appropriated
or appointed for payment thereof as aforesaid, and shall have
good and sure estates and interests therein for ever, subject only
to the proviso or condition of redemption, in this act afterwards
contained, concerning the same; and that all the said annuities
to be purchased on this act, and the principal monies paid for
the same, and every of them, during the continuance thereof,
shall be free from all taxes, charges, and impositions whatso-
ever.

V. Provided always, That in case any contributor or contrib- Accomptant
general to
give credit to
the contribu-
tors for the
principal
sums paid.
utors, for the purchase of any of the said annuities, shall after
payment of ten pounds *per centum*, in part of his, her, or their
purchase money, desire that the subsequent payments, to be
made by him, her, or them, at the respective times limited in
that behalf, may immediately be made stock in the book or
books to be kept for that purpose, in the office of the said ac-
comptant general, and that the principal money, and the an-

nuity attending the same, be immediately transferrable (except the ten pounds *per centum*, which is to remain as a deposit till payment of the whole sum by him, her, or them subscribed for, is fully completed) it shall be lawful for the said accountant general, and he is hereby required upon such request made by any such contributor or contributors, to give credit in the said book or books, for each respective principal sum, by him, her, or them subscribed and paid as aforesaid; any thing herein contained to the contrary notwithstanding.

VI. And for the more easy and sure payment of the said annuities to be purchased as aforesaid, according to the true meaning of this present act; it is hereby enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, shall from time to time, until the said annuities shall be redeemed by parliament according to this act, appoint and employ one sufficient person within their office in the city of *London*, to be their chief or first cashier or cashiers, and one other sufficient person within the same office, to be their accountant general; and that so much of the monies of the said surplusses, excesses, or overplus monies of the fund, commonly called the *Sinking fund*, which shall or ought to be, from time to time, separated and set apart in the said receipt of exchequer, for answering the said annuities to be purchased upon this act, after the said rate of three pounds *per centum per annum*, shall by order of the commissioners of his Majesty's treasury, or any three or more of them now being, or of the high treasurer, or commissioners of the treasury of his Majesty, his heirs and successors for the time being, without any further or other warrant to be sued for, had, or obtained in that behalf, be, from time to time, half-yearly as aforesaid, issued and paid at the said receipt of exchequer, to the said first or chief cashier or cashiers of the said governor and company of the bank of *England*, and of their successors for the time being, by way of imprest, and upon account of the payment of the said annuities so purchased upon this act, at such times, and in such manner and form, as are by this act prescribed in that behalf; and that all and every cashier and cashiers, to whom the said monies shall, from time to time be issued, shall from time to time, without delay, apply and pay the same accordingly, and render his accounts thereof, according to the due course of the exchequer; any thing herein contained to the contrary notwithstanding.

VII. And it is hereby also enacted, That the said accountant general for the time being shall, from time to time, inspect and examine all the receipts and payments of the said cashier or cashiers, and the vouchers relating therunto, in order to prevent any fraud, negligence, or delay; and that all and every person and persons whatsoever, who shall be intitled to any of the said annuities, after the rate of three pounds *per centum per annum*, and all persons lawfully claiming under them, shall be possessed thereof, as of a personal estate, and the same shall not be descendable to the heir, and shall not be liable to any foreign attach-

Bank to employ a chief cashier and accountant general, for payment of the annuities;

and the monies to be paid to them half-yearly at the exchequer, by way of imprest, &c.

Accountant general to inspect the cashiers receipts and payments.

Annuities to be a personal estate.

attachment by the custom of *London*, or otherwise; any law, statute, or custom to the contrary notwithstanding.

VIII. And be it further enacted by the authority aforesaid, That all the monies to be advanced or contributed upon this contributed to act, for or towards the said sum not exceeding one million, shall be deemed a joint stock, to be deemed, reputed, and taken to be one capital or joint stock, on which the said annuities, after the rate of three pounds *per centum per annum*, shall be attending; and that all and every person and persons, and corporations ~~whatsoever~~ ^{Method of} joint stock, in proportion to the money which he, she, or they shall be intitled to, as aforesaid, shall have, and be deemed to have a proportional interest and share in the said stock, and in the annuity attending the same, at the rate aforesaid; and that the said whole capital or joint stock, or any share or interest therein, and the proportional annuity attending the same, shall be assignable and transferrable ^{which may be transferred.} as this act directs, and not otherwise; and that there shall constantly be kept at all seasonable times in the office of the said accomptant general for the time being, within the city of *London*, a book or books, wherein all assignments or transfers of the said whole capital or joint stock, or any part thereof, and the proportional annuity attending the same, at the rate aforesaid, shall be entered and registered; which entries shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers, or if such party be absent, by his, her, or their attorney or attorneys, thereunto lawfully authorized by writing, under his, her, or their hands and seals, to be attested by two or more credible witnesses; and that the person or persons to whom such transfer shall be made, do underwrite his, her, or their acceptance thereof; and that no other method of assigning or transferring the said stock, and the annuities attending the same, or any part thereof, or any interest therein, shall be good and available in law; and that no stamp ^{without} duties whatsoever, shall be charged on the said transfers, or any ^{stamps.} of them; any other law or statute to the contrary notwithstanding.

IX. And it is hereby enacted and declared, That no person or persons whatsoever shall or may purchase or obtain, or be admitted to purchase or obtain, any of the annuities at the rate aforesaid, upon this act, unless the whole, or ten pounds *per centum*, part at least of the consideration money for the same, at such rate as aforesaid, be advanced and paid to the said cashier, on or before the twentieth of *April*, one thousand seven hundred and fifty.

X. Provided also, That in case any such contributor as aforesaid, who shall, on or before the said twentieth day of *April*, one thousand seven hundred and fifty, have advanced to the said cashier or cashiers, ten pounds *per centum*, in part of his, her, or their purchase money, or his, her, or their executors, administrators, successors, or assigns, do not advance and pay to the said cashier or cashiers, fifteen pounds *per centum*, in further part of his, her, or their consideration money, so to be paid for such Persons not paying the whole purchase money at the times limited,

ſuch reſpective annuity or annuities as aforesaid, on or before the twentieth day of *June*, then next ensuing; and twenty five pounds *per centum*, in further part thereof, on or before the eighteenth day of *August*, then next ensuing; and twenty five pounds *per centum*, in further part thereof, on or before the eighteenth day of *October*, then next ensuing; and the remaining twenty five pounds *per centum*, on or before the eighteenth day of *December*, then next following; then, and in every ſuch case reſpectively, ſo much of the conſideration money as ſhall have been actually paid for the first payment to the ſaid cashier or cashiers, for ſuch reſpective annuity, ſhall be forfeited for the benefit of the publick, and no intereſt, at the rate aforesaid, ſhall be payable for the ſaid first payment; any thing in this act contained to the contrary notwithstanding.

The bank to
continue a
corporation
till the annui-
ties are re-
deemed.

XI. Provided always, and it is hereby enacted by the authority aforesaid, That the ſaid governor and company of the bank of *England*, and their ſucceſſors (notwithstanding the redemptions of all or any of their own funds in purſuance of the acts for establishing the ſame, or any of them) ſhall continue a corporation, with all the powers, privileges, and advantages thereunto belonging, for the purpoſes in this act expreſſed, till all the annuities to be purchased on this act, ſhall be redeemed by parliament, according to the proviſo herein after contained in that behalf; and that the ſaid governor and company or any members thereof, ſhall not incur any diſability, for or by reaſon of their doing any matter or thing in purſuance of this act.

No fee to be
taken, &c.

upon penalty
of 20 l.

Treasury to
defray charg-
es, &c.

XII. And it is hereby enacted by the authority aforesaid, That no fee or gratuity whatſoever ſhall or may be demanded or taken of any of his Maſteſty's ſubjects for receiving or paying the ſaid contriбуtion monies, or any of them, or for any tallies, or other receipts concerning the ſame, or for iſſuing the ſaid yearly fund, or any part thereof, or for paying the ſaid annuities, or any of them; and that no fee or gratuity ſhall be demanded or taken for any transfer of any ſum great or ſmall, to be made in purſuance of this act, upon pain that the officer or person offend- ing, by taking or demanding any fee or gratuity contrary to this act, ſhall forfeit the ſum of twenty pounds to the party grieved, to be recovered with full costs of ſuit, in any of his Maſteſty's courts of record at *Westminſter*.

XIII. Provided always, and it is hereby enacted, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, ſhall have power, and they are hereby authorized to reward all ſuch per- fons as ſhall be any ways employed in the execution of this act, for their ſervice, pains, and labour, and also to defray ſuch in- cident charges as ſhall neceſſarily attend the ſame, out of the ſaid ſurpluſſes, excesſes, or overplus monies; and also to ap- point ſuch allowances (out of the ſaid ſurpluſſes, excesſes, or overplus monies) for the ſervice, pains, and labour of the cashier or cashiers of the ſaid governor and company of the bank of *England*,

England, for receiving, paying, and accounting for the said annuities made payable by this act ; and also for the service, pains, and trouble of the accomptant general of the said governor and company for performing the duty and trust incumbent on him by this act, as they shall think just and reasonable : all which allowances hereby empowered to be made as aforesaid, in respect of the service, pains, and labour of any officer or officers of the said governor and company of the bank of *England*, shall be for the use and benefit of the said governor and company, and at their disposal only ; any thing herein contained to the contrary notwithstanding.

XIV. Provided also, and it is hereby enacted by the authority aforesaid, That at any time, upon one year's notice to be printed in the *London Gazette*, and affixed upon the *Royal Exchange* in *London*, by authority of parliament, at any of the half-yearly feast days for payment of the said annuities, and upon repayment by parliament of the principal sum of one million, by payments not being less than five hundred thousand pounds at a time, for which the said annuities shall be payable to such respective persons or corporations as shall be intitled to the same annuities ; and also upon full payment of all arrearages of the same annuities ; then, and not till then, the said annuities shall cease and determine, and be understood to be redeemed ; and from and after such redemption, the monies arising by the said surplusses, excesses, or overplus monies of the fund, commonly called the *Sinking fund*, shall not be issued or applied to any use or purpose, other than such uses and purposes as have been directed by any former act or acts of parliament in that behalf ; any thing in this or any former act or acts of parliament to the contrary notwithstanding : and that any vote or resolution of the house of commons, signified by the speaker in writing, to be inserted in the *London Gazette*, and affixed on the *Royal Exchange* in *London*, as aforesaid, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

CAP. XVII.

An act for repairing the roads leading from Dunglas Bridge to the town of Haddingtoun ; and from thence to Ravenshaughburn in the county of Haddingtoun.

Certain tolls granted for 21 years, &c.

CAP. XVIII.

An act for enlightening the open places, streets, lanes, passages, and courts ; and for the better regulating the nighty watch within the parish of Saint John Southwark in the county of Surrey.

WHEREAS the parish of Saint John in the borough of Southwark in the county of Surrey, is situate between London Bridge and his Majestys dock yard and victualling office at Deptford, and also the East India warehouse at Rotherhithe : and where-

as by virtue of an act made and passed in the last session of parliament, (intituled, An act for opening and making a new road from the east end of Newstreet in the parish of Saint John Southwark, to and through the several places therein mentioned; and for keeping the said road in repair for the future) a new road is now opened through the parishes of Saint Mary Magdalen Bermondsey, Saint Mary Rotherhithe, and Saint Nicholas and Saint Paul Deptford, for the better convenience of his Majesty's subjects in passing and repassing to and from London Bridge, and the places before-mentioned: and whereas the access to such new road, through the said parish of Saint John, is now very dangerous in the night-time, for want of proper lights, and a well regulated watch: and whereas a proper provision for that purpose would not only be a great security to the persons and properties of all his Majesty's subjects, passing and repassing to and from Deptford Dock and the other places aforesaid, in the night-time; but also would be a great safeguard against fires that might destroy great quantities of naval stores always reposit'd in warehouses on the banks of the river Thames in those parts; and would be of the utmost use in case of accidents by fire amongst the shipping in the river Thames; in both which cases great numbers of the most experienced artificers and tradesmen, residing in those parts, could be more capable of affording their assistance when required, upon emergencies in the night-time; but forasmuch as a proper provision cannot be made for setting up proper lights, and establishing a well regulated watch, for the good purposes aforesaid, by the laws now in being; may it please your Majesty, at the humble request of several merchants and traders of the city of London, and masters and owners of ships, and also of the minister, churchwardens, and other principal inhabitants of the said parish of Saint John Southwark, that it may be enacted, &c.

The vestry to appoint the number and sort of lamps; and a number of watchmen, and a bedel; and their several duties and wages, and make regulations for enlightening the streets, and elect a committee. The constables, bedels, and watchmens times of duty; and power of apprehending night-walkers, and other suspected persons. Vestry impowered to make a pound rate on the inhabitants; to be confirmed by two justices, and collected half-yearly. Collectors refusing to act, to forfeit 10l. and others to be appointed, &c. The parish church, and other publick buildings, and persons, to be rated. Assessments not to exceed 10 d. in the pound. Persons aggrieved may appeal to the quarter sessions. Persons paying to these rates, &c. not to gain any settlement thereby. Vestry may borrow money upon the credit of the rates; not exceeding 200l. Forty shillings penalty of breaking or extinguishing lamps, &c. The lamps vested in the churchwardens, &c. Two justices to hear and determine differences. Justices may mitigate the penalties to one moiety.

C A P. XIX.

An act for making more effectual several acts of parliament passed for cleansing and making navigable the channel from the Hithe at Colchester to Wivenhoe in the county of Essex; and for repairing and cleansing the streets and lanes of the town of Colchester.

WHEREAS by an act of parliament passed in the ninth and 9 & 10 W. 3. tenth years of the reign of his late majesty King William the c. 19.

Third, intituled, An act for cleansing and making navigable the channel from the Hithe at Colchester to Wivenhoe, several duties were granted and made payable, for goods, wares, and merchandizes, that should be brought in and to the said channel, and should be landed at, or shipped from Wivenhoe or the New Hithe in Colchester aforesaid, or between either of the said places, for the term of twenty one years, for the uses and purposes in the said act mentioned; and several powers were thereby given unto and vested in the mayor, aldermen, assistants, and common council of the town and borough of Colchester only, for appointing collectors and general receivers of the said duties, and for recovering and getting in the same, in such manner as in the said act is particularly mentioned; which said act, and all the powers and authorities thereby given, and one moiety or half-part of the duties thereby granted and made payable (except upon corn and grain) were, by another act passed in the fifth year of the reign of his late majesty King George the First, continued in force until the first day of May, one thousand seven hundred and forty; and further power was thereby given to the said mayor and commonalty of Colchester only, for recovering the same duties: and whereas by another act passed in the thirteenth year of the reign of his present Majesty, intituled, An act for further enlarging the term granted 13 Geo. 2. c. 30. by an act passed the ninth and tenth years of the reign of King William the Third, For cleansing and making navigable the channel from the Hithe at Colchester to Wivenhoe; and for making the said act, and another act of the fifth year of the reign of his late majesty King George the First, For enlarging the term granted by the said act of the ninth and tenth years of the reign of King William the Third, more effectual; it is enabled, That the said two former acts, and all and every the powers and authorities thereby respectively given, together with such additional powers, as are in the said act of the thirteenth year of his present Majesty mentioned, should be continued, and be in force from the first day of May, one thousand seven hundred and forty, for ever; and that the duty on sea coal should, from and after the said first day of May, one thousand seven hundred and forty, be three pence a chaldron, and no more; which duty was, by the said act of the thirteenth of his present Majesty, continued and made payable, from the said first day of May, one thousand seven hundred and forty, for and during the term of forty years; and by the said act it was declared, That no other duty (except the arrears due under the said former acts, or either of them) should be raised upon any other goods, wares, merchandizes, or things whatsoever;

whatsoever; which said duty of three pence for every chaldron of sea coals, granted as aforesaid, and the duties which were or should be in arrear under the said former acts, should and might be raised, levied, and recovered, in such manner as prescribed by the said former acts; and the said mayor and commonalty of Colchester only were by the last-mentioned act vested with further power for suing for, and recovering the said duty thereby granted, and the arrears under the said former acts: and whereas a very large lock, which was several years since erected in the said channel, and has been found to be of very great use and service to the navigation, is now in a decaying condition, and much out of repair; and the said channel, in some parts thereof, is become much choked up, so that the navigation thereof is greatly obstructed; which has been occasioned principally by there being great arrears of the duties granted by the said recited acts for many years due, and still unpaid; and also a large sum of money remaining in the hands of the representatives of the late receiver general of the said duties, which ought to have been recovered, and applied for amending and repairing the said lock, and cleansing and supporting the navigation of the said channel: but, as the power and authority of the mayor and commonalty of Colchester hath ceased for many years last past (in whose names only the said duties were to be recovered, and legal discharges given for the same, by and under the authorities of the said several acts) the same duties, and the arrears thereof, cannot now be recovered and collected, for want of sufficient power to give legal discharges for the same; and there being no other fund for raising money to amend and keep in repair the said lock, and cleanse the said channel, and preserve the navigation thereof, the same cannot now be done, without some further provision be made for that purpose by the aid and authority of parliament: may it therefore please your Majesty, that it may be enacted, &c.

The several parcels of land, locks, and channels, and the several powers, &c. which were granted to the corporation of Colchester, &c. are vested in the justices of the east division of the county of Essex, and the commissioners named herein, for the term of 30 years. Additional duty of 3d. a chaldron on coals to be paid for 30 years. Commissioners may borrow money, and assign over the duties as a security. Six days notice to be given of the time of meeting for borrowing money. Commissioners may place out in the funds, any money that shall be in the receiver general's hands, &c. not immediately necessary, &c. and may appoint and remove collectors, and other officers. The prescriptive rights of the borough of Colchester reserved. Landlords, &c. to pave the streets before their houses. Surveyors of the highways to view the streets, and see that the same are paved, and to make returns of such landlords, whose pavements shall be out of repair; and to give notice for repairing thereof, and may cause the same to be amended, after 20 days neglect. If the tenant shall pay, he may deduct the same out of the rent. Justices may make presentments of default in the pavement of the streets. Persons aggrieved may appeal.

C A P. XX.

An act for encouraging the growth and culture of raw silk in his Majesty's colonies or plantations in America.

WHEREAS it will greatly tend to the increase and improvement of the silk manufactures of this kingdom, to encourage the growth and culture of silk in his Majesty's dominions in America;

rica; 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 from and after the twenty fourth day of *June*, one thousand seven hundred and fifty, it shall and may be lawful to import any raw silks of the growth and culture of any of his Majesty's colonies or plantations in *America*, directly from thence into the port of *London*, without paying any subsidy, *custom*, *importion*, or other duty as entry be whatsoever for the same; so as a due entry be first made thereof in the custom-house, at the time of importation, in the same manner and form (expressing the package, marks, and numbers, together with the quantities and qualities of the respective goods) as was used and practised before the making of this act; and so as the same be landed in the presence of, and examined by the proper officer or officers of the customs appointed for that purpose; and so as the same be imported in ships or vessels, that may lawfully trade to his Majesty's plantations, named as by law is required; and on failure of the said conditions or directions herein last-mentioned, such silks shall be liable to the payment of the respective duties, as if this act had never been made.

II. Provided always, and be it further enacted by the authority aforesaid, That in order to intitle the importer and importers of raw silk, to the exemption intended by this act, every merchant or other person or persons whatsoever, who shall, after the twenty fourth day of *June*, one thousand seven hundred and fifty, load any raw silk on board any ship or vessel, in any of the *British* colonies or plantations in *America*, shall, before the clearing out of the said ship or vessel from thence, make proof, on oath, before the collector and comptroller of the customs, and naval officer, at the port or place where such raw silk shall be put on board, or any two of them, that the raw silk, which he, she, or they hath or have shipped on board the said ship or vessel (expressing the quantity thereof) is *bona fide* of the growth and culture of some or one of the *British* colonies or plantations in *America*, expressing the parish or place in such plantation where the same was cultivated and produced, and by whom, producing such person's oath thereto made before the governor of such island or province, or before the next justice of the peace (which oath the said governor or justice of the peace, collector and comptroller of the customs, and naval officer, or any two of them, are hereby required and impowered to administer without fee or reward) and the master, commander, or other person, taking charge of the ship or vessel, on board which such raw silk shall be loaded, shall also bring with him a certificate or certificates from such collector and comptroller of the customs, and naval officer, or any two of them, as aforesaid, under their hands and seals of office (which certificate or certificates, such collector and comptroller of the customs,

Master to bring a certificate from two officers of the customs,

toms, and naval officer, are hereby required and directed to grant without fee or reward) expressing the marks, number, tale, and weight of the raw silk, in each bale, parcel, or other package whatsoever, so shipped or loaded on board such ship or vessel, with the names, place or places of abode of the exporter or exporters thereof, from the said *British* colonies or plantations in *America*; and the name or names, place or places of abode of such other person or persons, who shall have sworn the goods therein mentioned to have been of the growth and culture of the said *British* colonies or plantations in *America*; and the name or names of the person or persons to whom the same are consigned in the port of *London*; which certificate or certificates, the said master, commander, or other person taking charge of such ship or vessel, shall, on his arrival in the said port of *London*, deliver to the collector, comptroller, or other chief officer of his Majesty's customs at the said port, at or before the entry of the said raw silk; and at the same time shall make oath before any one of them the said collector, comptroller, or chief officer of his Majesty's customs (who are hereby required and impowered to administer the same without fee or reward) that the said bales and parcels, and goods contained in such certificate, are the same bales and parcels, and goods, as were taken on board in the said *British* colonies or plantations in *America*; and if any raw silk of the growth and culture of the *British* colonies or plantations in *America*, shall, after the said twenty fourth day of *June*, one thousand seven hundred and fifty, be imported, as herein before mentioned, without such certificate signed and delivered as herein before required, and oath made as before directed, by the master, commander, or other person taking charge of the ship or vessel in which the same is imported; all such raw silks shall be liable to the payment of the respective duties, as if this act had never been made; any thing herein before contained to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, That if any person or persons shall, from and after the said twenty fourth day of *June*, one thousand seven hundred and fifty, make, or cause to be made, an entry or entries of any foreign raw silk, under the name or description of raw silk of the growth or culture of any of the *British* colonies or plantations in *America*, or shall mix, or cause to be mixed, any foreign raw silk with raw silk of the growth or culture of the *British* colonies or plantations in *America*, with intent to evade the payment of the duties payable on foreign raw silk, every person or persons so making, or causing to be made, such entry or entries, or mixing, or causing such mixture or mixtures to be made, shall forfeit and lose the sum of fifty pounds for every such offence, and all such foreign raw silk; and in case of any mixture, the quantity so mixed, both of foreign and *British* plantation culture or growth, or the value thereof, together with the bales or other packages containing the same, shall be forfeited, and shall and may be seized and prosecuted, or the value thereof be sued for by

which he is to deliver to the chief officer of the customs on his arrival at *London*,

and to make oath that the goods in the certificate are the same taken on board in *America*;

in default thereof, the duty is to be paid for such silk.

Penalty on persons entering foreign raw silk as of the growth of the *British* colonies,

or of mixing other silk therewith, to evade payment of the duties.

by any officer or officers of his Majesty's customs; one moiety of which penalties and forfeitures shall be to the use of his Majesty, his heirs and successors, and the other moiety to him or them that shall seize, prosecute, or sue for the same, in any of his Majesty's courts of record at *Westminster*.

IV. Provided always, That if any doubt or dispute shall a- In doubts rise, whether the said raw silk, or any part thereof, so to be im- about the ported as aforesaid, is of the growth or culture of the *British* growth of the colonies or plantations in *America*, or of foreign growth or cul- *silk*, the *Onus* *Probandi* is to ture, the *Onus Probandi*, shall lie on the owner or claimer there- lie on the of, and not on the informer or prosecutor; any law, custom, or owner. usage to the contrary notwithstanding.

V. And be it further enacted by the authority aforesaid, That General issue. if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants, in such action or suit, may plead the general issue, and give this act, and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by authority of this act; and if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the Treble costs. same, as defendants have in other cases by law.

C A P. XXI.

An act for granting to his Majesty the sum of nine hundred thousand pounds out of the sinking fund, for the service of the year one thousand seven hundred and fifty; and for applying certain surplus monies, remaining in the exchequer, as part of the supply of the said year; and for the application of certain savings in the hands of the paymaster general; and for obviating a doubt in an act of the fifth year of King George the First, in respect to the payment of certain annuities thereby granted for the improvement of fisheries and manufactures in Scotland; and for the further appropriating the supplies granted this session of parliament; and for giving further time for the payment of duties omitted to be paid for the indentures or contracts of clerks and apprentices; and for transferring the bounties now payable upon the exportation of British sail cloth, to the customs; and for enforcing the laws against the clandestine importation of soap, candles, and starch, into this kingdom.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the commons of *Great Britain* in parliament assembled, being desirous to raise the necessary supplies which we have chearfully granted to your Majesty in this session of parliament, for the service of the year one thousand seven hundred and fifty, in the easiest manner we are able, for the benefit of your Majesty's subjects, and also to use such ways and means therein, as that your Majesty may have the better and more speedy effect of the said supplies, have resolved to give and grant unto your Majesty the sum of nine hundred thousand pounds, out of the surplusses, excesses, and overplus monies, commonly called *The Sinking Fund*: and to that end and purpose do most humbly beseech 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 by or out of such monies as now are, or shall from time to time be and remain in the receipt of the exchequer, of the said surplusses, excesses, or overplus monies, commonly called *The Sinking Fund* (after paying or reserving sufficient to pay all such sum and sums of money as have been directed by any former act or acts of parliament to be paid out of the same) there shall and may be issued, and applied, a sum not exceeding the said sum of nine hundred thousand pounds, for and towards the supply granted to his Majesty for the service of the said year one thousand seven hundred and fifty; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and impowered to issue and apply the same accordingly.

17,553l. 10s.
2d. surplus
of the addi-
tional duties
on wines im-
ported,

29,856l. 1s.
11d. halfpen-
ny, surplus of
the duties upon
houses, and
coaches, &c.

71,116l. 17s.
6d. surplus of
the subsidy of
poundage on
goods im-
ported,

II. And be it further enacted by the authority aforesaid, That the sum of seventeen thousand five hundred and fifty three pounds, ten shillings, and ten pence, now remaining in the receipt of his Majesty's exchequer at *Christmas* last, one thousand seven hundred and forty nine, being the surplus of the additional duties upon all wines imported, over and above sufficient to satisfy the annuities charged thereupon; and the sum of twenty nine thousand eight hundred and fifty six pounds, one shilling, and eleven pence halfpenny, being the surplus monies remaining in the receipt of his Majesty's exchequer at *Michaelmas* last, one thousand seven hundred and forty nine, of the rates and duties upon houses, windows, and lights, and of the duties on coaches and other carriages, after satisfying all payments due thereupon; and also the sum of seventy one thousand one hundred and sixteen pounds, seventeen shillings, and six pence, being the surplus monies remaining in the receipt of his Majesty's exchequer at *Michaelmas* last, one thousand seven hundred and forty nine, of the subsidy of poundage on goods and

and merchandizes imported, after satisfying all payments due thereupon, shall and may be issued and applied at the said receipt, as part of the supply granted to his Majesty for the service of the year one thousand seven hundred and fifty; any thing in this or any former act or acts of parliament to the contrary thereof in any wise notwithstanding.

III. And whereas the sum of forty six thousand eight hundred and forty nine pounds, eleven shillings, and ten pence, of monies or savings in the hands of the paymaster general of his Majesty's land forces, arising from the pay of his Majesty's land forces; as also the sum of sixty five thousand six hundred and seventy four pounds, eight shillings, and six pence, of monies or savings in the hands of the said paymaster, on the head of forage and provisions voted for the auxiliary troops of Russia, and on the subsidies to the Landgrave of Hesse Cassel, elector of Bavaria, and duke of Wolfenbuttle, have been granted to his Majesty in this session of parliament, towards defraying the extraordinary expences of his Majesty's land forces, and other services, incurred in the year one thousand seven hundred and forty nine, and not provided for by parliament: which two sums, together with the further sum of sixty five thousand four hundred and eighty one pounds, four shillings, and seven pence, granted in this session of parliament out of the supplies for the year one thousand seven hundred and fifty, amounting in the whole to the sum of one hundred seventy eight thousand and five pounds, four shillings, and eleven pence, are to be applied for defraying the said extraordinary expences of his Majesty's land forces, and other services incurred in the year one thousand seven hundred and forty nine, as aforesaid; be it therefore enacted by the authority aforesaid, That the said respective sums of forty six thousand eight hundred and forty nine pounds, eleven shillings, and ten pence, and sixty five thousand six hundred and seventy four pounds, eight shillings, and six pence, remaining in the hands of the laid paymaster general of his Majesty's land forces, of the monies or savings herein before specified, shall and may be issued and applied, by any warrant to be applied or warrants of his Majesty, under his royal sign manual in that behalf, towards defraying the said extraordinary expences of his Majesty's land forces, and other services, incurred in the said year one thousand seven hundred and forty nine, and not provided for by parliament; any thing in this or any former act to the contrary thereof in any wise notwithstanding.

IV. And whereas the sum of fifteen thousand pounds of monies or savings remaining in the hands of the paymaster general of his Majesty's land forces, arising from the contingencies of the army, have been granted to his Majesty in this session of parliament, towards defraying the charge of out pensioners of Chelsea Hospital, for the year one thousand seven hundred and fifty; which sum, together with the further sum of forty nine thousand eight hundred and forty eight pounds, seven shillings, and six pence, granted in this session of parliament out of the supplies for the said year one thousand seven hundred and fifty, amounting in the whole to the sum of sixty four thousand eight hundred and forty eight pounds, seven shillings, and six

pence, are to be applied for the defraying the charge of the said out pensions of Chelsea Hospital for the said year one thousand seven hundred and fifty; be it therefore enacted by the authority aforesaid, That the said respective sums of fifteen thousand pounds, and forty nine thousand eight hundred and forty eight pounds, seven shillings, and six pence, remaining in the hands of the said paymaster general of his Majesty's land forces, of the monies or savings herein before specified, shall and may be issued and applied, by any warrant or warrants of his Majesty under his royal sign manual in that behalf, towards defraying the charge of out pensioners of *Chelsea Hospital*, for the year one thousand seven hundred and fifty; any thing in this or any former act or acts of parliament to the contrary notwithstanding.

5 Geo. I. c. 20.

The yearly
funds of
10,000 l. and
2,000 l. to be
paid out of the
revenue of
Scotland.

Proviso.

V. And whereas by an act passed in the fifth year of his late Majesty King George the First, intituled, An act for settling certain yearly funds, payable out of the revenue of Scotland, to satisfy publick debts in Scotland, and other uses mentioned in the treaty of union, and to discharge the equivalents claimed on behalf of Scotland, in the terms of the same treaty; and for obviating all future disputes, charges, and expences concerning those equivalents; is was enacted, That the respective yearly funds of ten thousand pounds, and two thousand pounds, made payable thereby on account of the equivalent, and for the encouragement of fisheries and manufactures, should, during the continuance thereof respectively, be charged and chargeable upon, and be payable and paid out of, the monies arisen and to arise, from time to time, of or for any the customs, duties, excises, or revenues that are or shall be under the management of the commissioners of the customs, and commissioners of the excise in Scotland, or either of them, or of any commissioners, farmers, or managers of these revenues, or any of them for the time being: and whereas some doubts have arisen, whether by the above recited act, the above respective yearly funds of ten thousand pounds, and two thousand pounds, can or may be charged upon, and paid out of monies arisen or to arise from any customs, duties, excises, or revenues, granted or imposed upon that part of Great Britain called Scotland, since the making of the said act: now, for preventing the same for the future, be it declared and enacted by the authority aforesaid, That the said yearly funds of ten thousand pounds, and two thousand pounds, shall, during the continuance thereof respectively, yearly, and every year, be paid and payable out of all and every the customs, duties, excises, and revenues, granted or imposed upon that part of Great Britain called Scotland, that are under the management of the commissioners of the customs, and commissioners of the excise in Scotland, or either of them, or of any commissioners, farmers, or managers of these revenues, or any of them for the time being, since the making of the said act, as well as out of the customs, duties, excises, and revenues, that subsisted under the management aforesaid, at the time of making the said act; subject nevertheless to the several powers, clauses, and provisions in the said recited act mentioned and provided.

VI. And

VI. And it is hereby enacted by the authority aforesaid, That Clause of loan in case the said commissioners of his Majesty's treasury, or any ^{at 3 l. per cent.} three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall think it adviseable to raise the said sum of nine hundred thousand pounds, or any part thereof, by loans or exchequer bills, in manner herein after mentioned, that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance or lend to his Majesty, at the receipt of his Majesty's exchequer, any sum or sums of money not exceeding the said sum of nine hundred thousand pounds, upon the credit of the said surplusses, excesses, or overplus monies, commonly called *The Sinking Fund*; and to have and receive for the forbearance of the money lent, interest after a rate not exceeding three pounds *per centum per annum*, so as such loans be allowed to be made by the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, who are hereby authorized to issue their warrants for that purpose as fast as such loans shall be wanted for the publick service; and moreover that no money to be lent upon the security of this act shall be rated or assessed to any tax or assessment whatsoever.

VII. And be it further enacted, That all and every person Tallies and and persons who shall lend any money upon the credit of this ^{orders for} act as aforesaid, and pay the same into the receipt of the exchequer, ^{repayment,} shall immediately have a tally of loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her, or their tally, in or upon which order shall be also contained a warrant for payment of interest for the forbearance thereof, not exceeding the said rate of three pounds ^{to carry 3 l. per} *per centum per annum*, and to be paid every three months, until *cent.* interest. the repayment of the principal; and all such orders for repayment of money so to be lent shall be registered in course according to the dates respectively; and that all and every person and ^{Orders to be} persons shall be paid in course, according as their orders shall stand registered in the said register books, so as the person or persons, natives or foreigners, his, her, or their executors, administrators, or assigns, who shall have his, her, or their order or orders first entered in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the said surplusses, excesses, or overplus monies; and he, she, or they, who shall have his, her, or their order or orders next entered, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in, of, or for the said surplusses, excesses, or overplus monies, commonly called *The Sinking Fund*, as aforesaid, shall be in the same order liable to the satisfaction of the said respective persons, and body or bodies politick or corporate, their executors, administrators, successors, or assigns respectively, without any undue preference of one before another,

No fee for
registering
&c.

Penalty.

Penalties how
to be recover-
ed.

No undue pre-
ference, where
tallies are
dated the
same day,
&c.

Nor if subse-
quent orders
be paid before
such as were
not demand-
ed.

and not otherwise, and shall not be diverted or divertible to any other use, intent, or purpose whatsoever (other than such uses and purposes as are appointed by any other act or acts of parliament in that behalf as aforesaid;) and that no fee, reward, or gratuity directly or indirectly shall be demanded or taken of any of his Majesty's subjects for providing or making of any such books or registers, or any entries, views, or searches in or for payment of money lent, or the interest thereof as aforesaid, by any of his Majesty's officer or officers, their clerks, or deputies, on pain of payment of treble damages to the party grieved by the party offending, with full costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also; and if any undue preference of one before another shall be made either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt with full costs of suit to the party grieved, and shall be forejudged of his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever after incapable of his office or place; and in case the auditor of the receipt shall not direct the said orders of loan, or the clerk of the pells record, or the teller make payment upon such orders, according to each person's due place and order as before directed, then he or they shall be adjudged to forfeit, and the respective deputies and clerks therein offending, to be liable to such action, debt, damages, and costs, in such manner as aforesaid; all which said penalties, forfeitures, damages, and costs, to be incurred by any the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; wherein no esoin, protection, privilege, wager of law, injunction, or order of restraint shall be in any wise granted or allowed.

VIII. Provided always, and it is declared, That if it shall happen that several tallies of loan or orders for payment as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registered, then, it shall be interpreted no undue preference which of those be entered first, so as he enters them all the same day.

IX. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders to persons that come and demand their monies, and bring their orders, before other persons that did not come to take their monies, and bring their orders in course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed of, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

X. And

X. And be it further enacted, That all and every person and Orders assignable to whom any money shall be due for loans to be registered by virtue of this act, after order entered in the book of registry as aforesaid, his, her, or their executors, administrators, or assigns, by proper words of assignment to be indorsed and written upon his, her, or their order, may assign and transfer his, her, or their right, title, interest, and benefit of such order, or any part thereof to any other; which being notified in No fee for the office of the auditor of the receipt aforesaid, and an entry or entry. memorial thereof also made in the book of registry aforesaid for orders (which the officers shall upon request without fee or charge accordingly make) shall intitle such assignee, his, her, or their executors, administrators, successors and assigns, to the benefit thereof, and payment thereon, and such assignee may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons who have or hath made such assignment, to make void, release, or discharge the same, or any the monies thereby due, or any part thereof.

XI. And to the end there may be no want or failure of a certain sum not to exceed in the whole the said sum of nine hundred thousand pounds, to be raised either by such loans as aforesaid, or by issuing exchequer bills as is herein after mentioned, &c by both or either of those ways or means for the publick service; be it further enacted by the authority aforesaid, That in case the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall judge it more adviseable to raise the said sum of nine hundred thousand pounds, or any part thereof, by exchequer bills, instead of such loans as aforesaid, that then they respectively are hereby authorized and impowered at any time or times to prepare and make, or cause to be prepared and made at the exchequer, any number of new exchequer bills, for any sum or sums of money not exceeding in the whole the said sum of nine hundred thousand pounds, together with such loans as aforesaid, in the same or like manner, form, or order, and according to the same or like rules and directions, as in and by a certain act of parliament (*For granting an aid to his Majesty, by a land tax, for the service of the year one thousand seven hundred and fifty*) are enacted and prescribed concerning the exchequer bills to be made in pursuance of the said act.

XII. And be it further enacted by the authority aforesaid, That all and every the clauses, provisoies, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last-mentioned act relating to the loans or exchequer bills authorized to be made by the same act (except such clauses as do charge the same on the aids or assessments, granted by the same act) shall be applied and extended to the exchequer bills to be made in pursuance of this act, as fully and effectually to all intents and purposes as if the said exchequer bills had been originally authorized by the said last mentioned act, or as if the

said several clauses or provisoies had been particularly repeated or re-enacted in the body of this present act.

Exchequer
bills, &c to
be repaid out
of the sinking
fund,

XIII. And be it enacted by the authority aforesaid, That all the exchequer bills as shall be made in pursuance of this act, and the interest, premium, rate, and charges incident to, or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the growing produce of the said surplusses, excesses, and overplus monies, commonly called *The Sinking Fund* (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former or other act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as fast as the same can be regularly stated and ascertained, for and towards the paying off, cancelling, and discharging such exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

Land tax, &c. XIV. Provided always, and be it enacted by the authority aforesaid, That all the monies coming into the exchequer,

either by loans or exchequer bills, upon one act of this session of parliament (intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty*) and so much money, if any such be, of the tax thereby granted, as shall arise or remain, after all the loans or exchequer bills made or to be made on the same act, and all the interest, *Præmium*, rate and charges thereupon, and the charges thereby allowable for raising the said land tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and also all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of this session of parliament

(intituled, *An act for continuing and granting to his Majesty certain duties upon malt, malmsey, cyder, and perry, for the service of the year one thousand seven hundred and fifty*) and so much money, if any such be, of the duties thereby granted, as shall arise or remain after all the loans or exchequer bills made, or to be made on the same act, and all the interest, *Præmium*, rate, and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied, or monies sufficient shall be reserved in the exchequer to discharge the same; and also all

and annuities. the monies coming into the exchequer, for contributions for annuities after the rate of three pounds *per centum per annum*, granted by one other act of this present session of parliament, intituled, *An act for granting to his Majesty the sum of one million, to be raised by annuities at three pounds per centum per annum, and charged on the sinking fund, transferrable at the bank of England*; and the sum of seventeen thousand five hundred and fifty three pounds, ten shillings, and ten pence, remaining in the exchequer at *Christmas last*, being the surplus of the additional duties

duties upon all wines imported, over and above sufficient to satisfy the annuities charged thereupon; and the sum of twenty nine thousand eight hundred and fifty six pounds, one shilling, and eleven pence halfpenny, being the surplus monies remaining in the exchequer at *Michaelmas* last, one thousand seven hundred and forty nine, of the rates and duties upon houses, windows, and lights, and of the duties on coaches and other carriages, after satisfying all payments due thereupon; and the sum of seventy one thousand one hundred and sixteen pounds, seventeen shillings and six pence, being the surplus monies remaining in the exchequer at *Michaelmas* last, one thousand seven hundred and forty nine, of the subsidy of poundage on goods and merchandizes imported, after satisfying all payments due thereupon; and also the sum of nine hundred thousand pounds, by this act granted, shall be further appropriated, and are hereby appropriated for and towards the several uses and purposes herein after expressed (that is to say) it is hereby enacted and declared by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one million eleven thousand five hundred and twenty one pounds, five shillings, 10d. towards and ten pence, for or towards the naval services herein after more particularly expressed; that is to say, for or towards defraying the charges of the ordinary of his Majesty's navy, and for half-pay to sea officers; and for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea services in the office of ordnance, performed and to be performed; and for or towards the buildings, rebuildings, and repairs of his Majesty's ships for the year one thousand seven hundred and fifty.

XV. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall Greenwich and may be issued and applied any sum or sums of money, not exceeding ten thousand pounds, upon account, towards the support of the royal hospital at Greenwich, for the better maintenance of the seamen of the said hospital, worn out and become decrepit in the service of their country.

XVI. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one hundred and forty four thousand seven hundred and eight pounds, sixteen shillings and four pence, for or towards defraying the charge of the office of ordnance for the land service, for the service of the year one thousand seven hundred and fifty, performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land service, not provided for by parliament.

XVII. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one million two hundred thirty eight thousand seven hundred and thirteen pounds, 10d. to the land forces.

of which
628,230l. 4s.
7d. for guards
&c. in Great
Britain,
Guernsey,
and Jersey;

236,420l. 18s.

6d. 2q. for
Garrisons, &c.
in the planta-
tions, Minor-
ca and Gibral-
tar, Nova Sco-
tia, New-
foundland,
and Prov-
idence.

29,993l. 3s.

7d. to the
duke of Brun-
wick Wolfen-
butte ;
8,620l to the
elector of
Mentz.

22,372l. 3s.

1d. 2q. to the
elector of Ba-
varia.

63,481l. 4s.

7d. for extra-
ordinary land-
forces, &c.
in 1749.

49,848l. 7s.

6d. to out-
pensioners of
Chelsea Hos-
pital ;
5,117l. 11s.
8d. to the
two troops
of horse
guards, &c.

67,000l. to
reduced offi-
cers

3,174l. to re-
duced officers
widows, &c.

hundred and four pounds, nine shillings and eleven pence, for and towards maintaining his Majesty's land forces, and other services herein after more particularly expressed ; (that is to say) any sum or sums of money, not exceeding six hundred twenty eight thousand two hundred and thirty pounds, four shillings, and seven pence, for defraying the charge of the eighteen thousand eight hundred and fifty seven effective men, including commission and non-commission officers, and one thousand eight hundred and fifteen invalids, for guards, garrisons, and other his Majesty's land forces, in *Great Britain, Guernsey, and Jersey*, for the service of the year one thousand seven hundred and fifty ; and any sum or sums of money, not exceeding two hundred thirty six thousand four hundred and twenty pounds, eighteen shillings, and six pence halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, *Minorca, and Gibraltar*, and for provisions for the garrisons in *Nova Scotia, Newfoundland Gibraltar, and Providence*, for the year one thousand seven hundred and fifty ; and any sum or sums of money, not exceeding twenty nine thousand nine hundred and ninety three pounds, three shillings and seven pence, to make good his Majesty's engagements with his most serene highness the duke of *Brunswick Wolfenbutte*, pursuant to treaty ; and any sum or sums of money, not exceeding eight thousand six hundred and twenty pounds, to make good his Majesty's engagements with the elector of *Mentz*, pursuant to treaty ; and any sum or sums of money, not exceeding twenty two thousand three hundred and seventy two pounds, three shillings, and one penny halfpenny, to make good his Majesty's engagements with the elector of *Bavaria*, pursuant to treaty ; and any sum or sums of money, not exceeding sixty five thousand four hundred eighty one pounds, four shillings, and seven pence, for defraying the extraordinary expences of his Majesty's land forces, and other services incurred in the year one thousand seven hundred and forty nine, and not provided for by parliament ; and any sum or sums of money, not exceeding forty nine thousand eight hundred forty eight pounds, seven shillings, and six pence, upon account, towards defraying the charge of out-pensioners of *Chelsea Hospital*, for the year one thousand seven hundred and fifty ; and any sum or sums of money, not exceeding five thousand one hundred seventeen pounds, eleven shillings, and eight pence, for defraying the charge for allowances to the several officers and private gentlemen of the two troops of horse guards, and regiment of horse, reduced ; and to superannuated gentlemen of the four troops of horse guards, for the year one thousand seven hundred and fifty ; and any sum or sums of money, not exceeding sixty seven thousand pounds, upon account of the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and fifty, subject to such rules to be observed in the application of the said half-pay, as are hereafter prescribed concerning the same ; and any sum or sums of money, not exceeding three thousand three hundred seventy four pounds, for paying

paying of pensions to the widows of such reduced officers of his Majesty's land forces and marines, as died upon the establishment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December*, one thousand seven hundred and sixteen, for the year one thousand seven hundred and fifty ; which said sum of three thousand three hundred and seventy four pounds, shall be issued to such person or persons, as his Majesty shall, by warrant or warrants under his Majesty's royal sign manual, direct and appoint to receive the same, to be by him or them paid over to such widows of half-pay officers, or their assigns, according to such establishments, lists, or other directions, and with and subject to such conditions, qualifications, and other allowances for the same, as his Majesty, by such and the like warrant or warrants, shall be graciously pleased to direct and appoint ; and any sum or sums of money, not exceeding one hundred twenty two thousand two hundred forty six pounds, sixteen shillings, and four pence, for defraying the expence of services incurred during the war in his Majesty's colonies in *North America*, on account of the intended expedition against *Canada*, and for other services arising therefrom, and for the succour of *Nova Scotia*.

XVIII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money of settling *North America*, not exceeding thirty six thousand four hundred seventy six pounds three shillings, and ten pence, upon account, for defraying the charges incurred by transporting to his Majesty's colony of *Nova Scotia*, and supporting and maintaining there, a number of reduced officers and private men dismissed his Majesty's land and sea service, and other his Majesty's subjects now settled in the said colony, and not provided for by parliament ; and any sum or sums of money, not exceeding thirty nine thousand seven hundred seventy eight pounds, nineteen shillings, and two pence, upon account, for supporting, maintaining, and enlarging the settlement of his Majesty's colony of *Nova Scotia*, for the year one thousand seven hundred and fifty.

XIX. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and paid to the commissioners for building a bridge across the river of *Thames*, from the city of *Westminster* to the opposite shore in the county of *Surry*, or any seven or more of them, or to such person or persons as shall be appointed under the hands and seals of the said commissioners, or any seven or more of them, to receive the same, the sum of eight thousand pounds, without account, other than is directed for other monies raised by virtue of several former acts of parliament, passed during the reign of his present Majesty, for building the said bridge, to be applied to finish the said bridge, and to enable the said commissioners to perform the other trusts reposed in them.

XX. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and

1,000,000, to and may be issued and applied any sum or sums of money, not pay the like exceeding one million, to discharge the sum of one million raised sum; charged in pursuance of an act passed in the last session of parliament, on the first and charged on the first aids or supplies to be granted in parliament, aids raised af- after the twenty ninth day of *September*, one thousand se- ter 29 Sept. ter.

1749.

94,655l. 7s.
4d, to make
good the defi-
ciency of the
half subsidy.

10,000l. for
support of the
British forts,
&c. upon the
coast of Af-
rica.

3,3041. 35. 40
for Georgia.

5,183l. 17s.
8d to make
good the defi-
ciency of the
stamp duties.

13,361. 10s.
1d. deficiency
of the duties
on sweets.

35,000 l. for
interest on the
salt duties.

7,1961. 4s.
5 d. 2q. to
make good
the addi-
tional duties
on wines.

XXI. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding five thousand one hundred eighty three pounds, seventeen shillings, and eight pence, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency of the additional stamp duties at *Chriſtmas*, one thousand seven hundred and forty eight ; and any sum or sums of money not exceeding thirteen thousand three hundred sixty one pounds, ten shillings, and one penny, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the duty of twelve shillings a barrel on sweets, or wines made from *British* or foreign fruit or sugar, at *Michaelmas*, one thousand seven hundred and forty nine ; and any sum or sums of money, not exceeding thirty five thousand pounds, to replace to the said sinking fund the like sum paid out of the same, to answer one year's interest due at *Michaelmas*, one thousand seven hundred and forty nine, after the rate of three pounds ten shillings *per centum per annum*, on the principal sum of one million lent on credit of the salt duties, which were continued for six years, from *Lady-day*, one thousand seven hundred and fifty three, towards the supply for the year one thousand seven hundred and forty five ; and any sum or sums of money, not exceeding seven thousand one hundred ninety six pounds, four shillings, and five pence halfpenny, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the additional duties on wines at *Midsummer*, one thousand seven hundred and forty nine ; and any sum or sums of

of money, not exceeding five thousand seven hundred twenty 5,724l. 3s. 9d. four pounds, three shillings, and nine pence, to replace to the to make good said sinking fund the like sum paid out of the same, to make the duty on good the deficiency of the duty on licences for retailing of spirituous liquors, at *Lady-day*, one thousand seven hundred and forty nine; and any sum or sums of money not exceeding twenty one thousand five hundred sixty four pounds, two shillings, 21,564l. 2s. and ten pence halfpenny, to replace to the said sinking fund the deficiency of the like sum paid out of the same, to make good the deficiency of duties on glass the duties on glass and spirituous liquors, at *Midsummer*, one thousand seven hundred and forty nine; and any sum or sums of money, not exceeding thirty nine thousand six hundred thirty one pounds, six shillings, and ten pence halfpenny, for making 39,631l. 6s. good the deficiency at *Christmas*, one thousand seven hundred and forty nine, of the said duties on glass and spirituous liquors; 1749; and any sum or sums of money, not exceeding two hundred twenty five thousand seven hundred thirty six pounds, five shillings, and three pence, to make good the deficiency of the grants, for the year one thousand seven hundred and forty nine. 275,731l. 5s. 3d. deficiency of the grants for 1749;

XXII. And be it further enacted by the authority aforesaid, That the said aids and supplies provided as aforesaid shall not be issued or applied to any use, intent, or purpose whatsoever, other than the uses and purposes before mentioned, or for the several deficiencies or other payments directed to be satisfied thereout by any act or acts, or any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament.

The supplies
to be applied
only as this
act directs.

XXIII. And as to the said sum of sixty seven thousand pounds Rules to be by this act appropriated on account of half-pay, as aforesaid; observed in the it is hereby enacted and declared by the authority aforesaid, application of That the rules herein after prescribed shall be duly observed in the application thereof; that is to say, That no person shall have or receive any part of the same, who was a minor, and under the age of sixteen years, at the time when the regiment, troop, or company, in which he served, was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop, or company; that no person having any other place or employment of profit civil or military, under his Majesty, shall have or receive any part of the said half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in Great Britain or Ireland, shall have or receive any part of the said half-pay; that no person shall have or receive any part of the same, who has resigned his commission, and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons, who would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in Ireland, except to such as were

were lately taken off the establishment of half-pay in Great Britain.

22 Geo. 2.
c. 42.

XXIV. And whereas by an act of parliament made in the twenty second year of his Majesty's reign, (intituled, An act for granting to his Majesty the sum of one million out of the sinking fund, for the service of the year onethousand seven hundred and forty nine; and for enabling his Majesty to raise a further sum of one million for the uses and purposes therein mentioned; and for the further appropriating the supplies granted in this session of parliament; and for applying a certain sum for defraying certain charges and allowances to the officers and private gentlemen of the reduced troops of horse guards; and for continuing the bounties on the exportation of British and Irish linens; and for making forth duplicates of exchequer bills, lottery tickets, annuity orders, or other orders, lost, burnt, or otherwise destroyed) several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, amongst which, any sum or sums of money, not exceeding sixty seven thousand two hundred and twenty six pounds, eighteen shillings, and four pence, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf; now it is hereby provided, enacted, and declared by the authority aforesaid, That so much of the said sum of sixty seven thousand two hundred twenty six pounds, eighteen shillings, and four pence, as is or shall be more than sufficient to satisfy the said reduced officers, according to the rules prescribed by the said act to be observed in the application thereof, or any part of such overplus, shall and may be disposed of to such officers who are maimed or lost their limbs in the late wars, or such others, as by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants, under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act, or the said former act to the contrary notwithstanding.

Application of
the surplus of
67,226l. 18s.
4d. appro-
priated in
1749, to the
half-pay.

XXV. And for the relief of any person or persons, who through neglect or inadvertency, have omitted to pay the several rates and duties, or any part thereof, upon monies given, paid, contracted, or agreed for, with or in relation to any clerk, apprentice, or servant, which hath been put or placed to or with any master or mistres to learn any profession, trade or employment, and to have such indentures or other writings, which shall contain the covenant, articles, contracts, or agreements, relating to the service of such clerk, apprentice, or servant, stamp'd within the times by the several acts of parliament, for those purposes respectively limited, or who have also in like manner omitted to insert and write in words at length, in such indentures or other writings as aforesaid, the full sum or sums of money, or any part thereof received, or in any wise directly or indirectly given, paid, agreed, or contracted for, with, or in relation

lation to every such clerk, apprentice, or servant as aforesaid; be it enacted by the authority aforesaid, That upon payment of the rates or duties upon monies, or such part of such monies so neglected or omitted to be paid as aforesaid, on or before the first day of *August*, one thousand seven hundred and fifty, to such person or persons to whom the same ought to be paid, and tendering the said indentures or other writings to be stamped at the same time, or at any time on or before the twenty ninth day of *September*, one thousand seven hundred and fifty, of which timely notice is to be given in the *London Gazette*, the same indentures or other writings shall be good and available in law and equity, and may be given in evidence in any court whatsoever; and the clerk, apprentice, or servant therein named, shall be capable of following and exercising their respective intended trades or employments, as fully as if the said rates and duties so omitted had been duly paid, and the full sum or sums received or agreed for as aforesaid had been inserted, and the persons who have incurred any penalties by the omissions aforesaid, shall be acquitted and discharged of and from the said penalties, any thing in this or any former acts to the contrary in any wise notwithstanding.

XXVI. *And whereas the fund upon which the bounties granted upon the exportation of British made sail cloth are charged, hath of late been deficient, which has contributed to the decay of the said manufacture; in order therefore to secure the due and regular pay-* The bounty upon exportation of British sail cloth, to be paid for the future out of the old subsidies. ^{2 Geo. 2. c. 32. s. 9.}

ment of the said bounties for the future, be it enacted by the authority aforesaid, That from and after the first day of *June*, one thousand seven hundred and fifty, the bounty which is now payable upon exportation of British sail cloth out of the duty of one penny per ell, on foreign sail cloth imported, shall from time to time for the future, be supplied and paid out of such part of the old subsidies as are applicable to the payment of incidents (after satisfying all payments already charged thereupon, by any former act or acts of parliament in that behalf) in the like manner, and under the like regulation and restrictions, as are directed and prescribed by the several acts for the payment of such bounties.

XXVII. *Whereas great frauds and abuses are committed in the duties arising from candles, soap and starch, which apparently tend not only to the diminution of the said revenues, but also to the discouragement of the fair traders; for remedy whereof, 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 first day of *May*, one thousand seven hundred and fifty, no candles, soap, or starch shall be brought or imported into Great Britain, in any ship or vessel from Ireland, or the isle of *Man*, or from any other place or places whatsoever beyond the seas, otherwise than in cask, chest, case, bag, or other package, each cask, chest, case, bag, or other package whereof, shall contain two hundred and twenty four pounds, of neat candles, soap, or starch at the least, to be stowed openly in the hold of such ship, or vessel importing the same, under*

Candles, soap, or starch imported contrary to this act,

tobe forfeited, under the penalties and forfeitures following (that is to say) that and the master all the candles, soap, or starch so imported, in any ship or vessel to pay 50l. 26 Geo. 2. c. 32. s. 8. contrary to this act, together with the package, shall be forfeited, and the master, mate, or other person, taking the charge or command of such ship or vessel, shall forfeit fifty pounds; and Officers may it shall and may be lawful for the respective officers of the customs seize the same. or excise, or such other persons who are or shall be deputed or authorized thereto, by warrant from the high treasurer, commissioners of the treasury, or under treasurer, or by special commission from his Majesty, under the great seal or privy seal, to seize such candles, soap, or starch, together with the casks, chests, or other package, containing the same.

Officers of excise may go on board vessels, XXVIII. And be it enacted by the authority aforesaid, That from and after the first day of *May*, one thousand seven hundred and fifty, it shall and may be lawful to and for the officers of his Majesty's revenue of excise, or any of them, to go on board and enter into any ship or vessel whatsoever, which shall be within the limits of any of the ports of the kingdom of *Great Britain*, and to continue on board the same, and to rummage and search in like manner as the officers of the customs may now legally do, for all candles, soap, and starch, and to seize for his Majesty's use, as well all such of the said commodities as shall be there found, which by the laws thereunto respectively relating, shall be forfeited, together with the casks, boxes, chests, bags, or other package containing the same; and in like manner to seize such of the commodities aforesaid, every or any of them, as before due entry thereof, with the proper officer or officers, and without paying or securing the duties on the importation thereof, shall be found unshipping or unshipped out of such ship or vessel, to be laid on land, without entry and payment of the duties due for the same respectively, together with the casks, chests, boxes, bags, or other package whatsoever, containing the same.

and rummage for candles, soap, and starch, &c.

Cocquets to express the quality, quantity, and weight, &c. of those commodities, under penalty of the goods being forfeited, &c.

XXIX. And be it further enacted by the authority aforesaid, That from and after the said first day of *May*, one thousand seven hundred and fifty, where any sufferance, cocquet, or transire shall be granted, for any candles, soap, or starch, to be shipped or put on board, to be carried forth to the open sea from any port, creek, or member, within the kingdom of *Great Britain*, to be landed at any other place in the said kingdom, such sufferance, cocquet, or transire, shall respectively express the quality, quantity, and weight of the said candles, soap, or starch, and mark of the package so to be shipped, by whom such candles, soap, or starch were made and sold, and to what place the same is or are consigned; and where any candles, soap, or starch shall be so shipped or put on board, without such sufferance, cocquet, or transire, such candles, soap, or starch, together with the package containing the same, shall be forfeited and lost; and it shall and may be lawful for the respective officers of the customs or excise, or such other persons who are or shall be deputed or authorized thereto, by warrant from the high treasurer, commissioners

missioners of the treasury, or under treasurer, or by special commission from his Majesty, under the great seal, or privy seal, to seize such candles, soap, or starch, together with the casks, or other package containing the same.

XXX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any officer or officers of excise or customs, to seize any quantity of candles, soap, or starch, together with the package containing the same, that shall be found in any ship or vessel, or shall be carrying in any cart or waggon, or in any other carriage whatsoever, where they shall have good reason to suspect and believe, the same hath been made in some private workhouse or other place, or clandestinely imported without payment of the duty, or that the same are candles, soap, or starch which have been exported, and re-landed, after the duty had been repaid and drawn back for the same at the time of the exportation thereof; and if the party in whose possession such candles, soap, or starch shall be found, does not at the hearing of the information for that purpose to be exhibited as herein after directed, make it appear that the duty hath been paid or secured for the same, all the said candles, soap or starch, so seized for the causes aforesaid, shall be forfeited, together with the package containing the same; and the person in whose possession such candles, soap, or starch shall be found, shall likewise forfeit and pay the sum of five pounds, for every hundred pounds weight; and so in proportion for a greater or lesser quantity.

XXXI. And be it further enacted by the authority aforesaid, That if any foreign candles, soap, or starch, shall be unshipped with intention to be laid on land before an entry has been made thereof, with the proper officer or officers for the said duties, and before the respective duties for the same have been first paid or secured; or if any candles, soap, or starch contained or specified in any certificate, whereupon any drawback is to be made, or whereupon any debenture is to be made forth for such drawback, shall, when shipped for exportation, be landed again in any part of *Great Britain*; such candles, soap, or starch, together with the package containing the same, and the vessels, boats, and all the horses and other cattle and carriages whatsoever, used in the landing, relanding, removing, carrying, or conveying of the aforesaid goods, shall be forfeited and lost, and may be seized by any officer or officers of the customs or excise; and the person or persons from whom such candles, soap, or starch shall be seized, shall also forfeit and pay five pounds, for every hundred pounds weight thereof; and so in proportion for a greater or less quantity.

XXXII. And for the more effectual discovering and detecting the running of any candles, soap, or starch; be it enacted by the authority aforesaid, That in case any person or persons whatsoever shall knowingly harbour, keep, or conceal, or shall knowingly permit or suffer to be harboured, kept, or concealed, such candles, soap, or starch, which have been so unlawfully imported,

or which have been shipped for exportation upon debenture, and so relanded as aforesaid, the party or parties offending therein, whether, he, she, or they, have or have not, or do, or do not claim or pretend to have any property or interest in such candles, soap, or starch, so harboured, kept, or concealed, shall, for every such offence, forfeit and lose all such candles, soap, or starch, so harboured, kept, or concealed, with the casks, vessels, or other package containing the same; and shall forfeit and lose the sum of fifty pounds, for every hundred pounds weight thereof; and in the same proportion for a greater or lesser quantity.

to forfeit the goods,

and 50*l.* for every C. wt.

Method of proceeding when no person appears to claim the goods within 20 days.

XXXIII. Provided always, and it is hereby further enacted by the authority aforesaid, That in all cases, where any such candles, soap, or starch shall be seized as forfeited, and no person or persons within twenty days next after such seizure shall appear to the officer or officers who made such seizure, to claim the same, then, and in such case, if such seizure or seizures shall happen to be made within the limits of the chief excise office in *London*, it shall and may be lawful for the officer or officers who shall make such seizure or seizures, from and after the expiration of the said twenty days next after such respective seizure or seizures, to cause notice in writing to be signed by his Majesty's solicitor for the revenue of excise for the time being, to be affixed at the *Royal Exchange*, signifying the day and time of the day, that the commissioners of the excise for the time being, or three of them, will proceed to hear the matter of such seizure or seizures, and to the condemnation of the candles, soap, or starch, so seized as aforesaid, and of the casks, vessels, or other package containing the same; and if such seizure of candles, soap, or starch as aforesaid, shall happen to be made as aforesaid, out of the limits of the said chief excise office in *London*, it shall and may be lawful for the officers who shall make such seizure or seizures, from and after the expiration of twenty days next after such respective seizure or seizures, to cause publick notice to be given by proclamation, at the next market town to the place or places where such respective seizure or seizures shall be made as aforesaid, upon the next market day after the expiration of the said twenty days, of the day and place when and where the justices of the peace will proceed to hear the matter of such seizure or seizures, and to the condemnation of the candles, soap, or starch so seized as aforesaid; in which said cases it shall and may be lawful for the said commissioners of excise, and justices of the peace respectively, within their respective jurisdictions to proceed to examine into the cause of such seizure or seizures, and to give judgement for the condemnation of such candles, soap, or starch so seized, as upon due examination shall appear to be forfeited, and of the casks, vessels, or other package containing the same, which judgements shall be good, valid, and effectual in the law, and final to all intents and purposes whatsoever, as if the respective owner or owners of the said candles, soap, starch, or the respective person or persons in whose custody the same were or was at the respective time

Judgements to be final.

time or times of the seizure or seizures thereof, had been respectively ſummoned to attend the ſaid commissioners of excife or justices of the peace, in the manner herein before prescribed, and and not re- ſhall not be liable to any appeal; or to be removed by *Certiorari*; ^{moveable by} *Certiorari*. any thing in this preſent act contained, or any law, ſtature, or provision to the contrary thereof, in any wise notwithstanding.

XXXIV. And be it further enacted by the authority aforesaid, That in case any officer or officers for the ſaid duties of excife, ſhall have cause to ſuſpect ~~that any candles, comp, or~~ starch when officers ſhall be frauduſtly hid or concealed in any place whatſoever, ſuspect ſuch either entered for keeping the ſame, or not entered, with an commodities intent to defraud his Maſtſty of the duties thereon, then and in to be conceal- ed. ſuch eafe, if ſuch place ſhall be within the cities of *London* or *Westminſter*, or within the limits of the weekly bills of mortali- ty, upon oath made by ſuch officer or officers before the commissioners of excife for the time being, or any two or more of them, or in caſe the ſame ſhall be in any other part of *Great Britain*, upon oath made by ſuch officer or officers, before one or more justice or justices of the peace for the county, riding, di- ſiſion, or place where ſuch officer ſhall ſuſpect the ſame to be hid or concealed, ſetting forth the ground of his or their ſuſpicion, it ſhall and may be lawful to and for the ſaid commissioners, or justice or justices of the peace reſpectively, before whom ſuſh affidavit or affidavits ſhall be made, if he or they ſhall judge it reaſonable, by ſpecial warrant or warrants, under his or their reſpective hands and ſeals, to authorize and impower ſuſh officer or officers by day or by night, but if in the night, in the preſence of a conſtable or other lawful officer of the peace, to enter into all and every ſuſh place or places, where he or they ſhall ſo ſuſpect ſuſh candles, ſoap, or starch to be ſo frauduſtly hid or concealed, and ſeize and carry away all ſuſh candles, ſoap, or starch, which he or they ſhall then and there find ſo frauduſtly hid and concealed, as forfeited, together with all the caſks, cheſts, boxes, bags, or other package whatſoever, where- in the ſame ſhall be contained; and if any perſon or perſons whatſoever, ſhall obſtruct, oppoſe, molest, lett, or hinder any officer or officers of or for the ſaid duties, or any of them, in the doing, perſorming, or executing any of the powers or au- thorities by this act given to ſuſh officer or officers; every ſuſh perſon or perſons offendinſg therein, ſhall, for every ſuſh offence, forfeit and lose the ſum of one hundred pounds.

XXXV. And be it declared and enacted by the authority aforesaid, That if any of the ſaid candles, ſoap, or starch ſhall for non pa- be ſo seized for non-payment of duties or non-entry, and any ment of du- dispute ſhall arife, whether the customs, excife, or inland duties to lie on the have been paid for the ſame, or the ſame have been duly enter- claiſer. ed, then, and in ſuſh caſes, the proof thereof ſhall lie on the owner or claiſer of ſuſh goods, and not on the officer who ſhall ſeize or ſtop ſuſh goods.

XXXVI. And be it further enacted by the authority aforesaid, That from and after the ſaid first day of *May*, one thouſand on candles, E 2 ſeven ſoap or starch,

made in Ire- seven hundred and fifty, no person who shall export from any land, &c. part of *Great Britain*, candles, soap, or starch made in *Ireland*, or in the isle of *Man*, or in any other place or places whatsoever beyond the seas, shall, on exportation thereof, be intitled to receive any drawback, or be repaid the duties, customs, or impositions, paid, payable, or secured on importation of the same, or any part thereof; any law, statute, custom, or usage to the contrary notwithstanding.

Method of XXXVIII. And be it further enacted by the authority aforesaid, That when any candles, soap, or starch shall be seized by condemnation any officer of excise, or any other persons authorized thereto, of such seizures, on board any ship or vessel, or unshipping or unshipped, as forfeited by virtue and in pursuance of this act; and when any

candles, soap, or starch shall be seized by any officer of excise, or any other persons authorized thereto, carrying or removing by land, or lodged or concealed in any place whatsoever on shore, as forfeited by virtue and in pursuance of this act; all such seizures of the said goods and packages, and of the vessels, boats, horses, and other cattle, waggons, carts, and other carriages, used for carrying and removing the same (except such seizures of the said goods and packages, and of the vessels, boats, horses, and other cattle, waggons, carts, and other carriages, used for carrying and removing the same) where no person or persons shall, within twenty days after such seizure, claim the same (in which case the method of proceeding has been herein before directed) and the several penalties and forfeitures by this act respectively imposed, shall and may be proceeded upon, heard, and determined in such manner and form as hereafter in and by this act is directed and appointed (that is to say) all informations for the condemnation of such seizures, and for the penalties and forfeitures by this act respectively imposed, if the said seizures were made, and penalties and forfeitures incurred within the limits of the chief office of excise in *London*, shall be proceeded upon, heard, and determined by the commissioners of excise for the time being, or any three of them, or by the commissioners of appeals, or the major part of them, in case of appeal, and not otherwise: and all informations for the condemnation of such seizures, and for the penalties and forfeitures by this act respectively imposed, if such seizures were made, and penalties and forfeitures incurred out of the limits of the said chief office of excise in *London*, shall be proceeded upon, heard, and determined by any two or more of the justices of the peace for time being, residing near to the place where such seizure shall be made, or penalty or forfeiture incurred; and if either party find himself aggrieved by the judgement given by two or more justices, he shall and may appeal to the justices of the peace at the next quarter sessions, who are hereby authorized and empowered to hear and determine the same; whose judgement therein shall be final: which said commissioners of excise and appeals, and the said justices of the peace respectively, are hereby authorized and required, upon any information exhibit-

ed, or complaint made, within three months after any seizure made, or penalty or forfeiture incurred, to summon the party accused, and also the witnesses on either side; and upon the appearance, or default of the party accused in not appearing (upon proof of notice given) to proceed to the examination of the matter of fact, and of the witness or witnesses, upon oath (which oath they the said commissioners and justices are hereby respectively empowered to administer) touching such seizure or seizures, penalties or forfeitures; and whereupon to proceed to give judgement, as well for any penalty or forfeiture inflicted by this act, which, upon due examination, or the voluntary confession of the party accused, shall be found to be incurred, as for the condemnation of such candles, soap, or starch, and the packages, and the vessels, boats, horses, and other cattle, waggons, carts, and other carriages, so seized, which, upon due examination, or the voluntary confession of the party accused, shall be found to be forfeited by virtue of this act, or any other act relating to his Majesty's revenue of excise, and to issue out their warrants for the sale of such candles, soap, or starch, and the packages, and vessels, boats, horses, and other cattle, waggons, carts, and other carriages, as shall be so by them respectively condemned; and where the party accused shall be convicted of the offence alledged against him, to award and issue warrants under their hands for the levying any pecuniary penalty or penalties so adjudged upon the goods and chattels of the said offenders, and to cause sale to be made of the said goods and chattels, if they shall not be redeemed within fourteen days, rendering to the party the overplus (if any) and for want of sufficient distress, to imprison the party offending till satisfaction be made.

XXXVIII. Provided nevertheless, That it shall and may be lawful to and for the said commissioners and justices, where they shall see cause, to mitigate or lessen any penalties and forfeitures, in such manner as they shall think fit; the reasonable costs and charges of the officers, as well in making the discovery, as in the prosecution of the same, being always allowed over and above such mitigation, and so as such mitigation do not reduce the penalty to less than one fourth part thereof, over and above the said costs and charges; any thing contained in this act to the contrary notwithstanding.

XXXIX. And it is hereby further enacted, That all penalties and forfeitures in this act mentioned (all necessary charges for the recovery thereof being first deducted) shall be employed, one moiety thereof to and for the use of his Majesty, his heirs and successors, and the other moiety to the seizer or prosecutor.

XL. Provided also, and be it enacted, That no writ or writs of *Certiorari* shall supersede execution, or other proceedings upon any order or orders, made in pursuance of this act; but that execution, and other proceedings, shall and may be had and made thereupon; any such writ or writs, or allowance thereof, notwithstanding.

Power to mitigate the penalties, &c.

C A P. XXII.

An act for giving further time to the proprietors of annuities, after the rate of four pounds per centum per annum, to subscribe the same in the manner, and upon the terms, therein mentioned; and for redeeming such of the said annuities, as shall not be so subscribed; and for empowering the East India company to raise certain sums by transferable annuities.

Most gracious Sovereign,

23 Geo. 2. c. 1. WHEREAS by an act made and passed in this present session of parliament, intituled, An act for reducing the several annuities which now carry an interest after the rate of four pounds per centum per annum to the several rates of interest therein mentioned; it was amongst other things, enacted, That any person and persons, bodies politick or corporate, who were interested in, or intitled unto, any part of the national debt incurred before Michaelmas, one thousand seven hundred and forty nine, redeemable by law, which now carries an interest after the rate of four pounds per centum per annum; and who should, on or before the twenty eighth day of February, one thousand seven hundred and forty nine, subscribe their names, or signify their consents, in books prepared for that purpose, to accept of an interest of three pounds per centum per annum, to commence from the twenty fifth day of December, one thousand seven hundred and fifty seven, subject to the same proviso, notices, and clauses of redemption, which their respective four per cents are now liable to; should, in lieu of their present interest, be intitled unto, and receive an interest of four pounds per centum per annum, until the twenty fifth day of December, one thousand seven hundred and fifty; and from and after the twenty fifth day of December, one thousand seven hundred and fifty, an interest of three pounds ten shillings per centum per annum, until the twenty fifth day of December, one thousand seven hundred and fifty seven; and that no part of the same should be liable to be redeemed, except as therein is excepted, till after the said twenty fifth day of December, one thousand seven hundred and fifty seven, as in and by the said act, relation being thereunto had, may more fully appear: and whereas in pursuance of the powers given by the before recited act, great part of the said annuities, after the said rate of four pounds per centum per annum, have been subscribed upon the terms of the said act: now we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being truly sensible that the compleating the reduction of the said annuities, carrying an interest of four pounds per centum per annum, which remain unsubscribed, would be of publick service to the nation, have resolved, That any person or persons, bodies politick or corporo-
30 May, to the rate, who now are, or hereafter may be, interested in, or in-
proprietors of titled unto, such part of the national debt, incurred before Mi-
the four per chaelmas, one thousand seven hundred and forty nine, redeem-
cent annui- able

able by law, which now carries an interest of four pounds *per ties*, to sub-
centum per annum, as hath not been subscribed, in pursuance of scribe, &c.
the said recited act of this session of parliament, and who do, on
or before the thirtieth day of *May*, one thousand seven hundred
and fifty, subscribe their names, or signify their consent, to ac-
cept of an interest of three pounds *per centum per annum*, to com-
mence from the twenty fifth day of *December*, one thousand seven
hundred and fifty five, subject to the same provisions, notices,
and clauses of redemption, which their respective four *per cents*
are now liable to, shall, in lieu of their present interest, be in-
titled unto, and receive, an interest of four pounds *per centum*
per annum, until the twenty fifth day of *December*, one thousand
seven hundred and fifty ; and from and after the said twenty fifth
day of *December*, one thousand seven hundred and fifty, an in-
terest of three pounds and ten shillings *per centum per annum*,
until the twenty fifth day of *December*, one thousand seven hun-
dred and fifty five ; and that no part of the same shall be liable Such part of
to be redeemed, until after the said twenty fifth day of *December*, the four per
one thousand seven hundred and fifty five ; and that such part cent annuities
of the national debt incurred before *Michaelmas*, one thousand as shall not be
seven hundred and forty nine, redeemable by law, which now subscribed to
carries an interest of four pounds *per centum per annum*, and paid off.
which shall not be subscribed on or before the thirtieth day of His Majesty
May, one thousand seven hundred and fifty, be redeemed and paid
off ; and that your Majesty be enabled to borrow of any person His Majesty
or persons, bodies politick or corporate, any sum or sums of impowered to
money, not exceeding such part of the national debt, carrying borrowing money
an interest of four pounds *per centum per annum*, redeemable by on the sinking
law, as hath not been subscribed in pursuance of the said act, the same.
fund to payoff
and shall not be subscribed according to the aforesaid resolution,
to be charged upon the sinking fund ; and to be applied to pay
off and redeem such part of the said national debt, so unsub-
scribed as aforesaid, upon any terms, not exceeding the rates
of interest proposed in the said resolution : and whereas several
notices have been given by the speaker of the house of commons,
in pursuance of the resolution of the said house, that unless the
said unsubscribed annuities, carrying an interest of four pounds
per centum per annum, be subscribed on or before the thirtieth
day of *May*, one thousand seven hundred and fifty, the same
would be redeemed and paid off, according to the terms in the
said notices contained respectively ; that is to say, That so much
of the annuities transferrable at the bank of *England*, created in
the year one thousand seven hundred and forty six ; and so much
of the annuities transferrable at the bank of *England*, as were
raised by a lottery in the year one thousand seven hundred and
forty seven, as have not been subscribed in pursuance of an act
passed this session of parliament, and shall not be subscribed
on or before the thirtieth day of *May*, one thousand seven hun-
dred and fifty, will be redeemed and paid off on the twenty
fourth day of *June*, one thousand seven hundred and fifty one,
agreeable to the clauses and powers of redemption, contained in

the several acts of parliament for creating the said annuities respectively; that so much of the annuities transferrable at the bank of *England*, created in the year one thousand seven hundred and forty eight, as have not been subscribed, pursuant to an act passed this session of parliament, and shall not be subscribed on or before the thirtieth day of *May*, one thousand seven hundred and fifty, will be redeemed and paid off, on the twenty fifth day of *March*, one thousand seven hundred and fifty one, agreeable to the clauses and powers of redemption, contained in the act of parliament for creating the said annuities; that so much of the annuities transferrable at the bank of *England*, created in the year one thousand seven hundred and forty nine, as have not been subscribed, pursuant to an act passed this session of parliament, and shall not be subscribed on or before the thirtieth day of *May*, one thousand seven hundred and fifty, will be redeemed and paid off on the twenty ninth day of *September*, one thousand seven hundred and fifty one, agreeable to the clauses and power of redemption, contained in the several acts of parliament for creating the said annuities respectively; that so much of the annuities charged upon wrought plate, and payable at the exchequer, as have not been subscribed, pursuant to an act passed this session of parliament, and shall not be subscribed on or before the thirtieth day of *May*, one thousand seven hundred and fifty, will be redeemed and paid off on the twenty fifth day of *March*, one thousand seven hundred and fifty one, agreeable to the clauses and powers of redemption contained in the act made in the sixth year of the reign of King *George* the First, for laying a duty upon wrought plate; that the sum of four million two hundred thousand pounds, now due and owing to the united company of merchants trading to the *East Indies*, will be redeemed and paid off in manner and form following, *videlicet*; one million and fifty thousand pounds, on the twenty fifth day of *March*, one thousand seven hundred and fifty one; one million and fifty thousand pounds, on the twenty fourth day of *June*, one thousand seven hundred and fifty one; one million and fifty thousand pounds, on the twenty ninth day of *September*, one thousand seven hundred and fifty one; and the remaining sum of one million and fifty thousand pounds, on the twenty fifth day of *December*, one thousand seven hundred and fifty one, unless the sum of three million two hundred thousand pounds be subscribed on or before the thirtieth day of *May*, one thousand seven hundred and fifty: and therefore your faithful commons do most humbly beseech 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,

Notices given and by the authority of the same, That such notices as aforesaid by the speaker, shall be and be deemed, adjudged, and taken to be good and &c. to be deemed good, sufficient notice or notices, within the true intent and meaning of the several acts of parliament for the redemption of the said several annuities, and the same shall be redeemable accordingly;

ingly; any thing in the same, or any other act or acts of parliament to the contrary in any wise notwithstanding.

II. And be it enacted by the authority aforesaid, That any person or persons, bodies politick or corporate, who now are, or hereafter may be, interested in, or intitled unto, any part of the national debt, incurred before Michaelmas, one thousand seven hundred and forty nine, redeemable by law, which now carries an interest of four pounds *per centum per annum*, as hath not been subscribed in pursuance of the said recited act of this present session of parliament, and who do, on or before the thirtieth day of *May*, one thousand seven hundred and fifty, subscribe their names, or signify their consent, to accept of an interest of three pounds *per centum per annum*, to commence from the twenty fifth day of *December*, one thousand seven hundred and fifty five, subject to the same proviso, notices, and clauses of redemption, which their respective four *per cents* are now liable to, shall, in lieu of their present interest, be intitled unto, and receive, an interest of four pounds *per centum per annum*, until the twenty fifth day of *December*, one thousand seven hundred and fifty five; and after the said twenty fifth day of *December*, one thousand seven hundred and fifty five, an interest of three pounds ten shillings *per centum per annum*, until the twenty fifth day of *December*, one thousand seven hundred and fifty five; and that no part of the same shall be liable to be redeemed, till after the said twenty fifth day of *December*, one thousand seven hundred and fifty five.

III. And be it further enacted by the authority aforesaid, That such part of the national debt, incurred before Michaelmas, one thousand seven hundred and forty nine, redeemable by law, which now carries an interest at the rate of four pounds *per centum per annum*, and which shall not be subscribed before the said thirtieth day of *May*, one thousand seven hundred and fifty, shall be redeemed and paid off.

IV. And be it further enacted by the authority aforesaid, That in case the sum of three million two hundred thousand pounds, now due and owing to the united company of merchants trading to the *East Indies*, carrying an interest after the rate of four pounds *per centum per annum*, be not subscribed on or before the said thirtieth day of *May*, one thousand seven hundred and fifty, upon the terms herein before mentioned; then, and in such case not only the said sum of three million two hundred thousand pounds, but also the sum of one million, now due and owing to the said united company, at an interest after the rate of three pounds *per centum per annum*, by virtue of an act of parliament passed in the seventeenth year of his Majesty's reign, shall be redeemed and paid off.

V. Provided nevertheless, and be it further enacted by the authority aforesaid, That in case the said united company shall, on or before the said thirtieth day of *May*, one thousand seven hundred and fifty, signify their consent to the reduction of the interest of four pounds *per centum per annum*, now payable to the

the said united company, in respect of the said principal sum of three million two hundred thousand pounds, to the several rates of interest before mentioned, redeemable by parliament, as aforesaid, and also that the said sum of one million, due and owing to the said united company, at an interest after the rate of four pounds *per centum per annum*, by virtue of the said act of the seventeenth year of his Majesty's reign, shall remain and continue at the said rate of three pounds *per centum per annum*, until the same shall be redeemed and paid off, according to the proviso contained in the said act of the seventeenth year of his Majesty's reign, in that behalf; that then it shall and may be lawful to and for the said united company, and they are hereby authorized and empowered by and with the consent and approbation of the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, at such time or times, and in such manner, as they shall find to be most for the advantage of the said united company, to borrow, or take in by subscription, or otherwise, from any person or persons, bodies politick or corporate, who are willing to advance the same, any sum or sums of money, not exceeding in the whole the sum of four million two hundred thousand pounds, by sale of annuities, after the several rates of interest following; that is to say, any sum or sums, not exceeding three million two hundred thousand pounds, by sale of annuities, after the several rates of interest herein before proposed to be paid, for the said sum of three million two hundred thousand pounds, in case the same shall be subscribed on or before the said thirtieth day of *May*, one thousand seven hundred and fifty; and any sum or sums, not exceeding one million more, by sale of annuities, after the rate of three pounds *per centum per annum*; all which said annuities shall be paid and payable to the respective persons and corporations intitled thereunto, their executors, administrators, or assigns, at the office of the said united company, out of the same duties and revenues, as the present annuities payable to the said united company, in respect of the said principal sums of three million two hundred thousand pounds, and one million, are now payable, and shall commence and be paid at such feast days, as shall be agreed upon between the said united company, and the said several contributors respectively; and that the said sum of four million two hundred thousand pounds, so to be advanced, or so much thereof as shall be advanced as aforesaid, and all and every the annuities payable for or in respect of the same, shall be free of all taxes, charges, and impositions whatsoever; and shall be assignable or transferrable in

are impowered, with consent of the treasury, to borrow 4,200,000. at the several rates of interest granted by this act, &c.

The annuities to be free of taxes, and assignable;

a book or books to be provided for that purpose, in the office of the said united company, in such manner as the said commissioners of the treasury, or any three or more of them now being, or the said high treasurer, or any three or more of the commissioners of the treasury for the time being, shall direct in that behalf, without fee or gratuity, and free from all charges; and that

that the said annuities shall be deemed and taken to be a personal estate, and not a real estate, and shall go to the executors or administrators of the person or persons dying possessed thereof, interested therein, or intitled thereunto, and not to the heir at law; subject nevertheless to such or the like proviso or condition of redemption by the publick, as the said sums of three million subject to redemption by two hundred thousand pounds, and one million, due to the said company, would be subject, in case such subscription by the said company, on or before the said thirtieth day of *May*, one thousand seven hundred and fifty, and the said sums had then remained due from the publick to the said company.

VI. And be it enacted by the authority aforesaid, That the powers several powers given to the said united company, by several acts of parliament now in force, of raising money by bonds under their common seal for the carrying on the trade of the said company, and lending money on bottomry, and otherwise, as in the said acts, some or one of them is mentioned, shall continue and be in force, but that the amount of the sums which the said united company shall raise by sale of annuities by virtue of this act, as aforesaid, shall be by them applied towards the discharge of their present bond debt; and shall be computed and considered as part of what they are so impowered to borrow.

VII. And be it enacted by the authority aforesaid, That it shall and may be lawful to and for the King's most excellent majesty, by warrant under his royal sign manual, to authorize to borrow and impower the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, to raise by loans or exchequer bills, or by way of subscription, or in such other manner or form as his Majesty shall, in his great wisdom, think most for the advantage of the publick, from any person or persons, bodies politick or corporate, any sum or sums of money, not exceeding such part of the national debt, carrying an interest of four pounds *per centum per annum*, redeemable by law, as hath not been subscribed in pursuance of an act of this session of parliament, and shall not be subscribed according to the proposal herein before mentioned, to be charged on the sinking fund, and to be applied to pay off and redeem such part of the national debt so unsubscribed as aforesaid, upon any terms not exceeding the rate of interest in the foregoing proposal mentioned.

VIII. And be it further enacted by the authority aforesaid, That the several annuities of four pounds *per centum per annum*, now payable in respect of the said principal sum unsubscribed by the proprietors thereof, and by this act continued to them until the twenty fifth day of *December*, one thousand seven hundred and fifty, as also the several reduced annuities of three pounds ten shillings *per centum per annum*, and three pounds *per centum per annum*, by this act made payable in lieu thereof, from the respective days therein mentioned, shall, during the respective continuances thereof, be paid and payable to the respective persons

persons and corporations intitled thereunto, their executors, administrators, or assigns, at the same respective offices and places, and out of the same duties, revenues, and incomes, and at such time and times, and shall be assignable, transferrable, and disposable in the same manner and form, as the said annuities of four pounds *per centum per annum* are now payable, assignable, transferrable, and disposable by the respective acts and statutes now in force, for or concerning the same, and as if this present act had never been made; subject nevertheless to redemption by parliament, from the said twenty fifth day of *December*, one thousand seven hundred and fifty five, in manner herein after mentioned; any thing herein contained to the contrary thereof in any wise notwithstanding.

Books to be opened for taking in the subscriptions.

IX. And be it further enacted by the authority aforesaid, That there shall forthwith be prepared and kept in the office of the auditor of the receipt of the exchequer, and also at the respective offices of the governor and company of the bank of *England*, and of the governor and company of merchants of *Great Britain*, trading to the *South Seas*, and for encouraging the fishery, commonly called the *South Sea Company*, a book or books for taking in subscriptions, or receiving the consent of such person or persons as now are or shall be interested in, or intitled unto, any part of the said now unsubscribed annuities or interests, after the said rate of four pounds *per centum per annum*, who are willing to accept of an annuity of three pounds ten shillings *per centum per annum* in lieu thereof, from the said twenty fifth day of *December*, one thousand seven hundred and fifty, until the said twenty fifth day of *December*, one thousand seven hundred and fifty five; and of an annuity of three pounds *per centum per annum*, from the said twenty fifth day of *December*, one thousand seven hundred and fifty five, to the end the proprietors of the said annuities, after the said rate of four pounds *per centum per annum*, may make their subscriptions, and give their consents, in the said respective book or books, under a proper preface to be prepared for that purpose, by subscribing their respective sums and names, with his, her, or their respective proper additions; which said books shall constantly lie open at the said receipt of exchequer, and other the publick offices aforesaid, for that purpose, every day, (*Sundays excepted*) until the said thirtieth day of *May*, one thousand seven hundred and fifty inclusive, and no longer; and it shall and may be lawful to and for the proprietors of the said annuities of four pounds *per centum per annum*, or such person or persons, as he, she, or they have authorized, or shall respectively authorize and impower, by writing in that behalf, to subscribe or consent for them, in manner aforesaid, to have free access to the said respective books, at all seasonable hours, and they have hereby power to make their subscriptions, or give their consents, for the whole sum or sums due to them, or any of them, according to this act, without any fee or charge whatsoever; and the several and respective officers in the said receipt of exchequer, and other the publick offices

Officers to attend in office hours.

fices aforesaid, appointed to take in the said subscriptions, or receive such consents, as aforesaid, shall, during the time aforesaid, constantly attend at the said respective offices for that purpose, at such hours as business is usually transacted at the said several and respective publick offices; and the several and respective officers at the said receipt, and other the publick offices aforesaid, are hereby required to cause publick notice thereof to be forth-
 Notice to be published of the books being opened.
 with affixed in their respective offices, and at the *Royal Exchange*, and also to publish in the *London Gazette*, that such books are prepared and lie open in the said respective offices for receiving such consent, and taking such subscriptions, as aforesaid.

X. And be it further enacted by the authority aforesaid, That all and every person and persons, bodies politick or corpo-
 Subscribers in-
 rate, who have or shall, on or before the said thirtieth day of several rates
May, one thousand seven hundred and fifty, have subscribed, or given their consent in the book or books aforesaid, to accept of an interest or annuity after the rate of three pounds ten shillings per centum per annum, from the said twenty fifth day of *De-
 cember*, one thousand seven hundred and fifty, until the said twenty fifth day of *December*, one thousand seven hundred and fifty five; and of an annuity of three pounds per centum per annum, to commence from the said twenty fifth day of *December*, one thousand seven hundred and fifty five, in lieu of their present annuities of four pounds per centum per annum, shall have, receive, and enjoy, and they are hereby declared to be intitled to an annuity of three pounds ten shillings per centum per annum, from the said twenty fifth day of *December*, one thousand seven hundred and fifty five, until the said twenty fifth day of *December*, one thousand seven hundred and fifty five; and to an annuity of three pounds per centum per annum, from the said twenty fifth day of *December*, one thousand seven hundred and fifty five, re-
 deemable by parliament, in manner herein after mentioned; and the said annuities of three pounds ten shillings per centum per annum, and three pounds per centum per annum, and the prin-
 cipal or capital for which the same shall be payable, are hereby declared, and shall be adjudged, taken, and accepted in con-
 struction of law, and in all courts of law and equity whatsoever, to all intents and purposes whatsoever, to be a personal and not a real estate, and shall go to the executors or administrators of the person or persons dying possessed thereof, interested therein, or intitled thereunto, and not to the heirs of such person or persons; any law, statute, custom, or usage to the contrary notwithstanding; and that the said annuities shall be free from all taxes, charges, and impositions whatsoever, in the same manner as they now are.

XI. And it is hereby enacted and declared, That it shall and may be lawful for all executors, administrators, guardians, &c indemnified for not the accomptant general of the court of chancery, and the deputy remembrancer of his Majesty's court of exchequer, to make, or cause to be made, subscriptions in the said book or books,

books, ſignifying their conſent to accept an intereſt or annuity of three pounds ten ſhillings *per centum per annum*, from the ſaid twenty fifth day of *December*, one thouſand ſeven hundred and fifty, until the ſaid twenty fifth day of *December*, one thouſand ſeven hundred and fifty ſeven, and of an annuity of three pounds *per centum per annum*, to commence from the ſaid twenty fifth day of *December*, one thouſand ſeven hundred and fifty five, for and on the behalf of their reſpective teſtators, infants, minors, femes covert, ideots, or lunaticks, and the ſuitors of the court of chancery, and of the ſaid court of exchequer, and others, for whom they are or ſhall be reſpectively intruſted; and ſuch executors, administrators, guardians, trustees, committees, and accomptant general, and deputy remembrancer, are, and ſhall be, by virtue of this act, indemnified in and for doing the fame.

Treasury to
defray the
charges of
this act.

XII. Provided always, and be it further enacted, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, ſhall have power, and they are hereby authorized, out of any money remaining in the receipt of the exchequer, of or for the duties, revenues, and incomes appropriated for the payment of the ſaid annuities of four pounds *per centum per annum*, to reward all ſuch persons as ſhall be any ways employed in the execution of this act, in relation to the taking in ſuch ſubſcriptions, or receiving ſuch conſents as aforesaid, and to defray all ſuch incident charges, as ſhall neceſſarily attend the execution of the ſaid act, in ſuch manner as to them ſhall seem just and reasonable.

Funds appro-
priated for
payment of
the reduced,
and unſub-
ſcribed an-
nuities.

XIII. And it is hereby also enacted by the authority aforesaid, That all the duties, revenues, and incomes which are now appropriated, ſubjeſt, or applicable to the payment of the ſaid annuities of four pounds *per centum per annum*, ſhall, from and after the ſaid twenty fifth day of *December*, one thouſand ſeven hundred and fifty, be ſubjeſt and liable to the payment of ſuch of the ſaid annuities of four pounds *per centum per annum*, as ſhall not be ſubſcribed, in case any ſhall be unſubſcribed, and also of the ſaid reduced annuities of three pounds ten ſhillings *per centum per annum*, and three pounds *per centum per annum*, in the ſame manner, to all intents and purposes, as the fame were liable and ſubjeſt to the payment of the ſaid annuities of four pounds *per centum per annum*; and all the monies coming into the exchequer, of or for the ſeveral duties, revenues, and incomes, appropriated, ſubjeſt, or liable to the payment of the ſaid unſubſcribed annuities and of the ſaid reduced annuities of three pounds ten ſhillings *per centum per annum*, and three pounds *per centum per annum*, which ſhall be more than ſufficient to anſwer and pay the ſaid reſpective annuities, ſhall, from and after the ſaid twenty fifth day of *December*, one thouſand ſeven hundred and fifty, be applied to the ſame uſes, intents, and purposes, and in the ſame manner, as the ſeveral ſurplusſes, excesses, or overplus monies of the ſaid duties, revenues, and incomes are now applicable.

XIV. Pro-

XIV. Provided always, and it is hereby enacted by the autho- Clause of re-
rity aforesaid, That from and after the said twenty fifth day of demption.
December, one thousand seven hundred and fifty five, the said
reduced annuities of three pounds *per centum per annum*, shall
and may be redeemed by parliament, upon giving the same no-
tices, and making the same payments of principal money at a
time to such persons or corporations as now are, or hereafter
shall be, intitled to the said annuities, and of all arrearages of
the said annuities, as are directed to be given and made by the
several and respective acts, by which the said several annuities,
after the rate of four pounds *per centum per annum*, were made
payable, and from and after payment of any such principal
money, to the said persons or corporations, as are or shall be
intitled to the same, a proportional part of the said annuities
shall cease and determine, and be understood to be redeemed;
any thing in this or any former act or acts of parliament to the
contrary in any wise notwithstanding.

C A P. XXIII.

An act to continue several laws for preventing the spreading of the dis-
temper which now rages amongst the horned cattle; and for impower-
ing his Majesty to prohibit the killing of cow calves.

C A P. XXIV.

An act for the encouragement of the British white berring
fishery.

W H E R E A S the carrying on, and improvement of, the Bri- See 26 Geo. 2.
tish white herring fisheries, are of great importance to these c. 9.
kingdoms, as they may be of great advantage to the trade and navi-
gation thereof, and may be a means of employing and providing for
great numbers of industrious poor, provided the same could be carried
on with a sufficient stock, under proper regulations, and that reason-
able encouragements be given to such persons as are willing to carry on
the said fisheries: therefore for the encouragement of such per-
sons as are willing to carry on the said fisheries, and for the
better regulation of the said trade, and for preventing frauds and
impositions in the management thereof, be it enacted by the
King's most excellent majesty, by and with the advice and con-
sent of the lords spiritual and temporal, and commons, in this
present parliament assembled and by the authority of the same,
That it shall and may be lawful for his Majesty, his heirs and His Majesty
successors, by letters patent under the great seal of Great Bri- impowered to
tain, to incorporate the right honourable Sir Samuel Pennant lord grant letters
mayor of the city of London; Sir James Lowther baronet, Sir patent to in-
Nathaniel Curzon baronet, Sir Bouchier Wrey baronet, Sir Walter corporate the
Blacket baronet, Sir Cyril Wych baronet, Sir Richard Lloyd knight, persons herein
Edward Vernon esquire, William Whitaker, Stephen Theodore Jans- mentioned,
sen, and Slingsby Bethell, esquires, aldermen of the city of Lon-
don; lieutenant general Roger Handasyd, lieutenant general Ri-
chard Onslow, lieutenant general James Oglethorpe, Thomas Fon-
nereau esquire, Velters Cornwall esquire, William Willy esquire,
George

George Doddington esquire, William Northey esquire, Charles Gray esquire, William Davis esquire, Edward Stevenson esquire, Paul Humfrey esquire, John Edwards esquire, Francis Crafleyne esquire, Messieurs Neufville and Schuman, Andrew Drummond esquire, captain George Steevens, Robert Crammond esquire, Jeffery French esquire, Master Michael Miller of Bristol, Master Robert Mackay, Master Jonathan Perry, Master Richard Baker, Master William Bowden, John Bance esquire, Master Peter Symond, Theodore Cock esquire, George Dunbar esquire, Taylor White esquire, Master John Patten, Master Clark of the Old Jewry, Michael Wilkins Conway esquire, Archibald Stuart esquire, John Spooner esquire, Arthur Beardfly esquire, Master Roger Hogg of Basinghall Street, Master William Crammond, Master Hutchinson Muir, Master Robert Scott, Master George Spence, Master Robert Cady, Richard Taunton esquire, William Belchier esquire, William Thornton esquire, Francis Gwyn esquire, Peter Delme esquire, Jonathan Watson esquire, Thomas Salusbury esquire, Richard Gildart esquire, John Hardman esquire, Lawrence Dundass esquire, Thomas Curtis esquire, Michael Beecher esquire, Joseph Percival esquire, Edward Ironside esquire, alderman of the city of London; George Walker esquire, and all and every person and persons, bodies politick and corporate, who, in their own right, or as executors, administrators, successors, or assigns, derived or to be derived from, by, or under, the original proprietors, at any time or times hereafter, shall have, and be intitled to, any part, share, or interest of or in the capital sum of five hundred thousand pounds herein after-mentioned, so long as they respectively shall have any such part, share, or interest therein, to be one body politick and corporate, in deed and in name, by the name of *The society of the free British fishery*; and by that name to have a succession to continue for the term of twenty one years, and to have a common seal, with power, from time to time, to chuse their governor, president, vice president, council, and other officers, in such manner, and under such qualifications, with regard to the electors, and elected, as shall be directed in such letters patent; the first governor, president, vice-president, and council, being qualified in the like manner as all subsequent governors, presidents, vice presidents, and council, shall, by the said letters patent, be directed to be qualified, and to continue in their respective offices for the space of three years, from the date of the said letters patent.

by the name
of The Society
of the free
British fishery;
for 21 years.

Society im-
powered to
make by-laws;

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, his heirs and successors, by the said letters patent of incorporation, to empower the said society to make by-laws from time to time, for the regulation and government of the said society; and for the regulation and management of the said trade and commerce which shall be carried on by them; and for the curing, sorting, and packing their white herrings in such manner, as effectually to secure the credit of the said commodities in foreign markets; and for the government of the servants, and others employed by the said society in the said fisheries.

III. And

III. And be it further enacted by the authority aforesaid, That and to direct what seals or marks shall be put on every barrel of fish, it shall be lawful for the said society, from time to time, to direct what seals or marks they shall think proper to be put on all or every barrel or cask of their fish; and that if any person or persons whatsoever shall counterfeit such seal or mark, or shall knowingly affix such seal or mark, so counterfeited, to any barrel or cask of fish not belonging to the said society, such persons shall forfeit and pay the sum of five hundred pounds for each counterfeiting offence, to be recovered by action, plaint, or information, in any of his Majesty's courts of record at Westminster, or in the court of session in that part of Great Britain called Scotland, the one moiety to be paid to the said society, and the other moiety to be paid to such person or persons as shall sue for the same.

IV. And be it further enacted, That it shall and may be law-
ful for his Majesty, his heirs and successors, by his said letters patent, to impower the said society, by a voluntary subscription, to raise the sum of five hundred thousand pounds; which said sum, when so raised, shall be the capital stock of the said society; and to direct how the property of the persons sub-
scribing may be ascertained, transferred, and alienated.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his said Majesty, his heirs and successors, by the said letters patent, to impower the said society, or such part thereof, as shall in the said letters patent be for that purpose named, to make calls, and direct the payment of any part of the said sum of five hundred thousand pounds, which any person or persons shall subscribe towards carrying on the said undertaking, at such times as the said society, or such part thereof as shall be for that purpose named, shall direct and appoint, so as the first payment directed to be made, shall be made within the space of thirty days from the time of such subscription, and be after the rate of ten pounds by the hundred of the whole sum subscribed, and so as the second payment be after the rate of ten pounds by the hundred of the sum subscribed; and that the other payments be pursuant to the direction of a general court of the said society, which shall be for that purpose assembled, or a majority of them; and in case any person or persons shall refuse or neglect to pay any money which shall be so called for by the said society, at the times when the same shall be appointed to be paid, notice of such call being given in the *London Gazette* by the said society at least thirty days before the day appointed for such payment, it shall be lawful for the said society to sell and dispose of so much of the share or stock of the person or persons so neglecting or refusing, as shall produce the sum which such person or persons ought to have paid on such call; provided that all such money which shall be so subscribed and directed to be paid, shall be paid into the bank of *England*, on account of the said society.

VI. And be it further enacted, That for an encouragement to such persons as shall become subscribers to the said stock for carrying on the said fisheries, that the sum of three pounds by 3*l. per cent.* per annum, for the sums employed in

the fishery to be paid to the society for 24 years.

An account of the said sums to be given annually to the commissioners of the customs.

100,000l. to be employed in the fisheries within 18 months from the date of the subscription.

The accounts to be laid before parliament.

Sums contracted to be paid in 6 months, deemed to be employed.

the year, for each hundred pounds which shall be actually employed in the said fishery, and proportionably for any greater or lesser sum, shall be paid to the proprietors of the said stock, for and during the space of fourteen years from the date of the said charter, out of the customs, by the receiver general of his Majesty's customs, by equal half-yearly payments; and to the end it may be known, what sums shall from time to time be actually expended or employed by the said society in the said fishery, an account shall be delivered to the commissioners of his Majesty's customs of the sums which shall be so expended or employed; and the said account shall be produced by the accountant of the said society, who shall, if required by the commissioners, produce his vouchers, distinguishing the several articles in which the said sums shall be so expended or employed, which account shall be signed by three, at least, of the council of the said society, as an attestation that they have examined the said account, and believe the same to be just; and such account shall also be attested by the oath of the accountant of the said society, that he believes the same to be a just and true account; which oath shall be made before any two commissioners of his Majesty's customs (who are hereby empowered and required to administer the said oath) and shall be wrote at the foot of the said account; and the said oath and account shall be left in the custody of the commissioners, and thereupon they, or any three of the said commissioners, shall make order that payment be made by the receiver general of his Majesty's customs to the said society, or such person as shall be by them empowered to receive the same, after the rate aforesaid, for such sums as by such account shall appear to be so actually employed or expended by the said society, in or on account of the said fishery.

VII. Provided, and be it further enacted by the authority aforesaid, That the said society shall employ the sum of one hundred thousand pounds at least in the said fisheries, within the space of eighteen months after the date of such subscription; and that for the manifestation of the sums which shall be so employed by the said society, the accounts of the said society shall be annually laid before parliament; and if loss should arise by any year's adventure, and there should be gain by the succeeding years, the said gain shall be applied so as to complete and make good the vessels and fishing stock, to the full value of the said original sum of one hundred thousand pounds, before any dividend shall be made out of the said gain.

VIII. Provided always, and be it enacted by the authority aforesaid, That such sums as shall *bona fide* be contracted to be paid within six months, shall be deemed employed within the sense and meaning of this act, in case so much money of the said company as will be sufficient to answer the said contracts respectively, shall, at the time of making the same, be in the bank of *England*, and there remain for the purpose of paying the same; such contracts being in writing, and signed or executed in the presence of two witnesses.

IX. And

IX. And be it further enacted by the authority aforesaid, No transfer to That no transfer shall be made of any of the said stock or share be made of the of or in the said five hundred thousand pounds, for the space of stock for five years from the date of the said charter; but that the same shall be absolutely void to all intents and purposes whatsoever.

X. Provided always, That it shall and may be lawful for the Executors and executors and administrators or devisees of any person or persons who shall happen to die possessed of, or interested in any such stock or share of or in the said five hundred thousand pounds, and also for the ~~all~~ www.libtool.com.cn ~~heirs under any committ~~ bankrupts, to transfer such stock or shares, and dispose of the produce thereof, in such manner, as they may by law dispose of any other effects of such testator, intestate, or bankrupt.

XI. And be it further enacted, That as a further encouragement to all persons whatsoever, as well bodies politic and corporations as others, and also the persons who shall be so incorporated, to engage in the said white herring fisheries, that a bounty of thirty shillings *per ton* shall be paid annually, out of such sums as shall be produced out of his Majesty's customs, to the owner or owners of all decked vessels, from twenty to eighty tons burthen, which shall be built, after the commencement of this act, for the use of the said fisheries, and fitted out and employed in the said fisheries, whether by the said society, or any other person or persons whatsoever, in manner, and under the regulations herein after-mentioned.

XII. And be it further enacted, That every such buss or vessel, which shall be employed in the said white herring fisheries, by the said society, or whose owners shall be intitled to the bounty of thirty shillings *per ton*, by virtue of this act, shall be a decked buss or vessel, built in *Great Britain*, after the commencement of this act; and shall proceed on the said fishery from some port in *Great Britain*, manned and navigated as by the law now in force is directed: and before such buss or vessel proceed on such voyage, or be intitled to the benefit of this act, she shall be visited by such officer or officers of the customs belonging to such port, who shall be appointed by the commissioners of the customs to examine into such buss or vessel; and who shall take an account of the tonnage thereof by admeasurement, and shall certify such his or their visitation, examination, and admeasurement, to the commissioners of his Majesty's customs, and that she hath on board such a quantity of fishing nets, and other stores to be used in the said fishery, as herein after are mentioned, and otherwise is a proper vessel to be employed in the said fishery: and, upon its further appearing by the oath of one or more owner or owners, or agent appointed by them, or of a proper officer or agent of the said society (who shall be appointed for that purpose) and of the master or chief officer of such vessel, written at the foot of the said certificate, and made before the collector and comptroller of such port, who are hereby impowered and required to administer the same, That it is really and truly their firm purpose and determined resolution,

that such buss or vessel shall proceed respectively, so manned, furnished, and accoutré, either to *Braffey's Sound* in *Shetland*, and be at the rendezvous of the said fishery there, on or before the eleventh day of *June*, and shall not shoot or wet their net before the thirteenth day of the said month of *June*, and shall continue following and fishing amongst the shoals of herring, as they move southward, to the first day of *October*, or shall proceed to *Campbell Town* in *Argyllshire*, and be at the rendezvous of the said fisheries, on or before the first day of *September*, and shall continue fishing among the shoals of herring, as they move, to the thirty first day of *December*, unless they shall have sooner completed their loading of fish; and shall fish in an orderly and regular manner, without impeding or obstructing other vessels which shall be employed in the said fishery; and shall keep a journal of their proceedings, and an account of what quantities of fish they shall dispatch away to foreign markets in their jiggers or tenders, before they come into port, besides the particular quantity they shall bring into port with them: and if, after such certificate had, and oath made, such owner or owners, or officer or agent of the said society, and master or chief officer of such vessel, as aforesaid, do also become bound, with two sufficient sureties, unto his Majesty, his heirs and successors, in the penalty of such sum as shall be equal to treble the bounty on the tonnage of his vessel, intended by this act (which bond the collector, with the approbation of the comptroller, is hereby required to take, and is to be in force for the space of three years, against the master and his sureties) for the faithful dealing of his said master, and ship's company, in regard to the said vessel and voyage; then and in such case, it shall and may be lawful for the collector and comptroller of such port to give and grant, and they are hereby required to give and grant to the master and owners of such buss or vessel, full licence and authority to proceed on such voyage as aforesaid.

How every vessel employed in the fishery shall be qualified, &c.

XIII. And to prevent any disputes which may arise, whether a vessel be properly qualified and duly fitted out for the herring fishery, according to the true intent and meaning of this act, and intituled to a certificate from the custom-house officers; it is hereby enacted, That every such vessel shall be a decked vessel, built in *Great Britain*, after the commencement of this act, and shall have on board twelve *Winchester* bushels of salt for every last of fish, which such vessel is capable of holding, which salt shall be barrelled up in new barrels, and as many more new barrels as such buss or vessel is capable of carrying, and shall have two fleets of tanned nets, proper for the herring fishery; that is to say, That every such buss or vessel of the burthen of seventy tons, and designed for this fishery, shall on her proceeding to sea, have on board one fleet of fifty nets, each net to be thirty yards full upon the rope, and seven fathoms deep, and so in proportion for any vessels of a greater or lesser tonnage, and be provided with one other fleet of fifty like nets, on board a jagger

ger or tender, which is to attend the said fishery, or left on shore in a proper place, for the use of the said buss or vessel.

XIV. And be it further enacted, That every such vessel of Vessels of 20 twenty tons, which shall be employed in the said fishery, shall tons to have have on board at such of the places aforementioned, as shall be appointed for their rendezvous, not less than six men, and every vessel of greater burthen, shall, over and above the six men aforesaid, have one for every five tons which she shall exceed twenty tons.

XV. And be it further enacted by the authority aforesaid, That Officer of the on the return of such vessel into any port of *Great Britain*, for customs to go her discharge, the chief officer of the customs, or such other vessel at her officer of the customs as he shall appoint at such port, shall immediately repair on board such vessel, and view the condition of the such vessel and her lading, and certify the same, together with tonnage, and their observations thereon, and also the real tonnage of the said buss or vessel, and the said officers are also to take an account of the names of the master and other persons on board, and to make oath, certify the same; and the master shall make oath before the collector and comptroller of such port (who are hereby empowered and required to administer the same) which shall be wrote on the back of, or annexed to the licence granted as aforesaid, and which they are hereby required to deliver up, and what they did in pursuance thereof, that such vessel was at one of the places before-mentioned, at the time appointed by this act, and has not since been on any other voyage, or pursued any other design or view of profit, and that they did remain fitting according to the direction of this act, and had at the time of their rendezvous the quantity of nets and other stores, and number of men herein before directed to be on board the said vessel and jagger or tender, or left on shore as aforesaid; all which certificate, schedule, licence, and oath, together with the account of the fish taken by the said vessel, shall be transmitted by the collector and comptroller of such port, to the respective commissioners for that part of *Great Britain*, from whence the buss or vessel departed with her licence; and such commissioners being fully satisfied of the faithful dealings of the master, and other persons employed in such vessels, with respect to such voyage and fish- ing, shall, on demand, cause payment to be made to the owner or owners, or to his or their assigns, by the receiver general of the customs, the sum of thirty shillings *per ton*, according to the admeasurement of such vessel, duly certified as aforesaid.

XVI. Provided always, That such bounty of thirty shillings *per ton* to be paid yearly for ten years, from the commencement of this act, and no longer, upon conforming to the regulations of this act.

XVII. Provided also, That nothing in this act shall be construed to extend to exclude any of his Majesty's subjects, who shall not be members of the said society, or employed by them, from fishing or carrying on the white herring and cod fisheries,

and any other whatsoever, in such manner as they might have done, in case this act had never been made.

XVIII. And whereas the encouragement above-mentioned ought to be extended, as far as may be, to all the subjects of Great Britain: and whereas the supporting and enriching the cities and towns, being ports, will be for the security and good of the realm, by augmenting the navigation, and strengthening the sea coasts: be it therefore enacted, That any number of persons, who shall subscribe ten thousand pounds, or upwards, into the stock of the said society, and shall carry on the laid fishery under their own management, and on their own account of profit and loss, conformably nevertheless to the directions of this act, and of the said intended charter, except as to their being obliged to use the marks of the said society, and from the port named by them, if they do subscribe under the name of *The Fishing Chamber* of such city, town, or port respectively; and shall send their account of monies expended in the said fisheries, which account shall be attested by three of the committee, to be appointed by the majority of such subscribers, for managing the matters of the said chamber, and be also signed by a person to be appointed by the majority of such subscribers, to be the accomptant of the said chamber, who shall make oath before one of his Majesty's justices of the peace, that he verily believes the same is a true account, the vouchers whereof he shall produce, if required; the said account shall be transmittted to the governor and council of the said society at *London*; and the accomptant of the said society at *London* shall be impowered, and is hereby required to enter the same, as a sum expended in the said fisheries, by the said society, in the account which he shall deliver in to the commissioners of the customs, as aforesaid; and the said chamber shall be intitled to, and receive yearly, three pounds for every hundred pounds, in the same manner as the society do for any other monies employed in the fishery by the said society, after deducting the necessary charges and expences arising from the receipt of the same.

shall be intitled to 3 l. per cent. per annum.

Fishing Chambers not to have any profit, &c. from the trade of the society.

Receiver general to pay yearly 3 l. per cent. to the society in *London*, who are to pay over the same to the respective *Fishing Chambers*.

XIX. Provided also, That such chambers which shall so trade or fish on their own account, shall not have any profit or loss arising from the trade of the said society.

XX. Provided always, That the receiver general of his Majesty's customs shall pay yearly the said sum of three pounds for every hundred pounds, unto the said society in *London*, or to such person or persons, as shall be by them impowered to receive the same; and the said society shall pay over the said yearly sum of three pounds for every hundred pounds, deducting thereout the necessary charges of receiving the same, unto the respective fishing chambers intitled thereto, or to such person or persons as shall, by the said chambers respectively, be impowered to receive the same.

C A P. XXV.

An act for making good a deficiency upon the revenue of the office of keeper or clerk of the Hanaper, and for preventing any future deficiency therein, to answer the publick services provided for out of the same; and for augmenting the income of the office of master or keeper of the rolls.

WHEREAS by an act of parliament made and passed in the ^{12Geo.1.c.33.} twelfth year of the reign of his late majesty King George the First, intituled, An act for relief of the suitors of the high court of Chancery; after reciting (amongst other things) That Fleetwood Dormer, and John Borrett, esquires, both deceased, formerly masters of the said court, and Richard Godfrey, and Edward Conway, esquires, then masters of the same court, had been deficient in answering the money and effects ordered by the court into their hands, and which deficiency, after deducting what should be made and produc'd out of the estates and effects of the said deficient masters, and the sum of thirty thousand pounds given by his Majesty, on the address of the house of commons, towards the relief of the said suitors, amounted, according to the then computation, to the sum of fifty one thousand eight hundred fifty one pounds, nineteen shillings, and eleven pence farthing, besides several other claims on the offices of four of the said deficient masters remaining, and which, if allowed, would greatly increase the said deficiency; it was, for the relief of the said suitors, and making a provision for payment of their just debts and demands, enacted, That there should be raised, collected, and paid, throughout England, the dominion of Wales, and the town of Berwick upon Tweed, for the term of sixteen years, from the second day of August, one thousand seven hundred and twenty six, for every piece of vellum, parchment, or paper, upon which any original writ (except such original on which a writ of Capias issues) Subpœna, bill of Middlesex, Latitat, writ of Capias, Quo minus, writ of Dedimus Potestatem to take answers, examine witnesses, or appoint guardians, or any other writ whatsoever, or any other process or mandate that should issue out of, or pass the seals of any of the courts at Westminister, courts of great sessions in Wales, courts in counties palatine, or any other court whatsoever holding plea where the debt or damage doth amount to forty shillings, or above, or the thing in demand is of that value, should be ingrossed or written (writs of covenant for levying fines, writs of entry for suffering common recoveries, and writs of Habeas Corpus, always excepted) the sum of six pence; for every piece of vellum, parchment, or paper, upon which any entry of any action in the mayor's and sheriff's courts of London, and in courts in all corporations, and other courts whatsoever, out of which no writs, process, or mandates issue, holding plea where the debt or damage doth amount to forty shillings, or above, shall be ingrossed or written, the sum of six pence; and for every piece of vellum, parchment, or paper, upon which should be ingrossed or written any citation or monition made in any ecclesiastical court, the sum of six pence; and the said sums and duties so to be raised and collected, were thereby appointed to be under the direction

tion and management of the commissioners of the stamp duties; and such provision was made for the levying, receiving, and enforcing the payment of the same, as in the said act is mentioned, expressed, and provided in that behalf: and it was thereby enacted, That the money thereby to be raised and collected, should be paid into the bank of England; and the said court of Chancery was thereby empowered to borrow any sum of money upon the fund thereby granted, not exceeding in the whole the sum of sixty thousand pounds: and it was thereby also enacted, That all the money then deposited, or thereafter to be deposited in the bank, on account of the suitors of the said court of Chancery, or by order of the said court, and all the monies arising by the rates and duties given by the said act, or borrowed thereon, and paid into the bank, should be accounted and taken to be one common and general cash, and should be promiscuously issued and issueable when and as the court of Chancery should direct, for the answering, paying, and clearing the debts and demands of any of the suitors of the said court: and whereas by another act of parliament made in the ninth year of the reign of his present Majesty, intituled, An act for continuing, for the purposes therein mentioned, the additional duties upon stamped vellum, parchment, and paper, laid by an act passed in the twelfth year of the reign of his late majesty King George the First, after taking notice of the said former act, and that upon stating the total deficiency of the said four masters, and the produce of the fund made liable to, and appropriated for payment of the same, it appeared that the deficiency standing out on the eighth day of March, one thousand seven hundred and thirty five, on the offices of the said four masters, was reduced to the sum of twenty four thousand eight hundred ninety one pounds, nine shillings, and ten pence; and that there was due from John Bennett esquire, one other of the masters of the said court of Chancery, to Humphry Bell a suitor of the said court therein mentioned, the sum of eleven thousand four hundred eighty five pounds, four shillings, and five pence, with interest; and that the said John Bennett had no estate or effects left to satisfy the said debt, or any part thereof; and that it was computed that the duties granted by the former act, would not be sufficient to raise the said two sums of twenty four thousand eight hundred ninety one pounds, nine shillings, and ten pence, and eleven thousand four hundred eighty five pounds, four shillings, and five pence, unless the said duties were farther continued, and the time for raising the same enlarged, it is enacted, That the said duties granted by the said former act, should be continued, and be payable and paid upon the several writs and law proceedings therein mentioned, for the farther term of four years, to be computed from the second day of August, one thousand seven hundred and forty two; and that out of the money which had arisen, and been collected by and out of the duties directed to be levied by the said former act, the said sum of eleven thousand four hundred eighty five pounds, four shillings, and five pence, should be issued and paid out of the general and common cash of the bank, when and as the said court of Chancery should direct, in satisfaction of the said debt due from the said John Bennett, as aforesaid: and it is hereby provided, enacted, and declared, That when and as soon as

as the deficiency of the ſuitors money thereby, and by the ſaid former act directed and appointed to be anſwered and paid, and all money to be borrowed on the credit of the ſame, if neceſſary, ſhould have been fully paid and ſatisfied; then, and from thenceforth, all the ſurplus money which ſhould have been raifed out of the ſaid duties, given, granted, and continued by the ſaid above-mentioned acts, over and beyond what ſhould be ſufficient for anſwering ſuch deficiency, and money lent, ſhould be reſerved for the benefit of the publick, and ſhould not be applied to any other uſe or uſes than ſuch as ſhould be thereaſter directed by parliament: ~~and whereſoever the ſaid deficiency~~ and all the money provided and directed to be paid by the ſaid former acts, or either of them, by and out of the fund thereby appropriated for that purpose, have been fully paid and ſatisfied, and there now remains in the bank of England as a ſurplus of the ſaid fund unapplied, the ſum of thirteen thouſand ſix hundred ninety eight pounds, one ſhilling, and eleven pence, ſubjeſt to the diſpoſition of parliament: and whereſoever the office of keeper or clerk of the Hanaper in Chancery is a very an- cient office, held and enjoyed by grant from his Maſteſty's royal prede- ceſſors, Kings and Queens of this realm; and the yearly revenue there- of, conſiſting of ſeveral certain yearly rents or ſums, reſerved upon grants made by the crown of the ſeveral offices, commonly caſtled the Seal or Green Wax Office, the Alienation Office, and the Six- penny Writ Office, in Chancery (the grant of which laſt-menti- oned office is now expired and determined) and alſo of fees paid upon grants, comiſſions, and other paſtents paſſing under the great ſeal, which are uncertain and contingent, hath conſtantly been iſſued and applied in and for the paſtment of ſeveral anciens fees, ſalaries, and allowan- ces, beſtonging to the lord chancellor, or lord keeper of the great ſeal, the maſter of the rolls, the maſters in Chancery, clerk of the parliaments, and other officers attending the parliament and great ſeal, and of ſeveral bills and diſburſements alwaſs paid and alwoed out of the revenues of the Hanaper office: and whereſoever the office of maſter or keeper of the rolls, is an office of great truſt and conſequenee to the publick, and the revenue beſtonging thereto is not adequate to the trouble, digni- ty, and impor- tance of the ſaid office: and whereſoever the income or revenue of the ſaid office of the Hanaper, hath not for ſe- veral years laſt paſt been ſufficient to anſwer and pay the ſeveral fees, ſalaries, allowan- ces, and diſburſements, iſſuing and payable out of the ſame; and there remained due and in arrear, at Michaelmas, one thouſand ſeven hundred and forty nine, to the ſeveral persons claiming and in- titled to ſuch fees, ſalaries, allowan- ces, and diſburſements re- ſpectively, ſeveral ſums of money, amounting together to the ſum of ten thouſand five hundred ninety pounds, twelve ſhillings, and eleven pence; and as the revenue of the Hanaper office will, in all probability, ſtill continue to be deſicient, not only the preſent debt upon the ſaid office will be loſt, but the ſervices to which the ſame for the fu- ture are to be applied, will remain unprovid- ed for: wherefore, and in order to make a provision for the paſtment of the ſaid debt, and arrears incurred upon the Hanaper office; be it ena- cted by the King's moſt ex- cellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this

Out of the sum of 13,698 l.
18. 11d. sur-
plus unappli-
ed,

10,590 l. 12s.
11d. is to be
paid to the
creditors of
the Hanaper,
as the court
of Chancery
shall direct.

Certificates of
the draughts
for payment
to be transmit-
ted to the clerk
of the Han-
per, &c.

Certificates to
be filed, and
the vouchers
delivered to
the auditor.

this present parliament assembled, and by the authority of the same, That out of the said sum of thirteen thousand six hundred ninery eight pounds, one shilling, and eleven pence, now remaining in the bank of *England*, as the surplus unapplied, of the fund given and granted by the said former acts of parliament, for the purposes therein mentioned, and so referred for the disposition of parliament as aforesaid, there shall be issued and paid such sums of money, not exceeding in the whole the said sum of ten thousand five hundred and ninety pounds, twelve shillings, and eleven pence, herein before mentioned, to be due and in arrear at *Michaelmas*, one thousand seven hundred and forty nine, to the creditors upon the office of keeper or clerk of the *Hanaper* as aforesaid, when, and as the court of *Chancery* shall order and direct, in satisfaction of the said debt, and arrears to the several persons intitled to the same respectively; and as often as the accomptant general of the said court shall, in pursuance of any such order of the said court, give a draught upon the bank of *England*, for any of the said debts or arrears, certificates thereof from the said accomptant general (which certificates he is hereby requited to make without fee or reward) shall be transmitted to the keeper or clerk of the *Hanaper*, together with proper vouchers of the payment of the said debts and arrears, specifying to whom such payments shall have been made, and to what time the same shall extend, to the end the same may be brought into the account of the keeper or clerk of the *Hanaper*, to be by him passed before one of the auditors of the said revenue; and all such certificates shall, from time to time, be filed in the said office of keeper or clerk of the *Hanaper*, and the vouchers to be transmitted therewith, are to be delivered over to the said auditor.

II. And your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, being desirous to provide for and supply any future deficiency of the income and revenue of the said *Hanaper* office, to answer the several services aforesaid, and to discharge the several fees, salaries, and allowances, issuing and payable out of the said revenue; and being also desirous to augment the revenue of the office of master or keeper of the rolls; do give and grant unto your Majesty, for the purposes aforesaid, the several duties granted by the said first recited act, upon the several writs and law proceedings therein mentioned, to be respectively applied and disposed of, in the manner, and for the purposes herein after-mentioned, expressed, and declared; and therefore do most humbly beseech your Majesty, that it may be enacted; and be it further 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 duties granted by the said act of the twelfth year of the reign of his late Majesty, for the term of sixteen years, and continued by the said act of the ninth year of the reign of his present Majesty, for the farther term of four years, ever;

Duties payable
upon writs,
&c. granted
by 12 Geo. I.
continued for
reign of his present Majesty, for the farther term of four years,
and

and which expired in the month of *August*, one thousand seven hundred and forty six, shall be, and the same are hereby revived, and shall by virtue of this act be payable and paid upon the several writs and law proceedings in the said former acts mentioned, from the twenty fourth day of *June*, which shall be in the year of our Lord one thousand seven hundred and fifty, for ever; and that all the penalties, powers, remedies, provisions, and directions in the said former acts provided and contained, for and concerning the raising, levying, collecting, securing, and managing the same, and ~~whatever like sum therof~~, shall be revived, and be, from time to time, and at all times from thenceforth, applied, exercised, practised, and executed, as fully to all intents and purposes, as if the same had been or were in this act repeated, and again particularly enacted.

III. And it is hereby further enacted by the authority aforesaid, Officers to keep distinct accounts of the duties, and to pay the same into the exchequer weekly. That all and every the officer and officers, who shall be concerned in the raising, levying, collecting, receiving, managing, and applying the duties arising by virtue of and under this act, shall and do keep separate and distinct accounts thereof, and pay the same into the receipt of his Majesty's exchequer at *Westminster*, weekly on every *Wednesday*, unless it be an holy-day; and in that case on the next day after which shall not be an holy-day.

IV. And be it further enacted by the authority aforesaid, Books to be kept for entering the monies arising by the duties. That there shall be provided and kept in the said exchequer a book or books, wherein a separate and distinct account of all the money to be paid in weekly in pursuance of this act, shall be entered and kept, and that out of the money arising and to be produced, by and from the duties granted by this act, and hereby directed to be paid into the said receipt of exchequer as aforesaid, there shall be issued and paid unto the keeper or clerk of the *Hanaper* office for the time being, or his deputy, a yearly sum not exceeding the sum of three thousand pounds of lawful money of *Great Britain*, by equal half-yearly payments, at or on the twenty fifth day of *March*, and twenty ninth day of *September*, in every year, the first payment thereof to begin and to be made, at or on the twenty ninth day of *September*, which will be in the year of our Lord one thousand seven hundred and fifty (for the issuing of which yearly sum, no fee or gratuity whatsoever shall be demanded or taken) and that the receipt or receipts of the keeper or clerk of the *Hanaper* for the time being, or his deputy, shall from time to time, be a sufficient and effectual discharge for the same.

V. And be it further enacted, That the residue of the said Residue to be thirteen thousand six hundred ninety eight pounds, one shilling, put out at interest, on government securities; and eleven pence, surplus cash in the bank of *England*, after satisfaction of the said debt, due from the keeper or clerk of the *Hanaper* in *Chancery*, at *Michaelmas* one thousand seven hundred and forty nine, as aforesaid, shall be placed out at interest on government securities, under the direction of the said court of *Chancery*, in the name and with the privity of the accomptant general

the interest to be paid to the clerk of the Hanaper.

general of the said court, and placed to the account of the keeper or clerk of the *Hanaper* in *Chancery*, and that the interests or dividends, and yearly proceed arising therefrom, be, from time to time, paid to the keeper or clerk of the *Hanaper* for the time being, or his deputy, in order to be applied in aid of the said revived duties, to make good the said annual sum of three thousand pounds, granted to his Majesty out of the said duties as aforesaid, and that the receipt or receipts of the keeper or clerk of the *Hanaper* for the time being, or his deputy, shall, from time to time, be a sufficient and effectual discharge for the same.

The said yearly sums and interest, to be accounted for as part of the revenue of the *Hanaper*;

and 1,200*l.*
to the master
of the rolls.

Clerk of the
Hanaper to
account for
surpluses.

VI. And it is hereby further enacted, That the said yearly sum of three thousand pounds, so to be paid to, and received by the keeper or clerk of the *Hanaper* for the time being, or his deputy as aforesaid, and also the yearly interest, dividends, and proceed, which shall arise or be produced from the surplus cash in the bank of *England*, as aforesaid, shall, from time to time, as the same shall come in and be received, be issued, paid, applied, and accounted for, together with and as part of the ordinary income and revenue of the *Hanaper* office, to and for such and the same ends, intents, and purposes, and in such and the same manner, as the income and revenue of the said office hath, from time to time, been issued, paid, applied, and accounted for; and also for the payment of the yearly sum of twelve hundred pounds, to the master or keeper of the rolls for the time being, by equal half-yearly payments, at or on the twenty fifth day of *March*, and the twenty ninth day of *September* in every year, the first payment thereof, to begin and be made at or on the twenty ninth day of *September*, which will be in the year of our Lord one thousand seven hundred and fifty.

VII. And be it further enacted, That in case the yearly income and revenue of the said office of keeper or clerk of the *Hanaper* augmented by virtue of this present act, shall, at any time or times hereafter be more than sufficient to answer and pay the said yearly sum of twelve hundred pounds to the master or keeper of the rolls for the time being, and also the several fees, salaries, and allowances paid and payable out of the same as aforesaid, then, and in such case, the said keeper or clerk of the *Hanaper* for the time being, shall be accountable for such overplus, and upon a certificate thereof from one of the auditors of the imprest (which certificate such auditor is hereby authorized and required, from time to time, in every such case, to make and transmit to the lord high treasurer, or commissioners of the treasury for the time being) such overplus shall, from time to time, as often as it shall so happen, be carried on to the account of the subsequent year of the said keeper or clerk of the *Hanaper*, who shall stand charged therewith, in such subsequent account, and only so much of the said yearly sum of three thousand pounds shall be paid to the said keeper or clerk of the *Hanaper*, or his deputy, for and towards the next subsequent payment or payments,

ments, as with such overplus to be ascertained by such certificate as aforesaid, will be sufficient to answer and pay the said yearly sum of twelve hundred pounds to the master or keeper of the rolls for the time being, and the several fees, salaries, and allowances paid and payable out of the same.

VIII. And it is hereby further enacted, That in case the yearly income and revenue of the said office of keeper or clerk of the *Hanaper*, augmented by virtue of this present act as aforesaid, shall, at any time or times hereafter, fall short or prove deficient to answer and pay the said yearly sum of twelve hundred pounds, to the master or keeper of the rolls for the time being, and the several fees, salaries, and allowances paid and payable out of the same as aforesaid, then and in such case, from time to time, as it shall so happen, it shall and may be lawful to and for the lord high treasurer, or commissioners of the treasury, or any three of them for the time being, out of any money that is or shall be in the exchequer, that hath arisen or shall arise, by and from the said revived duties granted and directed to be paid by this act, not otherwise applied by parliament, to direct such sum and sums of money not exceeding what shall have been saved in former years, by less having been paid to the said keeper or clerk of the *Hanaper* or his deputy, than the annual sum of three thousand pounds as aforesaid, to be issued and paid unto the keeper or clerk of the *Hanaper* for the time being, or his deputy, as shall be necessary for the answering and supplying such deficiency, so from time to time happening, to be ascertained by a certificate from one of the auditors of the imprest, to be directed to the lord high treasurer or commissioners of the treasury in that behalf, in the manner aforesaid, and that the receipts of such keeper or clerk of the *Hanaper* or his deputy, shall be a good and sufficient discharge for all such sum and sums of money as shall be so issued and paid as aforesaid.

IX. Provided always, and it is hereby enacted and declared, That in case the said revived duties, and the interest or yearly one year to be proceed of the said surplus cash in the bank of *England*, shall in any one year produce less, and in another more than the sum of three thousand pounds, then, and in such case, from time to time, as it shall so happen, it shall and may be lawful to and for the lord high treasurer, or commissioners of the treasury, or any three of them, for the time being, to order such deficiencies to be made good out of such surplusses, so as the whole money to be issued, paid, and applied to the keeper or clerk of the *Hanaper* or his deputy, out of the said monies arising from the said revived duties, and the interest and yearly proceed of the said surplus cash in the bank of *England*, do not one year with another, exceed the yearly sum of three thousand pounds, designed to be provided for the said office by this act.

X. And it is hereby further enacted, That all the residue and surplus of the money arising by the duties and other provisions, given, granted, made, or directed by this act, which shall, from time to time remain after, and shall not be issued and applied in

in and for the payment of the several yearly and other sums of money hereby directed to be issued and paid as aforesaid, shall be, and the same is hereby reserved for the benefit of the publick, and shall not be applied to any other use or uses, than such as shall be hereafter directed by parliament.

C A P. XXVI.

An act to continue several laws for the better regulating of pilots, for the conducting of ships and vessels from Dover, Deal, and Isle of Thanet, up the rivers of Thames and Medway; and for permitting rum or spirits of the British sugar plantations to be landed before the duties of excise are paid thereon; and to continue and amend an act for preventing frauds in the admeasurement of coals within the city and liberty of Westminster, and several parishes near thereunto; and to continue several laws for preventing exactions of occupiers of locks and wears upon the river Thames westward; and for ascertaining the rates of water carriage upon the said river; and for the better regulation and government of seamen in the merchants service; and also to amend so much of an act made in the first year of the reign of King George the First, as relates to the better preservation of salmon in the river Ribble; and to regulate fees in trials at assizes, and nisi prius, upon records issuing out of the office of pleas of the court of Exchequer; and for the apprehending of persons in any county or place, upon warrants granted by justices of the peace in any other county or place; and to repeal so much of an act made in the twelfth year of the reign of King Charles the Second, as relates to the time during which the office of excise is to be kept open each day, and to appoint for how long time the same shall be kept open upon each day for the future; and to prevent the stealing or destroying of turnips; and to amend an act made in the second year of his present Majesty, for better regulation of attorneys and solicitors.

WHERE AS the laws herein after-mentioned (which have by experience been found useful and beneficial) are near expiring; 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 ^{3 Geo. 1. c. 13.} of the same, That an act made in the third year of the reign of his late Majesty, intituled, *An act for the better regulating of pilots for the conducting of ships and vessels from Dover, Deal, and Isle of Thanet, up the river of Thames and Medway; which was to continue*

continue in force for seven years, and from thence to the end of the then next session of parliament; and also a clause for further regulating the pilots of *Dover*, *Deal*, and the *Isle of Thanet*, ^{7 Geo. 1. c. 21.} in an act passed in the seventh year of the reign of his late Ma-^{l. 14.} jesty, which was to be in force during the continuance of the said act of the third year of his said late Majesty's reign; which said act, together with the said clause, were, by an act made in ^{10 Geo. 1. c. 17.} the tenth year of the reign of his said late Majesty, continued in force for the further term of eleven years, and from thence to the end of the then next session of parliament, and which said ^{8 Geo. 2. c. 21.} act, together with the said clause, were, by an act made in the eighth year of his present Majesty's reign, further continued until the twenty fifth day of *March*, one thousand seven hundred and forty nine, and from thence to the end of the then next session of parliament, shall be, and the same are hereby further continued, from the expiration thereof, until the twenty fifth day of *March*, one thousand seven hundred and sixty four, ^{and to 25 March, 1764.} and from thence to the end of the then next session of parlia-
ment.

II. And be it further enacted by the authority aforesaid, That Part of ^{15 Geo.} so much of an act made in the fifteenth and sixteenth years of ^{2. c. 25 re-} his present Majesty's reign, intituled, *An act to impower the im-* ^{lating to the} *porters or proprietors of rum or spirits of the British sugar planta-* ^{landing of} *tions to land the same before payment of the duties of excise charged* ^{rum, &c. be-} *thereon, and to lodge the same in warehouses at their own expence;* ^{fore payment of the duties,} *and for the relief of Ralph Barrow in respect to the duty on some* *rock salt lost by the overflowing of the rivers Weaver and Dane, as* *relates to the landing of rum or spirits of the British sugar plan-* *tations, before payment of the duties of excise, and to the lodg-* *ing of the same in warehouses at the expence of the importers* *or proprietors thereof; which was to continue in force until the* *twenty ninth day of September, one thousand seven hundred and* *forty nine, and from thence to the end of the then next session* *of parliament, shall be, and the same is hereby further conti-* ^{continued to} *nued, from the expiration thereof, until the twenty ninth day* ^{29 Sept. 1757.} *of September, one thousand seven hundred and fifty seven, and* *from thence to the end of the then next session of parliament.*

III. And be it further enacted by the authority aforesaid, That an act made in the nineteenth year of the reign of his present ^{19 Geo. 2.} Majesty, intituled, *An act more effectually to prevent the frauds and c. 35.* *abuses committed in the admeasurement of coals within the city and* *liberty of Westminster, and that part of the dutchy of Lancaster* *adjoining thereto, and the several parishes of Saint Giles in the* *Fields, Saint Mary le Bon, and such part of the parish of Saint* *Andrew Holborn, as lies in the county of Middlesex, which was* *to continue in force from the twenty fourth day of September, one* *thousand seven hundred and forty six, for the term of three years,* *and from thence to the end of the then next session of parlia-* ^{continued to} *ment, shall be, and the same is hereby further continued, from* ^{24 Dec. 1750.} *the expiration thereof, until the twenty fourth day of December,* ^{Farther conti-} ^{nued by 24 Geo.} *one* ^{2. c. 57. l. 12.}

one thousand seven hundred and fifty, and from thence to the end of the then next session of parliament.

IV. And whereas by the said act no penalty is laid either upon the principal land coal-meters, in case they shall neglect to station the labouring coal-meters at all the several wharfs within the limits described in the said act, or upon the said labouring coal-meters, in case they shall neglect to attend and perform their duty at such wharfs as in the said act is directed: for remedy whereof, be it enacted by the authority aforesaid, That if the said principal land coal-meters, or either of them, shall neglect to station labouring coal-meters at all the said respective wharfs, on the days, and at the times, which by the said act are specially directed, such principal land coal-meters, or either of them, so neglecting, shall, for every such offence, forfeit the sum of ten pounds; and if any labouring coal-meter or coal-meters so stationed by the principal land coal-meter or coal-meters at any wharf, as aforesaid, shall not attend and perform his or their duty, at the time, and in such manner, as by the said act is specially directed, such labouring coal-meter or coal-meters shall, for every such offence, forfeit the sum of forty shillings; which said several penalties of ten pounds, and forty shillings, shall be recovered, levied, and applied, in the like manner as any other penalty is directed to be recovered, levied, and applied by the said act.

V. And be it further enacted by the authority aforesaid, That an act made in the third year of the reign of his present Majesty, intituled, *An act for reviving and amending an act made in the sixth and seventh years of the reign of his late majesty King William the Third, intituled, An act to prevent exactions of the occupiers of locks and wears upon the river Thames westward; and for ascertaining the rates of water carriage upon the said river; which was to continue in force from the first day of May, one thousand seven hundred and thirty, for the term of nine years, and from thence to the end of the then next session of parliament; and which, by another act made in the thirteenth year of the reign of his present Majesty, was further continued until the first day of June, one thousand seven hundred and forty seven; and which, by another act made in the twentieth year of the reign of his present Majesty, was further continued until the first day of June, one thousand seven hundred and forty nine; and which, by another act made in the twenty second year of the reign of his present Majesty, was further continued until the first day of June, one thousand seven hundred and fifty, shall be, and the same is hereby further continued from the expiration thereof, until the first day of June, one thousand seven hundred and fifty one, and from thence to the end of the then next session of parliament.*

VI. And be it further enacted by the authority aforesaid, That an act made in the second year of his present Majesty's reign, (intituled, *An act for the better regulation and government of seamen in the merchants service*) which was to be in force for five years, from the twenty fourth day of June, one thousand seven hundred and forty six, and the same is hereby further continued from the expiration thereof, until the first day of June, one thousand seven hundred and fifty one, and from thence to the end of the then next session of parliament.

13 Geo. 2.
c. 18.

20 Geo. 2.
c. 47.

21 Geo. 2.
c. 46.
continued to
1 June, 1751.
EX P. See

24 Geo. 2. c. 8.

2 Geo. 2. c. 36.

hundred and twenty nine, and from thence to the end of the then next session of parliament, and which act was by an act made in the eighth year of the reign of his present Majesty, further continued until the twenty fifth day of *March*, one thousand seven hundred and forty nine, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued, from the expiration thereof, until the twenty fifth day of *March*, one thousand seven hundred and sixty four, and from thence to the end of the then next session of parliament.

8 Geo. 2. c. 21.
continued to
25 March,
1764.

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VII. And whereas by an act of parliament made in the first year of 1 Geo. 1. c. 18. the reign of his late Majesty King George the First, (intituled, An act for the better preventing fresh fish taken by foreigners, being imported into this kingdom; and for the preservation of the fry of fish; and for the giving leave to import lobsters and turbuts in foreign bottoms; and for the better preservation of salmon within several rivers, in that part of this kingdom called England) all persons whatsoever were restrained under the penalties, forfeitures, and punishments therein mentioned, from taking, killing, destroying, or wilfully hurting salmon of any kind or size whatsoever, in the river Ribble in the county of Lancaster, and other rivers therein particularly named, between the last day of July, and the twelfth day of November, for ever; which restraint hath been found inconvenient as to the said river Ribble, by reason that the time limited for restraining the taking fish therein, is not properly suited or adapted to the fishing seasons there, so as to answer the intention of the said act, but it would be much more advantageous to the salmon fisheries in that river, if persons were restrained from taking, killing, destroying, or wilfully hurting any salmon in the said river Ribble, betwixt the fourteenth day of September, and the second day of January yearly, and were at liberty to take and kill the same the remainder of the year; be it therefore enacted by the authority aforesaid, That Liberty given it shall and may be lawful to and for the respective owners and proprietors of the fisheries and fishings in the said river Ribble, and every other person or persons intitled to fish therein, and their and every of their lessees, tenants, servants, and agents, and every of them, at any time or times hereafter, betwixt the yearly, first day of January, and fifteenth day of September, in any year, to take and kill by any lawful ways or means whatsoever, any salmon, salmon peal, or salmon kird, in their respective fisheries and places within the said river Ribble, and to sell any of the fish so taken between the times aforesaid; any thing in the said recited act, or any other act, to the contrary notwithstanding.

VIII. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall at any time hereafter, between the fourteenth day of September, and second day of January for ever, by or with any net, device, engine, ways time limited. or means whatsoever, take, kill, destroy, or wilfully hurt, any salmon of any kind or size whatsoever, in the said river Ribble, such person or persons shall incur, and be subject to such and

the same penalties, forfeitures and punishments as were by the said recited act inflicted upon persons taking, killing, destroying, or wilfully hurting salmon in the said river, betwixt the last day of *July*, and twelfth day of *November*, and shall be proceeded against and convicted thereof, in the same manner, as by such recited act is for that purpose directed.

The said act
continued.

IX. Provided always, and it is hereby declared, That all and every the clauses, articles, matters, and things contained in the said recited act (save the alteration hereby made in the times of taking, and being restrained from taking salmon in the said river *Ribble* as aforesaid) shall be and remain in full force; any thing herein contained to the contrary notwithstanding.

X. And where the taking of larger fees by the officers of *affize* and *Nisi Prius*, in the respective circuits of this kingdom, upon records issuing out of the office of pleas of his Majesty's court of Exchequer at Westminster, between party and party, than are taken on such records issuing out of any other court, is a grievance to the sub-Fees upon *Nisi jeet*; be it enacted by the authority aforesaid, That from and after the twenty fourth day of *June*, one thousand seven hundred and fifty, no officer or other person whatsoever shall demand, take, or receive any greater or other fees upon such records, issuing out of the said office, than are taken upon records in causes of the like nature, issuing out of the courts of King's Bench and Common Pleas at Westminster.

XI. And whereas it frequently happens that persons against whom warrants are granted by the justices of the peace, for the several counties within this kingdom, escape into other counties or places out of the jurisdiction of the justices of the peace granting such warrants, and thereby avoid being punished for the offences wherewith they are charged: for remedy whereof, be it enacted by the authority aforesaid, That from and after the twenty fourth day of *June*, one thousand seven hundred and fifty, in case any person against whom a legal warrant shall be issued, by any justice or justices of the peace for any county, riding, division, city, liberty, town, or place within this kingdom, shall escape or go into any other county, riding, division, city, liberty, town, or place out of the jurisdiction of the justice or justices granting such warrant as aforesaid, it shall and may be lawful for any justice of the peace of the county, riding, division, city, liberty, town, or place to which such person shall have gone or escaped, to indorse such warrant, upon application made to him for that purpose, and to cause the person against whom the same shall have been issued, to be apprehended and sent to the justice or justices who granted such warrant, or to some other justice or justices of the county, riding, division, city, liberty, town, or place, from whence such person shall have gone or escaped, to the end that he or she may be dealt with according to law; any law or usage to the contrary notwithstanding.

XII. And whereas by an act of parliament passed in the twelfth year of the reign of King Charles the second, (intituled, An act for taking away the court of wards and liveries, and tenures in Capite,

pite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof) it was enacted, That the office of excise in all places where it shall be appointed, shall be kept open from eight of the clock in the morning, till twelve of the clock at noon, and from two of the clock in the afternoon, till five of the clock in the afternoon, for the due execution and performance of all and every the matters and things in the said act appointed and required: and whereas the limitations and restrictions of time in the said act mentioned, for transacting the business in the said office, have been found very inconvenient, and attended with extraordinary expences to the several persons who are charged with the payment of the duties, relating to the revenues under the management of the commissioners of excise: therefore for the future, be it further enacted by the authority aforesaid, That the said clause herein before recited shall, from and after the tenth day of *May*, one thousand seven hundred and fifty; and the same is hereby enacted and declared to be from thenceforth repealed; and that the said office shall, from and after the said tenth day of *May*, one thousand seven hundred and fifty, be kept open from eight of the clock in the morning, till two of the clock in the afternoon, and no longer. The excise office to be kept open from 8 o' clock till 2.

XIII. And whereas great quantities of turnips have of late years been stolen and taken away by idle and ill-disposed persons, from the grounds of several farmers, and others growing turnips, to the great loss and damage of the owners of the said turnips; for remedy whereof, be it further enacted by the authority aforesaid, That persons stealing or destroying turnips on the twenty fourth day of *June*, one thousand seven hundred and fifty, shall be thereof convicted before any one or more justice or justices of the peace for the county, town, or place, where the said offence shall be committed, either by confession of the party offending, or by the oath of one or more persons (and which oath such justice or justices is and are hereby authorized and empowered to administer) every person so offending, and being convicted of such offence, in manner herein before-mentioned, shall, for the first offence, give and pay to the owner or owners of the turnips so stolen, pulled up, or destroyed, such satisfaction for his or their damage thereby sustained, and within such time, as the said justice or justices shall appoint; and shall over and above pay down upon such conviction, unto the overseers of the poor of the parish where the offence or offences was or were committed, for the use of the said poor, such sum of money not exceeding ten shillings, as to the said justice or justices shall seem meet; and if any such offender or offenders shall not make such recompence or satisfaction to the said owner or owners, and also pay such sum to the use of the poor, in manner and form aforesaid, then the said justice or justices shall and may commit the said offender or offenders to the house of correction, for any space not exceeding one month, or

shall and may order such offender or offenders to be whipped by the constable, as to the said justice or justices shall seem meet; and if any such person or persons shall again commit the like offence, and be thereof convicted as aforesaid, then he, she, or they, so offending the second time, and being thereof convicted as aforesaid, shall be committed to the house of correction for three months.

Limitation of
the prosecu-
tion.

XIV. Provided always, That no person or persons shall be prosecuted for any such offence of stealing, pulling up, or destroying of turnips, unless such prosecution be begun within thirty days after the offence committed.

2 Geo. 2.
c. 23. s. 20.

XV. And whereas by an act of parliament made and passed in the second year of the reign of his present Majesty, (intituled, An act for the better regulation of attorneys and solicitors) it was enacted, That from and after the first day of December, one thousand seven hundred and thirty, any person who should be sworn, admitted, and inrolled to be an attorney in any of his Majesty's courts of King's Bench, Common Pleas, Exchequer, counties palatine of Chester, Lancaster, and Durham, and great sessions in Wales, as is therein directed, might be sworn, admitted, and inrolled to be a solicitor in all or any of the courts of equity, in the said act specified, without any fee for the oath, or any stamp to be impressed on the parchment, whereon such admission should be written, if the master of the rolls, two masters of the Chancery, the barons of the court of Exchequer, the chancellor of the dutchy of Lancaster, and the judges of the other courts of equity, in the said act mentioned for the time being, or any of them respectively, should, upon examining such attorney, touching his fitness and capacity to act as a solicitor in courts of equity, be satisfied that such attorney is duly qualified to be so admitted; but there being no provision made in the said in part recited act, for admitting persons (who had been, or shall be sworn, admitted, and inrolled solicitors of any of the courts of equity in the said act mentioned) attorneys of any of his Majesty's courts of law therein also mentioned, although such solicitor should be duly qualified in all other respects; wherefore, and to supply such omission, be it enacted by the authority aforesaid, That from and after the second day of May, one thousand seven hundred and fifty, any person who hath been already, or who at any time or times hereafter shall be sworn, admitted, and inrolled a solicitor in any of his Majesty's courts of equity at Westminster, in such manner as by the said act is directed, may be sworn, admitted, and inrolled to be an attorney of his Majesty's court of King's Bench or Common Pleas at Westminster, without any fee for the oath, or any stamp to be impressed on the parchment whereon such admission shall be written (his having been sworn, admitted, and inrolled a solicitor in any of the courts of equity afore-mentioned notwithstanding) if the judges of the said courts of King's Bench or Common Pleas for the time being, or any of them respectively, shall, upon examining such solicitor, touching his fitness and capacity to act as an attorney in the said respective courts, be satisfied that such solicitor is duly qualified to be sworn, admitted, and inrolled an attorney, pursuant

Solicitors in
the courts of
equity may
be admitted
attorneys
without fees.

to

to the said in part recited act, and other the laws now in force concerning attorneys and solicitors.

C A P. XXVII.

An act for the more easy and speedy recovery of small debts within the city and liberty of Westminster, and that part of the dutchy of Lancaster which adjoineth thereto.

WHEREAS for want of an easy and speedy method for the recovery of small debts, many ill-disposed persons, who have contracted small debts within the city and liberty of Westminster, and that part of the dutchy of Lancaster which adjoineth thereto, and refuse to pay the debts which they have so contracted, to the loss and prejudice of their creditors, and to the detriment of useful credit within the said city and liberty of Westminster, and the said part of the dutchy aforesaid: for the remedy of the said inconvenience, and for the providing an easy and speedy method for the recovery of small debts within the said city and liberty of Westminster, and the said part of the dutchy aforesaid; 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 it shall and may be lawful to and for all and every The parishioners of Westminster, to meet in their vestries on 1 May yearly, the parishioners of the several and respective parishes within the said city and liberty of Westminster, and the said part of the dutchy aforesaid, who have a right to assemble in vestry, within their respective parishes, and they are hereby respectively impowered and required to meet on the first day of *May*, in the year of our Lord one thousand seven hundred and fifty, and so on the same day in every succeeding year, provided the same shall not fall on a *Sunday*; and if it should, then upon the next day at ten of the clock in the forenoon, in the several and respective vestries in every of their respective parishes, and nominate and assign in the whole, the number of two hundred and forty two of the most substantial and discreet persons residing within their respective parishes, who are to be commissioners for the purposes hereafter-mentioned and expressed; to be appointed by such parishioners of the said several parishes, in manner following; (that is to say) of the parish of *Saint Margaret* 30, to nominate and appoint thirty of the said persons; of the parish of *Saint John the Evangelist*, other twenty of the said persons; of the parish of *Saint James*, other forty two of the said persons; of the parish of *Saint George, Hanover Square*, other thirty of the 30, said persons; of the parish of *Saint Anne*, other twenty four of the said persons; of the parish of *Saint Martin in the Fields*, other forty of the said persons; of the parish of *Saint Clement Danes*, as well within the liberty of *Westminster* as without, other twenty four of the said persons; of the parish of *Saint Mary le Strand*, other twelve of the said persons; and of the parish of *Saint Paul, Covent Garden*, other twenty of the said persons: and the churchwardens 20.

Churchwardens to make two lists, and affix one on the church door, and deliver the other to the high bailiff. wardens of each respective parish for the time being, or one of them, shall, within two days after such nomination, cause two lists to be made out of the several persons so respectively nominated and appointed, as aforesaid; and shall cause one of the said lists, or a true copy thereof, to be fixed or stuck up on the church door of each respective parish; and shall deliver, or cause to be delivered, the other of the said lists to the high bailiff of the said city and liberty, or his deputy, who shall forthwith cause a copy of such lists to be made and stuck up in the several places where the said commissioners shall assemble; which said persons so nominated and returned by and for the said several parishes respectively, as aforesaid, from time to time, shall be, and are hereby declared, constituted, and appointed commissioners to hear and determine all such matters of debt as are hereafter mentioned; and such commissioners, so from time to

Commissioners constituted a court of justice:

Three to hold the court,

in St. Margaret, every Tuesday;

in St. James's, every Wednesday;

and in St. Paul Covent Garden, every Thursday;

and to pronounce judgement, &c.

None to be imprisoned upon an execution, longer than 40 days.

Qualification of commissioners.

wardens of each respective parish for the time being, or one of them, shall, within two days after such nomination, cause two lists to be made out of the several persons so respectively nominated and appointed, as aforesaid; and shall cause one of the said lists, or a true copy thereof, to be fixed or stuck up on the church door of each respective parish; and shall deliver, or cause to be delivered, the other of the said lists to the high bailiff of the said city and liberty, or his deputy, who shall forthwith cause a copy of such lists to be made and stuck up in the several places where the said commissioners shall assemble; which said persons so nominated and returned by and for the said several parishes respectively, as aforesaid, from time to time, shall be, and are hereby declared, constituted, and appointed commissioners to hear and determine all such matters of debt as are hereafter mentioned; and such commissioners, so from time to

time to be nominated and appointed, as aforesaid, are hereby constituted a court of justice, by the name of *The court of requests for the city and liberty of Westminster, and that part of the dutchy of Lancaster, which adjoineth thereto*; and the said commissioners, or any three or more of them, are hereby authorized, empowered, and required to assemble, sit, and hold the said court, in and for the said several parishes, in such several divisions, and on such days, and in such manner, as is herein after-mentioned; *videlicet*, The commissioners of the parishes

of *Saint Margaret and Saint John the Evangelist*, on every *Tuesday* in every week, or oftner, if necessary, in some convenient part of the said parish of *Saint Margaret*; the commissioners of the

parishes of *Saint George Hanover Square, Saint James, and Saint Anne*, on every *Wednesday* in every week, or oftner, if necessary, in some convenient part of the said parish of *Saint James*; and

the commissioners of *Saint Martin in the Fields, Saint Paul Covent Garden, Saint Clement Danes, and Saint Mary le Strand*, on every *Thursday* in every week, or oftner, if necessary, in some convenient part of the said parish of *Saint Paul Covent Garden*; and such commissioners, so to be nominated and appointed as

aforesaid, for the time being, or any three or more of them, shall have power and authority, by virtue of this act, to hear and determine, in their respective divisions, all such causes as are herein after-mentioned, and to pronounce such judgement, and make such decree, and to award execution thereupon, with costs, against the bodies, or against the goods and chattels of all and every the person or persons against whom they shall give such judgement, or make such decree, as to them shall seem just in law or equity; so as no person shall remain in prison upon an execution, for a longer space than forty days.

II. Provided always, and it is hereby enacted by the authority aforesaid, That no person shall be capable of acting as a commissioner, in the execution of the powers given by this act, unless such person, at the time of his nomination, and also during the time he shall so act as a commissioner, in the execution of the powers given by this act, shall be seised of lands, tenements,

tenements, or hereditaments, of the yearly value of twenty pounds, clear of all incumbrances, or be possessed of a personal estate of the value of five hundred pounds.

III. And be it further enacted by the authority aforesaid, That Persons sum-
if any person or persons summoned by virtue of this act, shall moned, not
not perform such order as the said commissioners, or any three conforming,
or more of them shall make and set down for or concerning may be com-
such debts as aforesaid, then it shall and may be lawful to and
for the said commissioners, or any five or more of them, after
personal service of the said order, and due proof thereof made,
to commit such person or persons to one of his Majesty's gaols
within the city and liberty of *Westminster*, there to remain until
he, she, or they shall perfom such order, so as no person so im-
prisoned shall remain in prison for a longer space of time than
forty days.

IV. And for the more orderly and regular proceeding in the The high bai-
said court, and to prevent any undue preference or delay, in liss to sum-
summoning the said commissioners to attend the busines of the mon a certain
said court, be it further enacted by the authority aforesaid, That number of
the said high bailiff, who is hereby impowered and required commissioners
from time to time so to do, shall, within two days next after
such several lists shall be returned to him as aforesaid, summon,
or cause to be summoned, the first seven persons named in each
list containing forty two and forty, the first five in each list con-
taining thirty, the first four in each list containing twenty four
and twenty, and the first two in each list containing twelve, to
attend as commissioners of the said court, in their respective di-
visions, for the month of *May*, and so the like number of per-
sons out of every list, as they shall stand in order and rotation
therein respectively, to serve as commissioners in their respective
divisions, from month to month, during the term for which
they are chosen commissioners.

V. Provided always, That nothing herein before contained Such commis-
shall extend, or be construed to extend, to exclude or debar any sioners as are
of the persons who shall be nominated and returned for com-
missioners as aforesaid (although they be not in rotation) from
sitting in the said court, in each respective division, but that all
such commissioners shall and may, as often as they shall respec-
tively think fit, sit and give judgement therein; any thing here-
in before contained to the contrary thereof notwithstanding.

VI. And be it further enacted by the authority aforesaid, Power given
That from and after the said first day of *May*, one thousand toresiants to
seven hundred and fifty, it shall and may be lawful to and for
every resiant and inhabitant within the said city and liberty, or
the said part of the said dutchy aforesaid, and to and for all and
every person and persons renting or keeping any shop, shed,
stall, or stand, or seeking a livelihood within the said city and
liberty of *Westminster*, or in the said part of the said dutchy
aforesaid, who now have, or hereafter shall have, any debt or
debts due or owing unto him, her, or them, not amounting to
the sum of forty shillings, by any person or persons whatsoever,

Clerks to sum- inhabiting or seeking a livelihood within the said city and liberty
mon the of *Westminster*, or in that part of the said dutchy aforesaid, to
debtor. apply to the said clerks of the said court, or one of them, who
shall cause such debtor or debtors so inhabiting or seeking a live-
lihood as aforesaid, to be warned or summoned by the said high
bailiff, or his officer or officers (who are hereby appointed, au-
thorized, and required, to execute all warrants, precepts, and
process of the said court of requests) by writing left at the
dwelling-house, or place of abode, shop, shed, stall, stand, or
any other place of dealing of such debtor or debtors, to appear
before the commissioners of the said court, to be held in and for
such division, where such debtor or debtors shall inhabit or re-
side as aforesaid; and that the said commissioners, or any three
or more of them, shall, after the return of such summons as
aforesaid, have full power and authority by virtue of this act, to
make, or cause to be made, such acts, order or orders, decrees,
judgements, and proceedings, between such party or parties,
plaintiffs, and his, her, or their debtor or debtors, defendants,
touching such debts, not amounting to the sum of forty shillings,
as they shall find to stand with equity and good conscience;
and all such acts, decrees, judgements, and proceedings, order
or orders, shall be entered and registered in a book to be kept
for that purpose by the clerk or clerks of the said court; and
shall be observed, performed, and kept in all parts, as well by
the plaintiff as by the debtor or defendant.

Upon return
of the sum-
mons, the
commission-
ers to give
judgement.

Orders, &c.
to be register-
ed and ob-
served.

Commission-
ers may ad-
minister oaths
to the parties,
&c.

In an action
for a debt un-
der 40 s. sued
for in any
other court,
the defendant
may plead this
act in bar, &c.

VII. And for the more solemn determination of matters and causes which shall be depending in the said court intended to be established by this act, it is hereby further enacted, That it shall and may be lawful for the said commissioners, or any three or more of them, to administer an oath to the plaintiff or defendant, and to such witness or witnesses, as shall be produced by each party; and also to all the officers of the said court, for or concerning any business relative thereto, if the same commissioners, or any three or more of them, shall think it meet.

VIII. And be it further enacted by the authority aforesaid, That if any action of debt, or action on the case upon an *Affumpſit* for the recovery of any debt to be sued or prosecuted against any person or persons aforesaid, in any of the King's courts at *Westminster*, or elsewhere, out of the said court of requests, the plaintiff shall declare for any sum of money, not amounting to the sum of forty shillings, the defendant may plead generally in bar of such action, That at the time of commencing such action, the defendant was inhabitant and residant within the said city and liberty of *Westminster*, or that part of the dutchy aforesaid, and was liable to be warned or summoned before the said court of requests, without pleading any other matter specially; and in case the plaintiff, in any such action, shall declare for the sum of forty shillings, or any sum of money exceeding the sum of forty shillings, the defendant may plead generally (over and above such matters as aforesaid) that the defendant was not, at the time of commencing such action, indebted to the plaintiff

in

in any sum or sums of money amounting to the sum of forty shillings, without pleading any other matter specially, whereto the plaintiff shall or may reply generally, and deny the matters pleaded as aforesaid; and if the plaintiff be nonsuited, or discontinue his action, or verdict pass against him, or judgement be given on demurrer, the defendant shall have full costs.

Full costs.

IX. Provided always, That it shall and may be lawful to and for the plaintiff, in such action, afterwards to prosecute the said defendant for the recovery of his said debt in the said court of requests; such verdict or judgement obtained against him as aforesaid, in any wise notwithstanding.

Plaintiff may afterwards sue in the court of requests.

X. And for the more effectual establishing of the said court of requests, and the better enforcing the orders and decrees which shall be made by the said commissioners; and that the said commissioners may be invested with proper power and authority, and be free and exempt from any insult or abuses; be it further enacted by the authority aforesaid, That if any person or persons shall contemptuously affront, insult, or abuse all or any of the commissioners of the said court, during their sitting in the said court, it shall and may be lawful to and for the said high bailiff, or his deputy, officer or officers, by order of the said commissioners then sitting, or any three or more of them, to take such person or persons so offending as aforesaid into custody, and carry him, her, or them, before one or more of his Majesty's justice or justices of the peace for the said city and liberty of *Westminster*, to answer such affront, insult, or abuse; and upon the fact alledged being duly proved, upon the oath or oaths of one or more credible witness or witnesses, against him, her, or them; then, and in such case, the said justice or justices shall proceed to punish such person or persons so offending as aforesaid, by fine or imprisonment, or both; provided that the fine on any one person do not exceed the sum of twenty shillings; and that the imprisonment be for no longer time than ten days.

Method of proceeding and punishment, when any shall insult the court.

Fine not to exceed 20s. nor the imprisonment 10 days.

XI. And be it further enacted by the authority aforesaid, That upon the nonpayment of the said fine, so to be imposed or set upon every person convicted of offending as aforesaid, it shall and may be lawful for the said justice or justices to issue a warrant or warrants, under his or their hands and seals, for levying the said fine or fines so imposed, upon the goods and chattels of every such offender or offenders, being then resident or inhabiting within the said city and liberty of *Westminster*, or that part of the dutchy aforesaid, and to cause sale to be made thereof, in case they shall not be redeemed in five days, rendering the overplus, if any, to the owner upon demand, after deducting the reasonable charges of such sale; which fine or fines, when levied or received by virtue of this act, shall be immediately paid over into the hands of the churchwardens or overseers of the poor of the parish wherein every such offender shall, at the time of such offence committed, inhabit, dwell, or seek a livelihood, towards the support and maintenance of the poor of

towards the support of the poor;

of

Where the offender is not resiant, &c. he is to be committed.

of the same parish; and if such offender or offenders shall not be resiant or inhabiting within the said city and liberty of *Westminster*, or that part of the dutchy aforesaid, or shall not have any goods or chattels within the said city and liberty of *Westminster*, or that part of the dutchy aforesaid, whereof such fine or fines can be levied as aforesaid; then and in such case, and upon the nonpayment of such fine or fines, it shall and may be lawful for the said justice or justices, by warrant under his or their hand and seal, or hands and seals, to commit such offender or offenders to one of his Majesty's gaols within the city or liberty of *Westminster*, there to remain for the space of one calendar month, unless he, she, or they, sooner pay the said fine or fines so imposed as aforesaid; in which case, he, she, or they, on payment of such fine or fines, are to be forthwith discharged out of custody; and such fine or fines, when levied or received, shall be immediately paid over into the hands of the said churchwardens or overseers of the poor for the purposes aforesaid.

On payment of the fine the person to be discharged.

Copy of the 2 last clauses to be stuck up in the courts.

Penalty of perjury.

Clerks of the court,

and their office.

No clerk to act as a justice.

On the death, removal, or resignation of the clerks, the commissioners to be summoned, and elect another.

XII. And be it further enacted by the authority aforesaid, That the clerks of the said court, or one of them, shall fix, or cause to be fixed, or stuck up, in the most publick part of the respective places where such court shall be held in the several divisions aforesaid, or other place where the said commissioners shall sit to do business as aforesaid, a true copy of the two last preceding clauses of this act, to the end that no person or persons shall or may pretend ignorance in the premisses.

XIII. And be it further enacted by the authority aforesaid, That in case any person or persons shall make oath, or give evidence, in any cause depending in the said court of requests, whereby he, she, or they, shall commit any wilful or corrupt perjury, and shall thereof be duly convicted according to law, then every such person or persons shall incur and suffer the like pains and penalties as any other person or persons convicted of wilful perjury according to the laws and statutes of this realm.

XIV. And be it further enacted by the authority aforesaid, That *Thomas Smith, Stephen Popham, Harman Verelst, and John Spranger*, gentlemen, shall be, and are hereby constituted and appointed clerks of the said court of requests during their respective good behaviour; who shall and are hereby impowered and required to issue out and register all summonses, warrants, precepts, acts, orders, decrees, judgements, attachments, and proceedings of the said court; and shall keep proper books, wherein shall be entered and registered all acts, orders, and proceedings of the same court; and that no clerk of the said court shall act as a justice of the peace within the limits of the jurisdiction of the said court.

XV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of who shall be sitting and acting in court, on the next court day after the death, resignation, or removal of any of the said clerks appointed by this act, or so soon after as the same is publickly known, or the major part of them, to cause the whole number of

of commissioners to be summoned to meet at some convenient place to be appointed for that purpose, within four days next after their being summoned as aforesaid ; and such commissioners, at such meeting, or the major part of them then present, are hereby authorized and required to elect another person or persons in the room of such of the said clerks so dying, resigning, or being removed, as aforesaid, for the use and purposes in this act contained ; and so from time to time, upon every vacancy of the said office of clerk, for ever.

XVI. And be it further enacted by the authority aforesaid, Commission-
That no person or persons shall be capable of acting as com-
missioner or commissioners, in the execution of the powers
given by this act, until such time as he and they shall have re-
spectively taken an oath to the effect following :

I A. B. do swear, That I will faithfully, impartially, and honest- The oath.
ly, according to the best of my judgement, hear and determine
such matters and things as shall be brought before me, by virtue of an
act of parliament (intituled, An act for the more easy and speedy
recovery of small debts within the city and liberty of Westmin-
ster, and that part of the dutchy of Lancaster which adjoineth
thereto) without favour or affection to either party ; and that I am
now seised of lands, tenements, or hereditaments, of the yearly value
of twenty pounds, clear of all incumbrances ; or that I am possessed
of a personal estate of the value of five hundred pounds.

Which oath the said clerks, or one of them, are or is hereby to be admini-
impowered and required to administer in open court ; a me-
morial whereof shall be entered in the registers of the said court. stered by a
clerk, and re-
gistered.

XVII. And be it further enacted by the authority aforesaid, Fees allowed
That the several fees hereafter limited and expressed, and no to be taken by
other fee or fees, shall and may be taken for the respective ser- the high bai-
vices of the said high bailiff and clerks ; that is to say, liff and clerks.

For issuing out every summons, to the clerk or clerks, three pence.

For the service of such summons, to the high bailiff, three pence.

For every hearing, to the clerk or clerks, three pence ; to the high bailiff, one penny.

For an attachment against the defendant for not appearing to the summons, to the clerk or clerks, six pence ; to the high bailiff, one shilling and two pence.

For an execution, to the clerk or clerks, ten pence ; to the high bailiff, one shilling and two pence.

For paying money into court, to the clerk or clerks, seven pence.

For acknowledging satisfaction in full, to the clerk or clerks, four pence.

For searching the books, to the clerk or clerks, two pence.

For calling the defendant before the court, when he refuses to

to appear, to the clerk or clerks, two pence; to the high bailiff, two pence.

For a nonsuit on the plaintiff's not appearing to the clerk or clerks, two pence:

Table of the fees to be hung up in the courts.

A table of which fees shall be hung up by the clerks of the said court, or one of them, in some publick or conspicuous part of every place where the said commissioners shall meet for the purposes aforesaid; to the end that all persons may at all times see and read the same.

Penalty on the high bailiff, &c. taking greater fees, &c.

XVIII. And be it further enacted, That if the said high bailiff for the time being, or any of his officers, or the said clerks, or any of them, shall take or demand any greater or other fee or fees than as above-mentioned, or otherwise misbehave, that then, upon complaint made to the said commissioners sitting in court, of the said offence or offences, such complaint being duly proved upon the oath or oaths of one or more credible witness or witnesses, against him or them so offending, as aforesaid, the said commissioners shall proceed to punish such person or persons so offending, as aforesaid, by fine, not exceeding the sum of five pounds for any one offence, to be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of the said commissioners, or any three of them (rendering to the owner the overplus, after the charges of such distress and sale are deducted) and to be paid over by the said commissioners, and applied to the use of the sick in the

Application of the penalty.

Westminster infirmary.

Method of proceeding against clerks where the offence deserves a greater punishment.

XIX. And be it further enacted by the authority aforesaid, That if upon complaint made by any person or persons of the misbehaviour of any clerk or clerks appointed or to be appointed by virtue of this act, or of any clerk or clerks taking or demanding any greater or other fees than as above-mentioned, it shall appear to the commissioners then present, that such offence deserves a greater punishment than is before provided, it shall and may be lawful for the commissioners then sitting in court, or the major part of them, in case they shall so think fit, to cause the whole number of commissioners to be summoned to meet as soon as conveniently may be, by publick notice to be given in the several parish churches aforesaid, by the parish clerks thereof (which notice the said parish clerks are hereby required and directed to give without fee or reward) immediately after divine service, on the *Sunday* morning next before such meeting is to be held (such *Sunday* to be at least three days before the day appointed for such meeting) to examine into the merits of such complaint; and if it shall then appear to the commissioners, being not less than sixty present, or to the major part of them, that such clerk or clerks hath or have been guilty of a gross misbehaviour, or breach of duty in his or their office, that then it shall and may be lawful to and for the said commissioners, or the major part of them, to suspend or remove such clerk or clerks from his or their said office, and to elect

elect another person or persons in the room of the person or persons so removed.

XX. Provided always, That this act, or any thing herein contained, shall not extend to any debt for any rent upon any lease of lands or tenements, or on any other real contract, nor to any debt which shall arise by reason of any cause concerning testament or matrimony, or any thing concerning, or properly belonging to the ecclesiastical court, albeit the same shall be under forty shillings; any thing herein before contained to the contrary in any wise notwithstanding.

XXI. And be it further enacted by the authority aforesaid, That no action or suit for any debt not amounting to the sum of forty shillings, and recoverable by virtue of this act in the said court of requests, shall be brought against any person residing or inhabiting within the jurisdiction thereof, in any other court whatsoever.

XXII. And whereas the four council of the ancient court of the Marshalsea, and court of his Majesty's palace of Westminster, who hold their offices for the terms of their natural lives respectively, and who have been made chargeable by parliament, and actually assessed to the land tax for their freeholds in their said offices, will sustain great loss by this present act, unless a compensation shall be made to them for the same; be it therefore enacted by the authority aforesaid, That the said high bailiff, and the clerks of the said court of requests for the time being, shall, and they are hereby required, out of the fees limited or to be limited to him and them, by virtue of this present act, to pay, or cause to be paid, in equal proportions, unto *John Lawson, Lomax Martyn, George Weller, and John Le Gross Spelman*, esquires, the present council of the said court of the Marshalsea, and court of his Majesty's palace of Westminster, as a compensation for the loss they will sustain in their said offices by this present act, for and during the terms of their respective natural lives, the yearly sum of twenty pounds apiece, of lawful money of Great Britain (free and clear of and from all charges and deductions whatsoever) to be paid to them severally and respectively, yearly and every year, at or upon the several feast days following; that is to say, The feast of Saint Michael the Archangel, the feast of the nativity of our Lord, the feast of the annunciation of the blessed Virgin Mary, and the feast of the nativity of Saint John the Baptist, by even and equal portions; the first payment thereof to begin and to be made at or upon the feast day of Saint Michael the Archangel, in the year of our Lord one thousand seven hundred and fifty.

XXIII. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any matter or thing done or to be done in pursuance of this act, then, and in such case, such action or suit shall be brought or commenced within three calendar months next after the fact committed, and not afterwards; and the defendant or defendants, in such action or suit, shall and may plead

General issue. plead the general issue, and give this act and the special matter in evidence at any trial to be had thereon: and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his or their action or actions, suit or suits; or if, upon verdict or demurrer, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have such remedy for the same, as any defendant or defendants hath or have in other cases by law.

Treble costs.

Publick act. www.biblioteca.com.br

XXIV. 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 all other persons whatsoever, without specially pleading the same.

C A P. XXVIII.

An act to explain part of an act passed in the thirteenth and fourteenth years of the reign of King Charles the Second, for the uniformity of publick prayers, and administration of sacraments; and also part of an act passed in the thirteenth year of the reign of Queen Elizabeth, for the ministers of the church to be of sound religion.

13 & 14 Car. 2. c. 4. s. 6.

WHEREAS by an act passed in the thirteenth and fourteenth years of the reign of the late King Charles the Second, intituled, An act for the uniformity of publick prayers, and administration of sacraments, and other rites and ceremonies; and for establishing the form of making, ordaining, and consecrating bishops, priests, and deacons, in the church of England; it was enacted, That every person who should thereafter be presented or collated, or put into any ecclesiastical benefice or promotion, within England, the dominion of Wales, and town of Berwick upon Tweed, should, in the church, chapel, or place of publick worship, belonging to his said benefice or promotion, within two months next after that he shall be in the actual possession of the said ecclesiastical benefice or promotion, upon some Lord's day, openly, publicly, and solemnly read the morning and evening prayers appointed to be read by and according to the book of common prayer, at the times thereby appointed or to be appointed; and after such reading thereof, should openly and publicly, before the congregation there assembled, declare his unsiegnd assent and consent to the use of all things therein contained and prescribed, according to the form therein before appointed; and that all and every such person who should (without some lawful impediment, to be allowed and approved by the ordinary of the place) neglect or refuse to do the same within the time aforesaid, or (in case of such impediment, within one month after such impediment removed) should (ipso facto) be deprived of all his said ecclesiastical benefices and promotions; and that from thenceforth it should and might be lawful to and for all patrons and doners of all and singular the said ecclesiastical benefices and promotions, or any of them, according to their respective rights and titles, to present or collate to the same, as though the person or persons so offending or neglecting were dead: and it was

by

by the said act (amongst other things) further enacted, That every parson, vicar, curate, lecturer, and every other person in holy orders, should, before his or their respective admission to be incumbent, or have possession of any parsonage, vicarage, or any curate's place or lecture, subscribe the declaration or acknowledgement therein directed before the respective archbishop, bishop, or ordinary of the diocese, upon pain that all and every of the persons afore-mentioned, failing in such subscription, should lose and forfeit such respective parsonage, vicarage, curate's place, or lecture, and should be utterly disabled and (ipso facto) deprived of the same; and that every such respective parsonage, vicarage, curate's place, or lecture, should be void, as if such person so failing were naturally dead; and that after such subscription made, every parson, vicar, curate, or lecturer should procure a certificate under the hand and seal of the respective archbishop, bishop, or ordinary of the diocese (who were thereby enjoined and required, upon demand, to make and deliver the same) and should publickly and openly read the same, together with the declaration or acknowledgement therein mentioned, upon some Lord's day within three months then next following, in his parish church where he was to officiate, in the presence of the congregation there assembled, in the time of divine service, upon pain, that every person failing therein, should lose such parsonage, vicarage, or benefice, curate's place, or lecturer's place respectively, and should be utterly disabled and (ipso facto) deprived of the same; and that the said parsonage, vicarage, or benefice, curate's place, or lecturer's place should be void, as if he were naturally dead: and whereas doubts have arisen, whether the allowance and approbation of any lawful impediment before-mentioned, doth extend to both the said before-recited cases, or whether any archbishop, bishop, or other ordinary, hath power by the said act to allow and approve of any lawful impediment, as to reading the said last-mentioned certificate and declaration, within the time limited by the said act: for the obviating thereof, 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 every allowance and approbation of any lawful impediment already given and a lawful impediment declared, or which shall hereafter be given and declared, in pursuance of the said act, by any archbishop, bishop, or ordinary, not reading to any person for or in respect of not reading in the church, the certificate chapel, or place of publick worship, belonging to his benefice or and declaration, within two months next after that he shall be in the actual possession of the said benefice or promotion, upon some Lord's day, openly, publickly, and solemnly, the morning and evening prayers, appointed to be read by and according to the said book of common prayer, and for or in respect of not openly and publickly, before the congregation there assembled, declaring his unfeigned assent and consent to the use of all things therein contained and prescribed, shall extend, and be construed to extend, to the not reading the said last-mentioned certificate and declaration, although the same be not mentioned in the said allowance.

allowance and approbation, for the like time as the said allowance and approbation shall extend to.

13 Eliz. c. 12. II. And whereas by an act passed in the thirteenth year of the reign of Queen Elizabeth, intituled, An act for the ministers of the church to be of sound religion; it was (amongst other things) enacted, That every person who should be admitted to a benefice with cure, except that within two months after his induction, he should publickly read the articles therein mentioned, in the same church whereof he should have cure, in the time of common prayer there, with declaration of his unsiegnd assent therunto, should be, upon every such default (ipso facto) immediately deprived: and whereas it hath happened, and may hereafter happen, through sickness, or other lawful impediment, that divers persons have been, and may be hindered from reading the said articles, and making the said declaration, within the time directed by the said act, and yet such person, after such sickness, or other lawful impediment removed, hath read, and may hereafter read the said articles, and make the said declaration; and it is reasonable that such persons should be deemed to have complied with the true intent and meaning of the said act; be it therefore further enacted by the authority aforesaid, That every person who hath already read, or who shall hereafter read the said articles, and hath made, or shall hereafter make the said declaration, at the same time that he did read, or shall hereafter read the morning and evening prayer, and declare his unsiegnd assent and consent to the use of all things therein contained and prescribed, according to the directions of the said in part recited act of the thirteenth and fourteenth years of the reign of King Charles the Second, shall be, and is hereby declared and adjudged to have complied with the true intent and meaning of the said act of the thirteenth year of the reign of Queen Elizabeth, although the same were not, or may not be read within the space of two months after such person's induction into any benefice with cure; and that every such person shall, and he is hereby declared to be freed and discharged from any deprivation, or other forfeiture by virtue of the said act; any thing therein contained to the contrary notwithstanding.

Limitation of this act.

III. Provided always, That this act shall not extend to restore any person to any parsonage, vicarage, or benefice, curate's place, or lecturer's place, which, for want of reading such certificate and declaration, within the time directed by the said first in part recited act, or of reading the said articles and declaration concerning the same, according to the said last-mentioned act, hath been forfeited or become void, and is already filled up or enjoyed by any person or persons whatsoever.

C A P. XXIX.

An act to encourage the importation of pig and bar iron from his Majesty's colonies in America; and to prevent the erection of any mill or other engine for flitting or rolling of iron; or any plateing forge to work with a tilt kammer; or any furnace for making steel in any of the said colonies.

WHEREAS the importation of bar iron from his Majesty's colonies in America, into the port of London, and the importation of pig iron from the said colonies, into any port of Great Britain, and the manufacture of such bar and pig iron in Great Britain, will be a great advantage not only to the said colonies, but also to this kingdom, by furnishing the manufacturers of iron with a supply of that useful and necessary commodity, and by means thereof large sums of money, now annually paid for iron to foreigners, will be saved to this kingdom, and a greater quantity of the woolen, and other manufactures of Great Britain, will be exported to America, in exchange for such iron so imported; be it therefore 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 twenty fourth day of June, one Pig iron made thousand seven hundred and fifty, the several and respective subsidies, customs, impositions, rates, and duties, now payable on pig iron, made in and imported from his Majesty's colonies in America, into any port of Great Britain, shall cease, determine, and be no longer paid; and that from and after the said twenty fourth day of June, no subsidy, custom, imposition, rate, or duty whatsoever, shall be payable upon bar iron made in and imported from the said colonies into the port of London; any law, statute, or usage to the contrary thereof in any wise notwithstanding.

II. And be it further enacted by the authority aforesaid, That no such bar iron so imported into the port of London, shall be afterwards exported, or shall be carried coastwise to be landed at any other port or place of Great Britain, except for the use of his Majesty's dock yards, upon pain, that all such bar iron so exported, or carried coastwise, and every ship or vessel, on board of which any such bar iron shall be so exported, or carried coastwise, shall be subject to such forfeiture and seizure, as any prohibited or uncustomed goods, or any goods clandestinely exported or imported, or any ship or vessel on board of which any such goods shall be exported or imported, are now liable by law; and also upon pain, that every person, so exporting such bar iron, or sending the same coastwise, and the master or commander, and mariners of every ship or vessel, on board of which any such bar iron shall be so exported or carried coastwise, shall be subject to such and the like punishments and penalties as the master or commander, or mariners of any ship

Officers granting any cocquet for exporting thereof, or vessel, laden with any prohibited or uncustomed goods, or goods clandestinely exported or imported, are now liable to by law; and that no officer of his Majesty's customs shall sign or grant any cocquet, sufferance, transire, let-pas, warrant, or certificate whatsoever, for exporting or carrying coastwise, except for the use of his Majesty's dock yards, any ſuch bar iron ſo imported into the port of *London*, upon pain, that every officer of his Majesty's customs, ſo offending, ſhall forfeit and to forfeit 200l. pay the ſum of two hundred pounds, to be ſued for and recovered by action, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, and to be applied, one moiety to the use of his Majesty, his heirs and successors, and the other moiety to ſuch person or persons as ſhall ſue for the and his office. fame, and ſhall also lose and forfeit his office, and be incapable of ſerving his Majesty, his heirs or successors, in any office of trust or profit whatsoever; and that if any ſuch cocquet, ſufferance, transire, let-pas, warrant, or certificate whatsoever, ſhall be ſigned or granted, the fame ſhall be void, and of no effect whatsoever.

No bar iron to be carried coastwise, unless the duty be paid.

Penalty of carrying by land any ſuch iron beyond 10 miles from *London*.

Oath to be made of the place where the iron was made, and to whom conſigned.

III. And be it further enacted by the authority aforesaid, That no bar iron whatsoever ſhall be permitted to be carried coastwise, unless mention be made in the certificate to be granted for that purpose, of the day on which the ſubſidies, customs, impositions, rates, and duties, payable upon the importation thereof, were paid, and of the name of the person or persons by whom the fame were paid.

IV. And it is hereby further enacted, That no bar iron imported into the port of *London*, by virtue or in purſuance of this act, ſhall be carried or conveyed by land carriage to any place beyond ten miles from any part of the port of *London*, except to his Majesty's dock yards for the use of his Majesty, his heirs and successors; and if any person or persons shall carry and convey, or cause or procure to be carried or conveyed upon horseback, or in any waggon, cart, or other carriage, any iron ſo imported, to any place beyond the limits prescribed by this act, every person ſo offending, ſhall, for every ſuch offence, forfeit and pay the ſum of twenty ſhillings for every hundred weight of ſuch iron.

V. And that the importers of foreign pig and bar iron, not made in and imported from the ſaid colonies, may not, upon any pretence whatsoever, claim the exemption hereby granted; be it further enacted by the authority aforesaid, That every merchant, trader, factor, or other person, loading any pig or bar iron on board any ſhip or vessel in any of his Majesty's colonies in *America*, ſhall, before the clearing out of the ſaid ſhip or vessel for any port of *Great Britain*, make oath before the governor or lieutenant governor, collector and comptroller of the customs, and naval officer, or any two of them (which oath every ſuch governor or lieutenant governor, collector, and comptroller of the customs, and naval officer, is hereby impowered and required to administer without fee or reward) that the pig or bar iron

iron so shipped, the true weight whereof shall in such oath be expressed, was made at within the colony of

in which oath also the name or names of the person or persons to whom the said iron shall be sold or consigned, shall be expressed; and thereupon the said governor, lieutenant governor, collector, and comptroller of the customs, be given, and naval officer, or any two of them, shall deliver to such merchant, trader, factor, or other person, so making oath as aforesaid, a certificate, under their hands and seal of office, of such oath having been made before them.

VI. And be it further enacted by the authority aforesaid, That no person or persons importing any pig or bar iron into *Great Britain* from his Majesty's colonies in *America*, shall import the same duty-free as aforesaid, unless such pig or bar iron shall be stamped with some mark denoting the colony or place where the same was made; and unless such person or persons shall produce such certificate to the chief officer of the customs at the port in *Great Britain* where the same shall be imported; and unless oath shall be made before the said chief officer of the customs, by the master or commanding officer of the ship or vessel, importing such pig or bar iron (which oath such chief officer is hereby impowered and required to administer without fee or reward) that the iron so imported is the same iron mentioned in the said certificate.

VII. Provided always, and be it enacted by the authority aforesaid, That all pig or bar iron imported into *Great Britain*, marked, and which shall not be so stamped and certified as aforesaid, to be made certified, to in his Majesty's colonies in *America*, shall be subject to the payment of the same subsidies, customs, impositions, rates, and duties, to which such iron was liable before the making of this act.

VIII. And be it further enacted by the authority aforesaid, That if any governor, lieutenant governor, collector, or comptroller of the customs, naval officer or chief officer of the customs as aforesaid, shall falsely make any such certificate, every person so offending shall, for every such offence, forfeit and pay the sum of two hundred pounds, and also forfeit and lose his office, and be incapable of serving his Majesty, his heirs and successors in any office of trust or profit; or if any merchant, factor, trader, and master, or commanding officer of any ship or vessel, shall falsely make any oath required by this act, every such offender shall incur the punishment inflicted by the laws of this realm for wilful and corrupt perjury; and if any person shall knowingly counterfeit any such stamp, or shall counterfeit any such certificate, or publish the same, knowing it to be counterfeit, every such person so offending shall incur the punishment inflicted by the laws of this realm for forgery.

IX. And, that pig and bar iron made in his Majesty's colonies in *America* may be further manufactured in this kingdom, be it further enacted by the authority aforesaid, That from and after the twenty fourth day of June, one thousand seven hundred and No mill for slitting of iron; or plate-

ing forge; or furnace for steel to be erected, &c. in America.

dred and fifty, no mill or other engine for slitting or rolling of iron, or any plateing-forgo to work with a tilt hammer, or any furnace for making steel, shall be erected, or after such erection, continued, in any of his Majesty's colonies in *America*; and if any person or persons shall erect, or cause to be erected, or after such erection, continue, or cause to be continued, in any of the said colonies, any such mill, engine, forge, or furnace, every person or persons so offending, shall, for every such mill, engine, forge, or furnace, forfeit the sum of two hundred pounds of lawful money of *Great Britain*.

Penalty of 200 l.

to be deemed a common nuisance; and the governor to cause it to be abated,

X. And it is hereby further enacted by the authority aforesaid, That every such mill, engine, forge, or furnace, so erected or continued, contrary to the directions of this act, shall be deemed a common nuisance; and that every governor, lieutenant governor, or commander in chief of any of his Majesty's colonies in *America*, where any such mill, engine, forge, or furnace, shall be erected or continued, shall, upon information to him made and given, upon the oath of any two or more credible witnesses, that any such mill, engine, forge, or furnace, hath been so erected or continued (which oath such governor, lieutenant governor, or commander in chief, is hereby authorized and required to administer) order and cause every such mill, engine, forge, or furnace, to be abated within the space of thirty days next after such information given and made as aforesaid; and if any governor, lieutenant governor, or commander in chief, shall neglect or refuse so to do, within the time herein before limited for that purpose, every such governor, lieutenant governor, or commander in chief, so offending, shall, for every such offence, forfeit the sum of five hundred pounds of lawful money of *Great Britain*, and shall from thenceforth be disabled to hold or enjoy any office of trust or profit under his Majesty, his heirs or successors.

Penalty of 500 l. &c.

Method of recovering the penalties.

XI. And it is hereby further enacted by the authority aforesaid, That the several penalties and forfeitures by this act inflicted for falsely making any stamp or certificate, herein before directed, or for erecting or continuing any mill, engine, plateing forge, or furnace prohibited by this act, or for refusing or neglecting to abate the same, shall and may be sued for and recovered by action, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of *Exchequer* in *Scotland*, or in any of the courts of record in his Majesty's colonies in *America* respectively, wherein the offender shall dwell at the time when the offence shall be committed, or at the time when such action, bill, plaint, or information shall be brought; and every such action, bill, plaint, or information, to be brought in *Great Britain*, shall be laid either in the county where any such offence shall be committed, or where the offender shall dwell at the time when such action, bill, plaint, or information shall be brought.

XII. And be it further enacted by the authority aforesaid, that all such penalties and forfeitures shall be applied, one moiety

ety to the use of his Majesty, his heirs and successors, and the other moiety to such person or persons as shall sue for the same.

XIII. And it is hereby further enacted by the authority aforesaid, That all bar iron which shall be imported from any of his Majesty's colonies in *America* into the port of *London*, by virtue of this act, to be entered at the custom-house in *London*; and every bar of the said iron so don, entered, shall be marked or stamped with such mark or stamp as the commissioners of his Majesty's customs shall for that purpose order or direct, in three different parts of every such bar and to be (that is to say) two of the said marks or stamps at the distance of one yard from each end of such bar, and the other of them different at or near the middle thereof.

XIV. And it is hereby further enacted, That if any person shall counterfeit, or willfully destroy or deface, any of the said counterfeiting marks or stamps, with an intent to convey or carry the same to any place ten miles from any part of the port of *London*, contrary to the true meaning of this act, every person so offending, and being thereof legally convicted, shall forfeit the sum of one hundred pounds, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; one moiety thereof to his Majesty, his heirs and successors, and the other moiety to such person or persons who shall sue for the same.

XV. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, every governor or lieutenant governor, or commander in chief of any of his Majesty's colonies in *America*, shall forthwith transmit to the commissioners for trade and plantations, a certificate under his hand and seal of office, containing a particular account of every mill or engine for slitting and rolling of iron; and every plateing forge to work with a tilt hammer; and every furnace for making steel, at the time of the commencement of this act, erected in his colony; expressing also in the said certificate such of them as are used, and the name or names of the proprietor or proprietors of each such mill, engine, forge and furnace, and the place where each such mill, engine, forge, and furnace is erected, and the number of engines, forges, and furnaces in the said colony; and if any governor, lieutenant governor, or commander in chief, shall neglect or refuse so to do within six months after the said twenty fourth day of *June*, every such governor, lieutenant governor, or commander in chief so offending, shall be subject to such penalties and forfeitures, as any governor, or lieutenant governor of any of the said colonies is liable to for any offence committed against this act, to be recovered in like manner, as is by this act directed for the same.

XVI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in any such action or suit may plead the general issue, and give this act and the special matter in evidence,

Treble costs.

dence, at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared; or if judgement shall be given upon a verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendant hath or have in other cases by law.

Publick act.

XVII. And be it further enacted by the authority aforesaid, That this act shall be deemed a publick act, and be judicially taken notice of such, by all judges, justices, and other persons whatsoever, without specially pleading the same.

C A P. XXX.

An act for the more easy and speedy recovery of small debts within the Tower Hamlets.

WHEREAS many persons, living, residing, trading, or dealing within the several parishes, liberties, precincts, hamlets, and places herein after mentioned, do contract several debts, which in the whole amount yearly to a great sum of money, and although such debtors are well able to pay their respective debts, yet often refuse so to do, presuming on the discouragements their creditors lie under from the expence they are unavoidably put unto in suing for the same, and the delays they meet with even after judgement; and as providing an easy and speedy method for recovering of small debts, will greatly contribute to the promoting industry, and supporting and encouraging useful credit; may it therefore 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 it shall and may be lawful to and for such parishioners or inhabitants of the several and respective parishes, liberties, precincts,

Parishioners to hamlets, and places within the said Tower Hamlets, (the precinct meet on Tues- of the said Tower-within only excepted) as have a right to as- day after Ea- semble and meet for the choice of officers in their several and re- ster yearly, spective vestries, or other places of meeting for transacting the and to nomi- nate 240 com- publick busin:ls of such parishes, liberties, precincts, hamlets, missioners, or places, and they or the greater number of them so assembled viz. St. Mary as aforesaid, are hereby respectively empowered and required on Whitechapel, the Tuesday next after the feast of Easter, or within one month ChristChurch, after Easter, in the year of our Lord one thousand seven hundred and fifty; and on every Tuesday next after the feast of Easter, in every succeeding year, to nominate, assign, and appoint St. Leonard Shoreditch 20; in the whole, the number of two hundred and forty of the most St. John Hack- ney 18; St. Matthew Bethnal Green parishes, liberties, precincts, hamlets, and places, who shall each be seized of lands, tenements, or hereditaments, of the va- lue

lue of twenty pounds *per annum*, clear of all incumbrances, or St. Mary, possessed of a personal estate of the value of five hundred pounds Stratford Bow or more, clear of all incumbrances, to be commissioners for the ⁴; Bromley St. purposes herein after mentioned and expressed in manner fol- Leonard 3; lowing; *videlicet*, such parishioners of the parish of *Saint Mary* St. Anne 8; *Whitechapel*, to nominate, assign, and appoint thirty one of the St. Paul Shad- said persons; such parishioners of the parish of *Christ Church* St. George 18; other twenty one; such parishioners of the parish of *Saint Leo*- St. John Wap- *nard Shoredith*, other twenty; such parishioners of the parish ping 17; of *Saint John Hackney*, other eighteen; such parishioners of the St. Botolph parish of *Saint Matthew Bethnal Green*, other eight; such par- without Ald- shioners of the parish of *Saint Mary*, *Stratford Bow*, other four; gate 15; such parishioners of the parish of *Bromley Saint Leonard*, other three; Trinity Mino- such parishioners of the parish of *Saint Anne*, other eight; such Mile End Old parishioners of the parish of *Saint Paul Shadwell*, other sixteen; Town 8; such parishioners of the parish of *Saint George*, other eighteen; New Town 33; such parishioners of the parish of *Saint John Wapping*, other se- Radcliffe 15; venteen; such parishioners of the parish of *Saint Botolph without Blackwall 7; Aldgate*, commonly called the liberty of *East Smithfield*, other Tower with- fifteen; such parishioners of the parish of *Trinity Minories*, other out 6; three; such parishioners or inhabitants of the hamlet of *Mile St. Kathe- End Old Town*, other eight; such parishioners or inhabitants of the Well Close 3; the hamlet of *Mile End New Town*, other three; such parish- Old Artillery ioners or inhabitants of the hamlet of *Radcliffe*, other fifteen; Poplar and such parishioners or inhabitants of the hamlet of *Poplar and Blackwall*, other seven; (which said last-mentioned four hamlets, are within the parish of *Saint Dunstan Stebunheath*, otherwise *Step- ney*, in the county of *Middlesex*) such inhabitants of the precinct of the *Tower-without*, other six; such inhabitants of the precinct of *Saint Katherine's*, other seven; such inhabitants of the precinct of *Well-Close*, other three; such inhabitants of the precinct of the *Old Artillery Ground*, other four; and such inhabitants of the liberty of *Norton Falgate*, other five; and the churchwardens of each of the said respective parishes or hamlets, and the overseers of the poor of each of the respective liberties, precincts, or places aforesaid, for the time being, or one of them, shall, Two lists to within two days next after every such nomination, cause two lists be made out; to be made out, of the several persons so respectively nominated, One to be assigned, and appointed as aforesaid; and the said respective churchwardens shall cause one of the lists, or a true copy there- fixed on the church door, of, to be fixed and stuck up at the church door of each respec- and one in tive parish; and the overseers of the poor of each liberty, pre- some publick cinct, or place aforesaid, not being a parish of itself, shall also place. cause one of the said lists, or a true copy thereof, to be fixed and stuck up in some publick and convenient place, in each of their respective liberties, precincts, or places aforesaid, not being a parish of itself; and such churchwardens and overseers of the Notice to be poor respectively shall forthwith give or cause to be given given to the notice to all and every the commissioners so nominated, as- commission- signed, and appointed, for each of their respective parishes, liberties, precincts, hamlets, and places, of their being so appointed commissioners as aforesaid; and shall also within

A list to be hung up in the court house, two days after every nomination of commissioners, pursuant to this act, cause a true copy of such lists to be made and wrote fair in one compleat list, taking the several parishes, liberties, precincts, hamlets, and places in order as they stand in this act, and shall stick up the same in some convenient part of the court-house, or other convenient place, to be provided by the said commissioners, or the major part of them, at some general meeting to be held for that purpose; which said persons, so nominated and returned by the said several parishes, liberties, precincts, hamlets, and places respectively as aforesaid, from time to time, are hereby declared, constituted, and appointed to be commissioners to hear and determine all such matters of debt as are herein after-mentioned; and such commissioners are hereby constituted a court of justice, by the name of *The Court of Requests for the Tower Hamlets*; and the said commissioners, or any three or more of them, are hereby authorized, impowered, and required to assemble, sit, and hold the said court twice in every week, *videlicet*, on every *Tuesday* and *Friday*, or oftener, if need be, in a court-house to be provided as aforesaid for that purpose, in the said parish of *Saint Mary Whitechapel*, or in some other convenient place near or thereunto adjoining: and the said commissioners, so to be assigned and appointed for the time being, or any three or more of them, shall have power and authority, by virtue of this act, to give judgement and decree, and to award execution thereupon, with costs, against the bodies, or against the goods and chattels of all and every the person or persons against whom they shall give any judgement or decree, as to them shall seem just in law or equity, so as no person shall remain in custody upon an execution for any longer space of time than forty days.

Commissioners constituted a court.

Three to sit Tuesday and Friday weekly,

and to give judgement, &c.

Persons not appearing on summons,

or not conforming,

may be committed.

II. And be it enacted by the authority aforesaid, That if any plaintiff or creditor, defendant or debtor (after being duly warned or summoned to appear in the said court by one of the beadle herein after directed to be chosen) shall, without some just cause to be allowed by the said commissioners in court, or any three or more of them, refuse to appear in the said court before the said commissioners, or shall not perform such order as the said commissioners, or any three or more of them, shall make or set down for or concerning such debts as aforesaid, it shall and may be lawful to and for the said commissioners, or any three or more of them, to commit every such person to the common gaol or house of correction for the said county of *Middlesex*, or to the gaol for the liberty of the *Tower of London*, if such person shall reside in the said liberty, there to remain until he, she, or they shall perform the order of the said commissioners, so as no person shall remain in custody for any longer space of time than forty days.

III. And, for the more orderly and regular proceeding in the said court, and that no undue preference may be made or given in summoning the said commissioners to attend the business of the said court, be it further enacted by the authority aforesaid,

said, That the said beadle, or one of them, who are hereby Commission-
empowered and required, from time to time, so to do, shall yearly summon, or cause to be summoned, the first five persons out of the first sixty named in the said complete list, the first five persons out of the second sixty named in the said complete list, the first five persons out of the third sixty named in the said complete list, the first five persons out of the fourth sixty named in the same list (making in all twenty persons) to attend as commissioners of the said court for one calendar month, to commence at and upon the ~~first day of May in each year~~; and so the like number of five persons next standing, and successively following in each of the said sixty names, as they shall stand in order and rotation upon the said complete list, to serve as commissioners from month to month, during the term for which they are so chosen commissioners.

IV. Provided always, That nothing herein before contained shall extend, or be construed to extend, to exclude or debar any of the persons who shall be nominated, appointed, and returned for commissioners as aforesaid, being duly qualified as aforesaid, from sitting in the said court, although they be not in rotation; but that all such commissioners shall and may, so often as they shall respectively think fit, sit and give judgement therein; any thing herein before contained to the contrary thereof in any wise notwithstanding.

V. And be it enacted by the authority aforesaid, That from and after the said first day of *May*, one thousand seven hundred and fifty, it shall and may be lawful to and for any person or persons who now have, or hereafter shall have any debt or debts owing unto him, her, or them, not amounting to the sum of forty shillings, by any person or persons whatsoever, residing or inhabiting, or keeping any shop, shed, stall, or stand, or seeking a livelihood, or trading or dealing within the district herein before described, or any part thereof, to cause such debtor or debtors, so resiant, inhabiting, or keeping any shop, shed, stall, or stand, or seeking a livelihood, or trading or dealing, as aforesaid, to be warned or summoned by one of the said beadle, who is hereby appointed, authorized, and required to execute all the debt-warrants, precepts, and process of the said court of requests, by personal service, or by writing left at the dwelling-house, or place of abode, shop, shed, stall, stand, or any other place of dealing of such debtor or debtors, to appear before the commissioners of the said court, to be held at or in the said court-house, or other place to be provided, as aforesaid; and that the said commissioners, or any three or more of them, shall, after such summons as aforesaid, have full power and authority, by virtue of this act, from time to time, to make or cause to be made, such acts, order or orders, decrees, judgements, and proceedings, between such party or parties, plaintiffs, and his, her, or their debtor or debtors, defendants, touching such debts, not amounting to the sum of forty shillings, as they shall find to stand with equity and good conscience; and all such acts, order or orders;

Orders, &c. of the court to be registered. orders, decrees, judgements, and proceedings, shall be entred and registered in a book or books, to be kept for that purpose by the clerks of the said court, or one of them, and shall be observed, performed, and kept in all parts, as well by the plaintiff, as the debtor or defendant.

Commissioners may administer oaths to the parties.

VI. And for the more due and regular proceeding in the said court intended to be established by this act, it is hereby further enacted, That it shall and may be lawful for the said commissioners, or any three or more of them, to administer an oath to the plaintiff or defendant, and to such witness or witnesses as shall be produced by each party, and also to all or any of the officers of the said court, for or concerning any business relative thereto, if the same commissioners, or any three or more of them, shall so think it meet.

If action for debt under 40 s. shall be sued in any other court,

VII. And be it further enacted by the authority aforesaid, That if in any action of debt, or action on the case upon an *Assumpsit* for recovery of any debt to be sued or prosecuted against any person or persons aforesaid, in any of the King's courts at *Westminster*, or elsewhere, out of the said court of requests, and it shall appear to the judge or judges of the court where such action shall be sued or prosecuted, that the debt to be recovered by the plaintiff in such action doth not amount to the sum of forty shillings, and the defendant in such action shall duly prove, by sufficient testimony, to be allowed by any the judge or judges of the court where such action shall depend, that at the time of commencing such action, such defendant was inhabiting and residant within the district herein before described, or any part thereof, and was liable to be warned or summoned before the said court of requests for such debt, then, and in such case, the said judge or judges shall not allow to the said plaintiff any costs of suit; but shall award that the said plaintiff shall pay so much ordinary costs to the party defendant, as such defendant shall justly prove before the said judge or judges it hath truly cost him in defence of the said suit.

the plaintiff to pay costs;

unless the judge certify there was a reasonable cause of action.

then the plaintiff to have costs.

Method of proceeding when any shall insult the court.

VIII. Provided always, and be it enacted by the authority aforesaid, That where the plaintiff shall upon any action brought in any of the King's courts at *Westminster*, or in any of the courts of great session of *Wales*, or counties palatine, obtain a verdict for less than forty shillings, if the judge or judges, who shall try the said cause, shall certify, that there was a probable or reasonable cause of action for forty shillings or more, in every such case, the plaintiff shall not be liable to pay costs, but shall recover his costs of suit, as if this act had not been made.

IX. And, for the more effectual establishing of the said court of requests, and the better enforcing the orders and decrees which shall be made by the said commissioners; and that the said commissioners may be invested with proper power and authority, and be free and exempt from any insults or abuses; be it further enacted by the authority aforesaid, That if any person or persons shall contumuously affront, insult, or abuse all or any of the commissioners of the said court, during their sitting

in the said court, it shall and may be lawful to and for the said beadle, or one of them, by order of the said commissioners then sitting, or the major part of them, being three or more, to take such person or persons so offending as aforesaid, into custody, and carry him, her, or them before one or more of his Majesty's justice or justices of the peace for the county of *Middlesex*, if the said offence be committed within the said county; or before one or more justice or justices of the peace for the liberty of his Majesty's *Tower of London*, if the offence be committed within that liberty, to answere such affront, insult, or abuse; and upon the fact alledged being duly proved, upon the oath or oaths of one or more credible witness or witnesses, against him, her, or them, then, and in such case, the said justice or justices shall proceed to punish such person or persons so offending as aforesaid, by fine not exceeding twenty shillings, which fine shall be immediately paid into the hands of the said justice or justices, before whom such offender or offenders shall be carried; and if such offender or offenders shall not so pay the said fine in manner as aforesaid, it shall and may be lawful for the said justice or justices for the said county of *Middlesex*, or the liberty of the *Tower* aforesaid, by warrant under his or their hand and seal, or hands and seals, to commit such offender or offenders to the common gaol, or house of correction for the said county of *Middlesex*, or to the said gaol for the said liberty, where the said offence shall happen respectively to be committed, there to remain for any time not exceeding the space of one calendar month, or until he, she, or they shall have paid the said fine; and such fine, when received by the said justice or justices, shall be immediately paid over into the hands of the churchwardens or overseers of the poor of the parish, liberty, hamlet, precinct, or place, where such offence shall be committed, or where the party shall reside at the time of committing such offence, to be applied towards the relief of the poor of such parish, liberty, precinct, the fine, hamlet, or place.

X. And be it further enacted by the authority aforesaid, That the clerks of the said court, or one of them, shall fix, or cause to be fixed or stuck up, in the most publick part of the court house aforesaid, for the said *Tower Hamlets*, or other place where the court, the said commissioners shall sit to do busines as aforesaid, a true copy of the preceding clause of this act, to the end that no person or persons shall or may pretend ignorance in the premises.

XI. And be it further enacted by the authority aforesaid, That in case any person or persons shall make oath, or give evidence, in any cause depending in the said court of requests, whereby he, she, or they, shall commit any wilful or corrupt perjury, and thereof be duly convicted according to law, then every such person or persons shall incur and suffer the like pains and penalties, as any other person or persons convicted of wilful perjury, according to the laws and statutes of this realm.

XII. And be it enacted by the authority aforesaid, That the commissioners so nominated, assigned, and appointed as aforesaid, to meet on 1 May, 1750,

ſaid, ſhall and may meet at the ſaid court-house, or ſome other convenient place in the ſaid *Tower Hamlets*, on *Tuesday* the first day of *May*, in the year one thouſand ſeven hundred and fifty, or within one month afterwards, in the forenoon of the ſame day; and then and there the ſaid commissioners, or the greater number of them then present, ſhall and may, and they are hereby impowered and required by ballot to choose clerks of the ſaid court, not exceeding four, nor leſs than two; and also beadles of the ſame court, not exceeding four; who ſhall continue clerks and beadles of the ſaid court during ſo long time as they ſhall behave themſelves well in their reſpective offices.

and choose
clerks, and
beadles.

Commission-
ers diſqualifi-
ed from being
clerks, &c.

On the death,
or reſignation
of any of the
clerks or bea-
dles, the com-
missioners to
elect others.

Commission-
ers to be
ſwear.

The oath.

XIII. Provided always, That no commissioner ſhall be capable of holding the office of clerk, or any other place of profit belonging to the ſaid court.

XIV. And be it further enacted by the authority aforesaid, That it ſhall and may be lawful for the ſaid commissioners in court, or the major part of them then present, on the next court day after the death or reſignation of the ſaid clerks or beadles, or any or either of them, or ſo ſoon after as the ſame is publickly known; and they are hereby required to cauſe the whole number of commissioners to be ſummoned, who next before ſuch death or reſignation were nominated and returned as aforesaid (by giving them four days notice at leaſt) to meet at the place aforesaid, within twenty days next after their being ſummoned as aforesaid; and ſuch commissioners at ſuch meeting are hereby authorized, impowered, and required by ballot to choose another person or persons, in the room of ſuch clerks and beadles, or any or either of them, ſo dying or reſigning as aforesaid, for the uſes and purpoſes in this act contained; and ſo, from time to time, upon every ſuch vacancy of the ſaid office of clerk or beadle, for ever.

XV. And be it further enacted by the authority aforesaid, That no person or persons ſhall be capable of acting as a commissioner or commissioners in the execution of the powers given by this act, until ſuch time as he and they ſhall reſpectively have taken an oath to the effect following;

I A. B. do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my judgement, hear and determine ſuch matters and things as ſhall be brought before me, by virtue of an act of parliament (intituled, An act for the more eaſy and ſpeedy recovery of ſmall debts within the Tower Hamlets) without favour or affection to either party; and that I am now ſeized of lands, tenements, or hereditaments, of the value of twenty pounds per annum, clear of all incumbrances, or that I am poſſeſſed of a perſonal estate of the value of five hundred pounds, clear of all incumbrances whatſoever.

Which oath threſe of the persons to be aſſigned, nominated, and appointed commissioners as aforesaid, are hereby impowered to administer, or cauſe to be administered, and a memorial thereof ſhall be entered in the register of the ſaid court.

XVI. And

XVI. And be it further enacted by the authority aforesaid, That the several fees and sums of money hereafter limited and expressed, and no more or greater fees shall and may be taken for the respective services of the clerks and beadles; that is to say,

For every summons, to the clerks, three pence; to the beadles, two pence.

For every hearing, to the clerks, three pence.

For calling the defendant before the court, when he or she refuse to appear, to the clerks, two pence; to the beadles, one penny.

For an attachment against the defendant for not appearing to the summons, to the clerks, six pence; to the beadles, one shilling.

For an execution, to the clerks, eight pence; to the beadles, one shilling.

For paying money into court, to the clerks, six pence.

For acknowledging satisfaction in full, to the clerks, four pence.

For acknowledging satisfaction in part, to the clerks, two pence.

For searching the books, to the clerks, two pence.

For a nonsuit on the plaintiff's not appearing, to the clerks, two pence.

XVII. Provided always, That a yearly account shall be given upon oath, by the said several clerks and beadles, before the said commissioners, sitting in court, or any three of them, of the fees, to be mount of the fees by them severally received; and that if the fees hereby appointed to be taken for the services of the clerks, ced 200l. to shall, in any one year, exceed two hundred pounds to each each clerk, or clerk, clear of all charges; and the fees for the services of the beadles, exceed sixty pounds to each beadle, clear of all charges, surplus to be it shall and may be lawful for the commissioners at a general meeting to be held and summoned for that purpose, to order the surplus to be divided between the clerks and beadles in proportion to their respective sums of two hundred pounds, and sixty pounds *per annum*, and to order for the future that the said fees be reduced, so as to bring in, as near as may be, the said respective sums of two hundred pounds a year to each of the clerks, and the said respective sums of sixty pounds a year to each of the beadles; and if at any time after such reduction, the busines of the said court shall decline, so as not to produce the said several sums of two hundred pounds a year to each clerk, and the said several sums of sixty pounds a year to each beadle, it shall be lawful for the said commissioners at a general meeting as aforesaid, to reduce the number of clerks, or increase the fees again, so as they do not at any time exceed the present settled fees.

or the fees reduced, &c.

XVIII. And be it enacted by the authority aforesaid, That a Table of the table

fees to be
hung up.

Penalty of tak-
ing greater
fees, &c.

Proceeding
against clerks,
&c. where the
offence de-
serves a great-
er punish-
ment.

table of the aforesaid fees shall be hung up by the clerks of the said court, or one of them, in some publick and conspicuous part of the said court-house, or other place where the said commissioners shall meet for the purposes aforesaid, to the end that all persons concerned may at all times see and read over the same; and if the said clerks or beadles, or either of them, for the time being, shall take or demand any greater or other fees than as above-mentioned, or shall otherwise misbehave himself or themselves in the execution of his or their office, then he or they for every such offence shall forfeit and pay such fine, not exceeding the sum of twenty pounds, as the said commissioners, or any three of them shall assess, to be applied to the use of the sick, in the *London* infirmary.

XIX. And be it further enacted by the authority aforesaid, That upon complaint made by any person or persons, of the misbehaviour or breach of duty of the clerks or beadles, or any or either of them, to be appointed by virtue of this act, or of any clerk or clerks, beadle or beadles, in taking or demanding any greater or other fees than as above-mentioned; and if it shall appear to the said commissioners, or the major part of them then present, that such complaint deserves a greater punishment, then such commissioners so sitting in court are hereby directed and required to cause the whole number of commissioners to be summoned to meet as soon as conveniently may be, by notice in writing to be given to all the said commissioners respectively by the beadles aforesaid, or any other person or persons the commissioners shall direct, at least four days before the holding of such meeting; and the said commissioners so summoned, and then present, being not less than sixty, shall and may examine into the merits of such complaint; and if it shall then appear to the said commissioners, or the major part of them, that such clerks or beadles, or any or either of them, have or hath been guilty of misbehaviour or breach of duty as aforesaid, in his or their office, or in taking any greater or other fees than above-mentioned, that then it shall and may be lawful to and for the said commissioners, or the major part of them, to suspend or remove such clerks and beadles, or any or either of them, from his or their said office, and to call another general meeting of the whole commissioners, by giving two days notice at least, in writing, as aforesaid, and within eight days next after the removal of such clerks or beadles, or any or either of them; at which meeting all the commissioners, or the greater part of them, shall and may choose by ballot a clerk or clerks, beadle or beadles of the said court, in the room of such clerk or clerks, beadle or beadles so removed as aforesaid.

Certain debts
excepted.

XX. Provided always, That this act, or any thing herein contained, shall not extend to any debt for any rent upon any lease of lands or tenements, or any other real contract, nor to any other debt that shall arise by reason of any cause concerning testament or matrimony, or any thing concerning or properly belonging to the ecclesiastical court, albeit the same shall be under-

der forty shillings ; any thing herein before contained to the contrary notwithstanding.

XXI. And be it further enacted by the authority aforesaid, No suit for That no action or suit for any debt not amounting to the sum debts recoverable of forty shillings, and recoverable by virtue of this act in the able by this said court of requests, shall be brought against any person residing, ^{act, to be in} any other court whatsoever.

XXII. And whereas the four council of the ancient court of the Marshalsea, and of the court of his Majesty's palace of Westminster, who hold their office for the terms of their natural lives respectively, and who have been made chargeable by parliament, and actually assessed to the land tax for their freeholds in their said offices, will sustain great loss by this present act, unless a compensation shall be made to them for the same ; be it therefore enacted by the authority aforesaid,

That the clerks of the said court of requests for the time being to be paid shall, and they are hereby required out of the fees limited or to yearly to each be limited to the said clerks by virtue of this present act, to pay of the four or cause to be paid unto John Lawson, Lomax Martyn, George Weller, and John Le Gros Spelman, esquires, the present council of the said ancient court of the Marshalsea, and the court of his Majesty's palace of Westminster, as a compensation for the loss they will sustain in their said offices by this present act, for

and during the terms of their respective natural lives, the yearly sum of thirty pounds a piece, of lawful money of Great Britain, (free and clear of and from all charges and deductions whatsoever) to be paid to them severally and respectively, yearly and every year, at or upon the several feast days following ; that is to say, the feast of Saint Michael the Archangel ; the feast of the nativity of our Lord Christ ; the feast of the annunciation of the Blessed Virgin Mary ; and the feast of the nativity of Saint John the Baptist, by even and equal portions ; the first payment thereof to begin and to be made at or upon the feast day of Saint Michael the Archangel, in the year of our Lord one thousand seven hundred and fifty.

XXIII. Provided always, That nothing in this act contained shall extend, or be construed to extend, to restrain the ancient court of record, held for and within the liberty of the Tower of the Tower of London, from holding plea of any personal action, the cause of which shall arise within the precinct of the fortress of the said Tower commonly called The precinct of the Tower within, or from holding plea of any personal action (other than actions for debts not amounting to the value of forty shillings, the cause of which shall arise in any part of the liberty of the said Tower, out of the said precinct of the Tower within) or to take away or abridge any jurisdiction, authority, privilege, immunity, or exemption, which the chief governor of the said Tower, or his deputy or deputies, or any officers or ministers, or inhabitants within the said liberty, enjoys or enjoy, or ought to enjoy by virtue of any law, usage, custom, prescription, grant, charter, or commission ; any thing in this act to the contrary thereof in any wise notwithstanding.

XXIV. And

Limitation of actions.

XXIV. And be it enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any matter or thing done or to be done in pursuance of this act, then and in such case such action or suit shall be brought or commenced within three calendar months next after the fact committed, and not afterwards, and the defendant or defendants in such action or suit to be brought shall and may plead the general issue, and give this act, and the special matter in evidence, at any trial to be had thereupon; and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or actions, suit or suits; or if upon verdict or demurrer, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have such remedy for the same, as any defendant or defendants hath or have in any other cases by law.

Treble costs.

XXV. 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 all other persons whatsoever, without specially pleading the same.

C A P. XXXI.

An act for extending and improving the trade to Africa.

Free trade to Africa.

WHEREAS the trade to and from Africa is very advantageous to Great Britain, and necessary for the supplying the plantations and colonies thereunto belonging with a sufficient number of negroes, at reasonable rates; and for that purpose the said trade ought to be free and open to all his Majesty's subjects; therefore be it enacted, and it is hereby 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 it shall and may be lawful for all his Majesty's subjects to trade and traffick to and from any port or place in Africa, between the port of Sallee in South Barbary, and the Cape of Good Hope, when, and at such times, and in such manner, and in or with such quantity of goods, wares, or merchandizes, as he or they shall think fit, without any restraint whatsoever, save as is herein after expressed.

Traders incorporated, &c.

Their name,

II. And be it enacted by the authority aforesaid, That all his Majesty's subjects, who shall trade to or from any of the ports or places of Africa, between Cape Blanco, and the Cape of Good Hope, shall for ever hereafter be a body corporate and politick, in name, and in deed, by the name of *The Company of Merchants trading to Africa*; and by the same name shall have perpetual succession, and shall have a common seal; and by that name shall and may sue, and may be sued, and do any other act, matter and thing, which any other body corporate or politick, as such, can or may lawfully do.

III. And

III. And, the better to uphold, maintain, and defend, all such forts, factories, and settlements, on the coast of *Africa*, as now are erected, or hereafter shall be thought necessary to be erected, for the securing and better carrying on the said trade; be it further enacted by the authority aforesaid, That all and every the *British* forts, settlements, and factories on the coast of *Africa*, beginning at *Cape Blanco* aforesaid, and extending from thence to the *Cape of Good Hope* inclusive, and all other the regions, countries, dominions, territories, continents, coasts, por's, bays, rivers and places, lying and being within the aforesaid limits, and the islands near adjoining to those coasts, and comprehended within those limits, which are now claimed by, or are in the possession of, the *Royal African Company* of England, or which may be hereafter in the possession of the company hereby established, shall, from and after the passing of an act of parliament for divesting the *African* company of their charter, forts, castles, and military stores, canoe men, castle slaves, and all other their property on the coast of *Africa*, their goods and merchandizes only excepted, be absolutely vested in the said new company established by this act and their successors, to the intent and purpose that the said forts, settlements, and premisses, shall be employed at all times hereafter, only for the protection, encouragement, and defence, of the said trade.

IV. And it is hereby further enacted by the authority aforesaid, That it shall not be lawful for the company established by this act, to trade to or from *Africa* in their corporate or joint capacity, or to have any joint or transferrable stock, or to borrow &c. or take up any sum or sums of money on their common seal.

V. And be it further enacted by the authority aforesaid, That the direction and management of the affairs of the said company hereby established, shall be in and by a committee of nine persons, to be chosen annually, as hereafter is mentioned, who are to meet and assemble together, from time to time, as often as shall be necessary, at some place in the city of *London*; and the committee-men for the time being, or any five or more of them, or the major part of them so assembled, shall, from and after the passing such act of parliament for divesting the *African* company of their charter, forts, castles, and military stores, canoe men, castle slaves, and all other their property on the coast of *Africa*, as aforesaid, or before the passing such act, so far as the said *African* company shall consent thereto, have full power, from time to time, to make orders for the governing, maintaining, preserving, and improving the forts and factories already built, or which hereafter shall be built, within the limits aforesaid; and to appoint governors, deputy governors, or any other officers, civil or military, of or for the said forts and settlements, and them to remove and displace when they shall see fit, and to make orders and regulations for the better government of the said officers and servants abroad, and to take security from them for their good behaviour, and for their paying due obedience to the regulations established by this act, and to such other orders and regulations as the said committee shall, from time to time, think proper.

The forts, settlements, and factories, &c. of the Royal African Company vested in the new company.

No restraint to be laid on the trade, or traders.

proper to make; so as no orders or regulations, to be made by the said committee, shall tend to lay any restraint whatsoever on the said trade or traders to or from *Africa*, contrary to the true intent and meaning of this act.

Traders who shall pay 40s. for their freedom in the company, to meet on 10 July, and choose the first committee;

VI. And be it further enacted by the authority aforesaid, That the traders, or persons intending to trade to or from *Africa*, who, in order to be admitted into the freedom of the said company, shall, on or before the thirtieth day of *June*, one thousand seven hundred and fifty, have paid into the hands of the chamberlain of the city of *London*, the sum of forty shillings each for their freedom in the said company, shall or may meet and assemble on the tenth day of *July*, one thousand seven hundred and fifty, in the guildhall of the said city; and they, or the major part of them so assembled, shall or may choose three persons: and that in like manner such others of the traders to or from *Africa* who, in order to be admitted into the freedom of the said new company, shall, on or before the said thirtieth day of *June*, one thousand seven hundred and fifty, have paid into the hands of the clerk of the merchants hall in the city of *Bristol*, the sum of forty shillings each for their freedom of the said company, shall or may assemble on the tenth day of *July*, one thousand seven hundred and fifty, in some convenient place in the city of *Bristol*; and they, or the major part of them so assembled, shall choose three other persons; and that in like manner such other of the traders to or from *Africa*, who, in order to be admitted into the freedom of the said new company, shall, on or before the said thirtieth day of *June*, one thousand seven hundred and fifty, have paid into the hands of the town clerk of *Liverpool*, the sum of forty shillings each for their freedom in the said company, shall or may assemble on the said tenth day of *July*, one thousand seven hundred and fifty, in the town hall of *Liverpool*; and they, or the major part of them, who shall be so assembled, shall and may choose three other persons; and the nine persons so to be chosen in the manner before expressed, shall be the first annual committee for managing the affairs of the said company, and shall continue in office for one year, and until others shall be chosen in their room respectively, as is herein after mentioned.

who are to continue for one year.

Elections to be on 3 July yearly.

VII. And it is hereby further enacted by the authority aforesaid, That in all future elections, the said committee of nine persons shall annually, on the third day of *July* in every year, be nominated and chosen as follows; that is to say, three of the said committee shall be nominated and chosen by the major part of the freemen of the said company, admitted to the freedom of the said company in *London*, who shall assemble for that purpose at *London*; three other persons to be of the said committee, shall be chosen and nominated by the major part of the freemen of the said company admitted to the freedom of the said company in *Bristol*, who shall assemble for that purpose at *Bristol*; and three other persons to be of the said committee, shall be chosen and nominated by the major part of the freemen of the said company admitted to the freedom of the said company in the com-

town of *Liverpool*, who shall assemble for that purpose at *Liverpool*.

VIII. And be it further enacted, That it shall and may be lawful for the major part of the freemen of the said company, made free at *London*, assembled for that purpose at *London*, from time to time, at their will and pleasure, to choose and supply one or more committee-men, or committee-men, in the place or room of those places of any of the committee-men by them chosen, that shall happen to die, be removed, or refuse to act; and in like manner, That it shall and may be lawful for the major part of the freemen of the said company, made free at *Bristol*, assembled for that purpose at *Bristol*, from time to time, at their will and pleasure, to choose and supply one or more committee-men, or committee-men, in the place or places of any of the committee-men by them chosen, that shall happen to die, be removed, or refuse to act: and that it shall and may be lawful for the major part of the freemen of the said company, made free at *Liverpool*, assembled for that purpose at *Liverpool*, from time to time, at their will and pleasure, to choose and supply one or more committee-men, or committee-men, in the place or places of any of the committee-men by them chosen, that shall happen to die, be removed, or refuse to act: and publick notice shall be inserted in the *London Gazette*, previous to every such election, by the committee for managing the affairs of the said company, of the time and place when and where such election is to be had, ten days at least before the time appointed for such election.

IX. Provided always, and be it further enacted by the authority aforesaid, That in case at the time appointed for the first and other elections of the said committee-men, the traders admitted to their freedom, in any one or more of the said cities and towns respectively, shall neglect to proceed to such choice; in that case, such other of the persons who shall be chosen by the traders admitted to their freedom in the other of the said cities or towns, or the major part of them, though less in number than nine, shall or may act as the committee for managing the affairs of the said company, until the next annual election; and that all elections of committee-men for managing the affairs of the said company, shall be determined by the majority of votes then present; and that in all cases, where the third day of *July* shall happen to fall or be on a *Sunday*, the annual election day, the election of committee-men shall be had and made on *Monday* the fourth day of *July*.

If no election be made by the traders of one town such as shall be elected by the other, shall manage the affairs.

X. Provided always, That in case of an equality of votes, in equality of the lord mayor of *London*, the mayor of *Bristol*, and the mayor of *Liverpool* respectively, shall and may determine which of such mayor to determine. persons shall be the committee-man or committee-men.

XI. And be it further enacted by the authority aforesaid, That first meeting the said committee for managing the affairs of the said company, shall meet together for the first time on the first *Monday* in *August*, one thousand seven hundred and fifty, and shall then settle the manner of their future meetings, and of the notices and summons to be sent for that purpose, from time to time,

No orders of the committee to which all are not consenting, to be valid, unless confirmed at a subsequent meeting,

chairman to be chosen.

Committee-men absent at the choice of the chairman not to vote.

Traders paying 40s. on or before 30 June, 1750, to be the first members, &c.

Persons admitted after 30 June, not to vote at any election for a year.

to the members of the said committee; and no order or resolution of the said committee, to which all the members of the said committee, present at the making thereof, shall not be consenting, shall be valid or binding, unless the same shall be approved and confirmed at a subsequent meeting of the said committee, at which all the members of the said committee shall be present, or of which, such of them as shall happen to be absent, shall have had the usual notice.

XII. And be it further enacted by the authority aforesaid, That on every meeting of the said committee, when the time prefixed for entering on business shall be come, and the said nine committee-men, or so many of them as are necessary to make a committee, shall be present, before they enter upon business, a chairman shall be chosen by lot out of the committee-men then present, who shall take the chair for that meeting; and shall not be permitted to give his vote that day on any question before the said committee, unless there shall happen to be an equality of votes on any question or questions; in all which cases the said chairman shall be at liberty to give his vote on which side of the question he shall judge to be right; and to prevent any of the said committee-men from being designedly absent when a chairman is to be chosen, every committee-man, who shall not be present at the choice of the chairman, shall not be permitted to vote on any question before the committee that day; but shall be at liberty to be present, and give his opinion in all matters whatsoever, as any other committee-man may do: and all matters which shall be decided by a plurality of votes of such committee-men as shall be intitled to vote, shall be deemed and taken to be decided by a majority of committee-men present; any thing in this act to the contrary notwithstanding.

XIII. And be it further enacted by the authority aforesaid, That such of his Majesty's subjects, who shall, on or before the said thirtieth day of June, one thousand seven hundred and fifty pay to the chamberlain of *London*, the clerk of the merchants hall in *Bristol*, or the town clerk of *Liverpool* respectively, the sum of forty shillings each, for their freedom in the said company, shall be the first freemen and members of the said new company established by this act: and that, from and after the said thirtieth day of June, one thousand seven hundred and fifty, any other of his Majesty's subjects, trading, or intending to trade to or from *Africa*, shall and may be admitted to be a freeman or member of the said company at *London*, *Bristol*, or *Liverpool*, upon his payment of the sum of forty shillings for the same, to such person or persons, as the committee for managing the affairs of the said company shall, and are hereby required, from time to time, to appoint to receive the same in *London*, *Bristol*, or *Liverpool*, respectively.

XIV. Provided always, That no persons so admitted, after the said thirtieth day of June, one thousand seven hundred and fifty, shall be intitled to vote for the election of any committee-man, until one year after such admission.

XV. And be it further enacted by the authority aforesaid, That the chamberlain of *London*, the clerk of the merchants hall in *Bristol*, the town clerk of *Liverpool*, and such other persons whom the committee for managing the affairs of the said company shall, at any time hereafter, appoint to receive the said sums of forty shillings for the admission of persons into the freedom of the said company, shall, upon their receiving the same, sign and deliver a certificate to the person paying the same, certifying his having paid the sum of forty shillings for his being admitted into the freedom of the said company; for which certificate there shall be paid to the person appointed to receive the same, the sum of two shillings and six pence, and no more, as a fee or reward for his trouble therein, and the names and places of abode of every person paying the sum of forty shillings, shall be entered in any book or books be entered, which the person receiving the same is hereby required to keep for that purpose.

XVI. And be it further enacted by the authority aforesaid, That the chamberlain of *London*, the clerk of the merchants hall at *Bristol*, and the town clerk of *Liverpool*, shall respectively pay the order of over the several sums of forty shillings, which shall have been paid to them for freedoms of the said company, to such person or persons whom the committee of the said company shall authorize to receive the same; and shall, at the same time, deliver over the books, in which the names and places of abode of the persons who shall have respectively paid the said sums of forty shillings each for their freedoms in the said company, shall have been entered, to such person or persons as the said committee shall appoint to receive the same.

XVII. And be it further enacted by the authority aforesaid, That the person or persons who shall, from time to time, be appointed by the said committee at *London*, *Bristol*, and *Liverpool*, to receive the said sums of forty shillings, payable by persons on their being admitted into the freedom of the said company, shall annually, or oftener, if required by the said committee, pay and deliver over all such sums, which shall have been paid to them respectively for freedoms in the said company, together with lists of the names and places of abode of the persons from whom they shall have respectively received the same, to the said committee, or as they shall, from time to time, direct.

XVIII. And be it further enacted by the authority aforesaid, That a true and exact list shall, from time to time, be made company to and kept at the office or place where the said committee shall transact their business in *London*, of the names and places of abode of all persons admitted into the freedom of the said company, distinguishing the place where each person was admitted; which list shall annually, ten days at least before the annual elections, be printed and delivered, without fee or reward, to such of the persons admitted into the freedom of the said company, who shall desire the same.

XIX. And be it further enacted by the authority aforesaid,

None to be chosen into the committee above 3 years successively, &c.

or to trade in partnership, &c.

Committee may vest the money in the purchase of goods to be sent to Africa, for the use of the settlements;

but not carry on a trade to and from Africa.

Books of the receipts and payments to be opened.

The commissioners for trade may remove any of the committee-men, officers, &c.

On removal of a committee-man, notice to be given.

Commissioners to summon and hear any

That no person shall be capable of being chosen, or acting as a committee-man, above three years successively; and two or more persons, who shall be in copartnership in trade, shall not be capable to be chosen or act as committee-men, during the same time or year: and the said nine persons or any of them, shall not, during such time as they shall be of the said committee, in any manner, directly or indirectly, trade jointly, or in copartnership to *Africa*, or lade, or cause to be laden, any goods or merchandizes on board the same ship, in which any one of the said ~~nine committee-men shall, for~~ that voyage, have before laden goods to be carried to any place in *Africa*.

XX. And be it further enacted, That the said committee shall and may, from time to time, invest such part of the money in their hands, as they shall judge necessary, in the purchase of goods and stores, which, after the same are insured, which they are hereby impowered and required to procure to be done, are to be sent and exported to *Africa*, there to be sold, disposed of, and applied for the sole use, preservation, and improvement of the forts and settlements there, and for the payment of the salaries and wages to the officers, and other persons employed for keeping and preserving the said forts and settlements, and not otherwise: but it shall not be lawful for the said committee to carry, or cause to be carried, or exported from *Africa*, any negroes, or other goods, in return for the said goods they shall so export from *Great Britain*, or in any other manner to carry on any trade to or from *Africa*: and a just and true account of the said committee's receipts and payments shall, from time to time, be kept in a book or books for that purpose: which book or books shall be open at the office or place where the said committee shall transact the affairs and business of the said company in *London*, to be perused at all seasonable times by any person admitted to the freedom of the said company, without fee or reward.

XXI. And be it further enacted by the authority aforesaid, That the commissioners for trade and plantations are hereby authorized and impowered from time to time, in case any of the said committee-men, or any officer or servant appointed by them, shall be guilty of any misbehaviour, contrary to the true intent and meaning of this act, to remove any of the said committee-men, officers, or servants, from their employments, giving notice of such removal, and specifying the causes thereof, to the said committee, and when a committee-man, shall be so removed, the said committee shall give notice forthwith to the mayor of the city or town by whom the said committee-man was chosen, to elect another in the room or stead of him so removed; and if an officer or servant shall be so removed, the said committee are hereby impowered to appoint another in the room or stead of him or them so removed.

XXII. Provided nevertheless, That whenever any committee-man shall be charged with misbehaviour in his employment, the commissioners for trade and plantations shall summon such com-

committee-man to appear before them, and shall, in case he attends, hear such committee-man ; and upon his attendance or default, examine into the truth of the said charge, before they shall remove him from his employment as aforesaid ; any thing herein contained to the contrary notwithstanding.

XXIII. And be it further enacted by the authority aforesaid, That the said committee shall, and they are hereby required to give the com- render a just and perfect account of all their transactions once a year, to the commissioners for trade and plantations, or oftener, if thereunto required by the said commissioners, or any three or more of them ; in which shall be contained an account of all the monies received and disbursed by the said committee, or their order ; and also an account of all the orders and instructions given by the said committee, as well to their officers and servants in *Great Britain*, as on the coast of *Africa* ; and all the answers given thereto by the said officers and servants employed by the said committee ; and of all other matters or thing whatsoever which shall be transacted by the said committee.

XXIV. And be it further enacted by the authority aforesaid, That the said committee, out of the monies they shall receive, of the monies shall deduct annually a sum, not exceeding the sum of eight hundred pounds, for defraying, in the first place, the salaries of their clerks and agents at *London*, *Bristol*, and *Liverpool*, the house-rent of their office in *London*, and all other charges of management, commission or agency, in *England* ; and the residue of the said eight hundred pounds shall be shared and divided amongst themselves, as they shall judge proper, as a compensation for their trouble and attendance in the said office of committee-men ; and the rest of the monies which the said committee shall receive for the admission of persons into the freedom of the said company, or otherwise, shall be applied and appropriated wholly to the maintenance, support, and improvement of the forts and settlements already built, or which hereafter shall be built, on the coast of *Africa*, which shall be in the possession of the said company ; and for keeping them in good repair ; and for providing ammunition, and other stores, and officers and soldiers to defend the same ; and for paying the said officers and soldiers ; and to and for no other use or purpose whatsoever.

XXV. And be it further enacted by the authority aforesaid, That the said committee shall, within one month after the expiration of the year for or during which they shall have been chosen committee-men, lay before the curfitor baron of the court of *exchequer*, an account of all the money received by the committee during the preceding year, and of the application thereof, upon oath ; and the said curfitor baron shall, within one month after the said account shall be laid before him, examine, pass, and audite the same ; and for the better discovering of the truth of such account, the said curfitor baron is hereby empowered to examine any of the said committee-men, and such other person or persons as he shall judge necessary, upon oath,

and a copy thereof, and of their proceedings, before the parliament,

and before a general meeting.

Traders not to be obstructed.

The buildings to be free for warehouses;

and for safety of their persons.

Traders may build houses under the protection of the forts.

Penalty on masters of vessels committing violence, &c. on the natives.

oath, touching the articles or particulars in such account expressed, or such of them as the said curstor baron shall think fit; which account, so audited and passed by the curstor baron, shall be final and conclusive, and shall be a full and absolute discharge to the said committee-men, without their being compelled to give or render any further or other account thereof; and the said committee shall, every session of parliament, lay before the parliament a copy of such annual account, audited as aforesaid, and of all orders and regulations made by them in the preceding year, relating to the said forts and settlements, or the government of their officers or servants employed therein; and copies of every such annual account, orders, and regulations, shall be annually laid before a general meeting of the members of the said company, to be had in *London, Bristol, and Liverpool* respectively; of which fourteen days notice shall be previously given in the *London Gazette*.

XXVI. And be it further enacted by the authority aforesaid, That no officer, or any other person to be employed by the said committee, at any of the forts or settlements built or to be built in *Africa*, shall at any time hereafter, in any manner, or on any pretence, obstruct or hinder any of his Majesty's subjects in trading; and that the forts, warehouses, and buildings, already erected, or which shall hereafter be erected, by the said company, shall and may at all times hereafter be free and open to all his Majesty's subjects, to be used as warehouses for depositing gunpowder, gold, elephants teeth, wax, gums, and drugs, and no other goods.

XXVII. Provided nevertheless, That the said forts, warehouses, and buildings, may and shall, in case of necessity or danger, be free and open to all his Majesty's subjects, for the safety of their persons, and security of all their effects whatsoever.

XXVIII. And be it enacted by the authority aforesaid, That it shall and may be lawful for any of his Majesty's subjects trading to *Africa*, for the security of their goods or slaves, to erect houses and warehouses, under the protection of the said forts, or elsewhere in any other part of *Africa* within the limits aforesaid, for the better carrying on of his or their trade there; which houses and warehouses shall be the property of the person or persons who shall build the same; but shall not be disposed of, or lett, to any foreigner whatsoever.

XXIX. And be it further enacted by the authority aforesaid, That no commander or master of any ship trading to *Africa*, shall by fraud, force, or violence, or by any other indirect practice whatsoever, take on board, or carry away from the coast of *Africa*, any negro or native of the said country, or commit, or suffer to be committed, any violence on the natives, to the prejudice of the said trade; and that every person so offending, shall, for every such offence, forfeit the sum of one hundred pounds of lawful money of *Great Britain*; one moiety thereof to the use of the said company hereby established, and their successors,

cessors, for and towards the maintaining the said forts and settlements, and the other moiety to and for the use of him or them who shall inform or sue for the same.

XXX. And be it further enacted by the authority aforesaid, That the lord high admiral of *Great Britain*, or the commissioners for executing the office of lord high admiral of *Great Britain* for the time being, shall, from time to time, give instructions to the captains of such of his Majesty's ships of war as shall be stationed or ordered to cruise within the limits aforesaid, from time to time, to inspect and report to them the state and condition in which the said forts and settlements shall be; and the officers of such forts are required to permit such captains to view and inspect the same; and copies of all such reports shall, every session of parliament, be laid before parliament.

XXXI. And be it further enacted by the authority aforesaid, That such commission officers of his Majesty's navy, as the lord high admiral of *Great Britain*, or the commissioners for executing the office of lord high admiral of *Great Britain*, for the time being, shall appoint for that purpose, shall inspect and examine the state and condition of the forts and settlements on the coast of *Africa*, in the possession of the said royal *African company*, and of the number of soldiers therein, and also the state and condition of the military stores, castles, slaves, canoes, and other vessels and things, belonging to the said company, and necessary for the use and defence of the said forts and settlements, and shall with all possible dispatch report how they find the same, to the said lord high admiral, or commissioners for executing the said office; and the said company, and their officers and servants, are hereby required to permit the said officers of the navy to make such inspection and examination, and to assist them therein; a copy of which report shall be laid before parliament at the beginning of the next session.

XXXII. And be it further enacted by the authority aforesaid, That the accountant general of the high court of *Chancery* for the time being, and such two of the other masters of the said court, as the lord high chancellor of *Great Britain* for the time being, or lord keeper of the great seal of *Great Britain* for the time being, or the lords commissioners for the great seal of *Great Britain* for the time being, shall, from time to time, nominate for that purpose, shall be, and they are hereby constituted and appointed commissioners for examining into the claims of the creditors of the said royal *African company*: and such commissioners, or any two of them, are hereby empowered and required, by the examination of the parties interested, or the testimony of witnesses upon oath, or by the inspection and examination of the books, deeds, writings, and accounts of the said company, and their creditors respectively, or otherwise, according to their discretion, to examine into the said claims, and to enquire and state how and when the same were respectively incurred, and for what consideration the same were originally, really, and *bona fide*, contracted or became due; and upon what confi-

consideration, and when the claimants became respectively intituled thereto, together with their opinion of the justness and reasonableness of such debts respectively; and for that purpose all and every the creditors of the ſaid company are hereby required on or before the reſpective days and times hereafter limited and appointed for that purpose, to deliver or cause to be delivered in writing under their reſpective hands, or the hands of persons by them reſpectively authorized, unto ſuch officer or officers, and at ſuch place within the city of *London*, as the ſaid commissioners, or any two of them ſhall appoint, of which no-
 tice ſhall be given in the *London Gazette*, a just and true account of their reſpective claims upon the ſaid company, together with a true copy of the ſecuritieſ by which they reſpectively claim the ſame, and ſuch of the ſaid creditors as reſide in *Great Britain* or *Ireland*, ſhall make their reſpective claims on or before the thirtieth day of *August*, one thousand seven hundred and fifty, and ſuch of them as are reſident on the coaſt of *Africa*, or elſe-
 where beyond the feas, ſhall make their reſpective claims on or before the thirtieth day of *December*, one thousand seven hundred and fifty; and the directors and officers of the ſaid company, and all other persons whatſoever, whom the ſaid commissioners, or any two of them ſhall think fit to examine, touching the matters aforesaid, are hereby ſtrictly required and enjoined to attend the ſaid commissioners, from time to time, and at all ſuch times and places as the ſaid commissioners, or any two of them, ſhall under their hands require or appoint, and to give the beſt and trueſt information they can, touching the ſaid claims, and to produce all books, papers, deeds, or records relating thereto, in their reſpective cuſtody or power, as the ſaid commissioners, or any two of them ſhall direct; and the ſaid commissioners, or any two of them are hereby authorized to administer an oath, for the better diſcovery of the truth of the facts, touching which ſuch examination or inquiry ſhall be made; and they are hereby required to close and finish their examinations of all the claims that ſhall be made by ſuch of the ſaid creditors, who reſide in *Great Britain* or *Ireland*, at the fartheſt, on or before the thirty first day of *January*, one thousand seven hundred and fifty, and of all the claims that ſhall be made by ſuch of the ſaid creditors who reſide in *Africa*, or any other parts beyond the feas, on or before the twenty eighth day of *February*, one thousand seven hundred and fifty; and the ſaid commissioners ſhall lay accounts of their proceedings before the parliament with all convenient speed.

Accounts to be laid before parliament.

Persons ſum-
moned not ap-
pearing, &c.
to be com-
mitted.

XXXIII. And be it further enacted by the authority aforesaid, That in caſe any person or persons ſummoned to appear before the ſaid commissioners, ſhall wilfully neglect or refuse to appear and be examined touching the matters and things by this act di-rected to be inquired into, or ſhall refuse to answer, or ſhall not fully answer to the ſatisfaction of the commissioners preſent at the time of ſuch examination, or any two of them, all questions put to him, her, or them, by the ſaid commissioners, or any two

two of them, as well by word of mouth as by interrogatories in writing; or shall refuse or wilfully neglect to produce, from time to time, to the said commissioners, or any two of them, all books of accounts, papers, and writings, in their custody or power, relating to the matters herein directed to be inquired into by the said commissioners, as the said commissioners, or any two of them, shall, from time to time direct, then and in every such case it shall and may be lawful to and for the said commissioners, or any two of them, by warrant under their hands and seals, to commit him, her, or them, to such prison, as the said commissioners, or any two of them, shall think fit, there to remain, without bail or mainprize, until such person or persons shall submit him, her, or themselves, to the said commissioners, and produce before them such books of accounts, papers, and writings, upon oath, and full answer make, to the satisfaction of the commissioners, to all such questions as shall be put to him, her, or them, as aforesaid, according to the true intent and meaning of this act; and the said commissioners, in every case where any person or persons shall be by them committed for refusing to answer, or for not fully answering any question or questions put to him, her, or them, by the said commissioners, by word of mouth, or upon interrogatories, shall in their warrants of commitment specify such question or questions.

XXXIV. And be it further enacted by the authority aforesaid, That the said royal African company, their directors, officers, and servants, and every of them, shall, for the space of one year, to be computed from the seventeenth day of *March*, one thousand seven hundred and forty nine, be, and they are hereby restrained and disabled from assigning, transferring, or disposing of all or any their military stores, ammunition, slaves, canoes, vessels, and things necessary for the use or defence of their forts and settlements; and all actions, suits, and processes, depending, or which shall be hereafter commenced or prosecuted by any person or persons for recovery of any debt or sum of money due, or pretended to be due, from the said company, or from any person or persons, for or in respect of any debt or debts contracted for or on behalf of the said company, shall be, and the same are hereby stayed for the space of one year, to be computed from the said seventeenth day of *March*, one thousand seven hundred and forty nine.

XXXV. And whereas David Crichton, late one of the chief agents of the said company at Cape Coast Castle, now a prisoner for debt in the custody of the sheriffs of the city of London, did, with two others of the said company's agents or servants there (to wit) Thomas Chalmer and James Craik, in the year one thousand seven hundred and forty five, contract a debt at Cape Coast Castle aforesaid, of fourteen hundred pounds, for and on the behalf of the said company, for the support and maintenance of their forts and servants: and whereas the said David Crichton now stands charged in the custody of the said sheriffs, in execution, on a judgment given in the court of King's Bench, at the suit of one William

The African company restrained from disposing of stores, &c.

Suits for mon-

ney due by

them, stayed

for 1 year.

liam Stead, for the debt aforesaid, which, together with costs of suit, and interest thereon, amounts in the whole to the sum of sixteen hundred and four pounds, sixteen shillings, and six pence, upon a judgment obtained against him in his Majesty's court of King's Bench, by the said William Stead; be it therefore enacted by the authority aforesaid,

David Crichton in custody for a debt on behalf of the company, to be discharged.

That the said *David Crichton* be forthwith discharged out of the custody of the said sheriffs upon the said *David Crichton*'s giving a new judgment to the said *William Stead*, for the said sum of sixteen hundred and four pounds, sixteen shillings, and six pence, with six months of execution thereon, for one year, to be computed from the said seventeenth day of *March*, one thousand seven hundred and forty nine: and further, That the said *David Crichton* do enter into a bond to the said *William Stead*, with two sureties to be approved of by one of the judges of the court of *King's Bench*, in double the penalty of the said sum of sixteen hundred and four pounds, sixteen shillings, and six pence, with which the said *David Crichton* stands charged in custody, with condition that he the said *David Crichton* will not withdraw himself out of *England*, but will always be ready, either in *London* or *Middlesex*, at the expiration of the said year, to be subject to any process the said *William Stead* shall think proper to take out against him.

Expences of this act,

and of the commissioners.

Penalties how to be recovered.

Limitation of actions.

XXXVI. And be it further enacted by the authority aforesaid, That the expences of obtaining and passing this act, shall be defrayed and paid by the said committee for managing the affairs of the said new company, out of the first monies they shall receive for the admissions of persons into the freedom thereof; and the expences of the said commissioners, their officers and servants, and of the inquiry to be made in pursuance of this act, shall be defrayed, in the first place, out of such compensation as shall be hereafter granted by parliament, on the said royal *African* company's being divested of their charter, lands, forts, castles, slaves, and other effects.

XXXVII. And be it further enacted by the authority aforesaid, That the penalties inflicted by this act may be sued for and recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in any of the courts of his Majesty's plantations or colonies in *America*, wherein no escoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed; and all and every offence and offences which any person or persons shall be guilty of on the high sea, or on shore, within the limits before mentioned, contrary to this act, shall be enquired of and determined in his Majesty's court of *King's Bench* at *Westminster*, or before such commissioners, and in such county of this realm, as shall be assigned by his Majesty's commission, and by good and lawful men of the same county.

XXXVIII. And it is hereby further enacted by the authority aforesaid, That if any action or actions shall be commenced or brought against any person or persons for what he or they shall do,

do, or cause to be done, in pursuance of this act, then, and in every such case, such person or persons shall and may plead the general issue, and give this act and the special matter in evidence; any law or usage to the contrary thereof in any wise notwithstanding.

XXXIX. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act, and shall be taken notice of as such, by all judges, justices, and other persons whatsoever, without specially pleading the same.

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CAP. XXXII.

An act for granting to his Majesty certain duties upon such species of sail cloth as are therein mentioned, which shall be imported from Ireland into Great Britain, during the time therein limited.

WHEREAS large bounties have been granted and allowed by the parliament of Ireland on sail cloth of the manufacture of that kingdom, which hath encouraged the importation of considerable quantities of the said manufacture into Great Britain, which may tend to the prejudice of the said manufacture in this kingdom: we your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, do give and grant unto your Majesty, your heirs and successors, such duties on sail cloth imported from Ireland as are herein after mentioned; and do most humbly beseech 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 twenty ninth day of September, one thousand seven hundred and fifty, the several duties following shall be levied and paid to his Majesty, his heirs and successors, upon all canvas or sail cloth of the manufacture of Ireland, imported into Great Britain (on which the several bounties of four pence, and two pence a yard respectively, granted by an act of parliament made in Ireland in the nineteenth year of his present Majesty's reign, shall have been allowed) that is to say, For each yard of all such canvas or sail cloth imported as aforesaid, of the value of fourteen pence a yard, and upwards, a duty of four pence; and for each yard of such canvas or sail cloth, imported as aforesaid, of the value of ten pence a yard, and under fourteen pence a yard, a duty of two pence: which respective duties shall be levied, recovered, and paid, by such means and methods, and under such penalties and forfeitures, and shall be applied to the same uses and purposes, as the duties now payable upon the importation of foreign sail cloth are collected, levied, and applied.

Duties on the importation of Irish canvas, or sail cloth.

II. And be it enacted by the authority aforesaid, in order to prevent frauds, and to ascertain upon what canvas or sail cloth the said bounties of four pence and two pence shall have been paid,

Method of applying the duties;

taining upon what canvas or sail cloth,

paid,

the bounties
shall have
been paid.

paid, That no canvas or sail cloth shall be imported from *Ireland* into this kingdom but in whole or entire bolts or pieces; and if the loops or double threads of the said bolts or pieces so imported, which by the said act of parliament made in *Ireland*, in the nineteenth year of his present Majesty's reign, are directed to be part of the warp at the middle of that end of the web which is last in weaving, shall be cut off; or if such bolts or pieces be stamped with an impression, importing the payment of either of the said bounties, then, and in either of the said cases, such canvas or sail cloth shall be deemed to have received the said bounty, and be liable to the payment of the respective duties laid and made payable by virtue of this act.

Duties to be paid as long as the bounties shall continue. III. And be it further enacted by the authority aforesaid, That the said several duties of four pence and two pence a yard by this act imposed, shall continue and be paid on all such canvas and sail cloth imported into *Great Britain*, for so long time as the respective bounties allowed by virtue or in consequence of the said act of the parliament of *Ireland* shall continue, and no longer.

Officer of the customs may examine the pieces on importation, &c. IV. And be it further enacted by the authority aforesaid, That upon the importation of any canvas or sail cloth from *Ireland* into this kingdom, it shall be lawful for the collector, comptroller, or other proper officer of the customs, to open, view, and examine the same; and if it shall appear that either of the said bounties has been paid, and no regular entry of such canvas or sail cloth has been made at such port where the same was so imported, then, and in such case, all the canvas or sail cloth so omitted to be entered as aforesaid, shall be forfeited and seized by any officer of the customs.

Method of ascertaining the duties. V. And be it further enacted by the authority aforesaid, That if any dispute shall arise touching the duty which ought to be paid upon such canvas or sail cloth, such duty shall be ascertained in the same manner, and under the same forfeitures and penalties, as duties upon goods and commodities imported into this kingdom, and subject to payment of duties *ad Valorem*, are ascertained.

C A P. XXXIII.

An act for preventing delays and expences in the proceedings in the county court of Middlesex; and for the more easy and speedy recovery of small debts in the said county court.

WHEREAS sheriffs in their several county courts hold plea of all personal actions where the debt or damages do not amount to forty shillings: and whereas the proceedings in the county courts, in such actions have been found to be vexatious, expensive, and dilatory: for remedy thereof in the county of Middlesex, and for the more easy and speedy recovery of small debts within the said county; may it please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with

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 twenty fourth day of June, one thousand seven hundred and fifty, it shall and may be lawful to and for the suitors of the county court of Middlesex, together with the county clerk of the said county in county court, and the county court assembled, or the major part of them the said county clerk and suitors so assembled, upon any plaint to be entered in the said county court in any suit where the debt or damages shall not amount to the sum of forty shillings, to proceed in a summary way, and from time to time to make such order or decree, orders or decrees, as shall seem to them, or the major part of them so assembled, to be just and agreeable to equity and good conscience; and for the better discovery of the truth, and more speedy obtaining the end of such suits, be it the parties further enacted by the authority aforesaid, That it shall and may be lawful for the said suitors and county clerk in the county court aforesaid, to examine the plaintiff or plaintiffs, defendant or defendants, and their witnesses, *viva voce*, upon their several corporal oaths.

II. And be it enacted by the authority aforesaid, That from and after the said twenty fourth day of June, it shall and may be lawful for the sheriff of Middlesex, by his county clerk, to hold his county court, for the proceeding in pursuance of the authority of this act, on Thursday in every week, at some convenient place, within the hundred of Offleyton in the county of Middlesex, and on the first Tuesday in every month, at some convenient place within the hundreds of Isleworth or Elthorne, and on the last Tuesday in every month, at some convenient place within the hundred of Edmonton; provided always, That the monthly court of the said sheriff shall nevertheless be held and kept as has been accustomed.

III. And be it enacted by the authority aforesaid, That such persons, and such persons only, shall be deemed and taken to be suitors of the said county court to be held by and under the authority of this act, as are qualified to serve on juries on trials at *Nisi Prius* in the courts of King's Bench, Common Pleas, and Exchequer, at Westminster, by virtue of the laws in being.

IV. And be it enacted by the authority aforesaid, That from and after the said twenty fourth day of June, no plaint to be entered in the said county court, as aforesaid, nor any order or orders or other proceedings to be had thereupon by virtue of this act, shall be removed out of the said court by any writ of *Recordari facias Loquela*, *Certiorari*, or *face judgement*, or otherwise howsoever; but such order or orders so to be made by the said suitors and county clerk shall be final in replevin, and conclusive to all parties whatsoever; provided nevertheless, that all plaints in replevin shall be proceeded in, and removable in the same manner, as if this act had not been made; provided also, That no person or persons shall be liable to be summoned to the said county court at the suit of any plaintiff or plaintiffs, the court other

other than such person or persons as was or were liable to be summoned to the county court of *Middlesex*, before this act was made, and that this act shall not extend to give the said county court any jurisdiction to hold plea of, or to hear or determine any action, cause or suit, other than such action, cause, or suit, as the county court of *Middlesex* might have held plea of by plaint before the making of this act.

Parties not conforming, may be committed.

V. And be it enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, after any plaint shall have been entered as aforesaid, and the defendant or defendants shall have been duly summoned, and either the plaintiff or plaintiffs in the said plaint named, or the defendant or defendants shall neglect or refuse to abide by and perform such order or orders, as the said suitors and county clerk shall, from time to time, make, pronounce, and set down in writing; then it shall and may be lawful to and for the county clerk for the time being, by warrant in writing under his seal, to commit such plaintiff or plaintiffs, defendant or defendants, to the county gaol of the said county, or any other common gaol within the said county, there to remain for the space of three calendar months, or any shorter space of time, at the discretion of the said suitors and county clerk; provided nevertheless, that if the person or persons so committed shall, before the expiration of the time for which he, she, or they shall be committed, perform such order or orders, then he, she, or they shall forthwith be discharged.

Where an order for payment of money shall be made, the county clerk may issue a precept for levying.

VI. And be it enacted by the authority aforesaid, That in any case where the said suitors and county clerk shall have made any order or decree for the payment of money, it shall and may be lawful for the said county clerk, at the prayer of the party prosecuting such order or decree, to issue a precept under his seal in the nature of a writ of *Fieri Facias*, which precept shall be directed to one of the bailiffs attending the said court, who is hereby authorized to levy the sum or sums of money mentioned in such precept, in the same manner as any sheriff may levy money by virtue of any writ of *Fieri Facias* issuing out of any of his Majesty's courts of record at *Westminster*.

Under sheriff to deliver every month, three lists of 12 freehold-ers, to attend.

VII. And be it enacted by the authority aforesaid, That the under sheriff of *Middlesex* for the time being, after the said twenty fourth day of *June*, shall, six days before the end of every month, deliver to the county clerk of the said county three several lists, each list containing the names and places of abode of twelve persons, to be by the said sheriff taken from the freeholders book of the said county of *Middlesex*, as suitors to attend the said county court for the succeeding month for the several divisions hereafter named; that is to say, one list for the hundred of *Offulstone*, one for the hundred of *Isleworth and Elthorne*, and one for the hundred of *Edmonton*; and the county clerk of the said county shall cause the said persons in the said several lists named, to be summoned to attend the said court at the time and place to be mentioned in the said summons; for each

each of which lists the said county clerk shall pay the said under sheriff the sum of four pence, and no more; and no other suitor, except the persons so summoned, shall have any voice in the said county court, held under the authority of this act; and no None to at- person shall be liable to be put upon such list to attend the said court as a suitor thereof, oftner than once in every year. in a year.

VIII. And be it further enacted, That if any suitor so qualified as aforesaid, after having been duly summoned to attend the said court, shall neglect or refuse to attend according to such summons, and there shall not be a sufficient number of suitors to proceed in the business of the said court, then it shall and may be lawful for the said county clerk to amerce such suitor as shall not attend in any sum not exceeding twenty shillings, to the use of the poor of the parish where the said court shall sit, to be recovered by the overseers of the poor of the said parish for the time being, or any one of them; by plaint in the said county court, in the same manner as any other debt or demand may be recovered in the said court under the authority of this act.

IX. Provided always, and be it enacted by the authority a- Where the in- foresaid, That no person or persons residing or dwelling within habitants of the hundreds of *Goare*, *Elthorne*, *Spelthorne*, or *Isleworth*, shall particular be liable or obliged to attend the said county court, either as a suitor or defendant, in any other place than within the said hundreds of *Isleworth* or *Elthorne*; and no person or persons residing or dwelling within the hundred of *Edmonton*, shall be liable or obliged to attend the said court in any other place than within the said hundred of *Edmonton*.

X. And be it further enacted, That every suitor attending the said court, before he enters on the hearing or determining any matter in controversy, shall take the following oath to be administered by the said county clerk or his deputy, who is hereby authorized to administer the same, that is to say,

I *Swear, That I will impartially and truly hear and determine the several matters in controversy which shall be brought before me, as a suitor of this court, according to the evidence, and the best of my skill and judgement.*

So help me God.

XI. And be it enacted by the authority aforesaid, That if any person or persons shall be guilty of any contempt or disturbance of the said court, sitting the court, then it shall and may be lawful for the said suitors and county clerk to order such person or persons to be taken into the custody of any officer or officers attending the said court, which officer or officers is and are hereby required and authorized to detain such person or persons in his or their custody during the sitting of the said court, and the said suitors and county clerk may, if they think fit, amerce such person or persons, in any sum, not exceeding forty shillings, to the use of the poor of the parish where the said court

shall sit, to be recovered by the overseers of the poor of the said parish for the time being, or any one of them, by plaint, in the said county court, in the same manner as any other debt or demand may be recovered in the said court under the authority of this act.

County clerks,
and officers
fees.

XII. And be it further enacted, That the county clerk for the time being, and the other officers of the said court, shall receive and take the fees under-written, and no other or greater fees, that is to say,

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The county clerk for entering the plaint, four pence.

For every warrant, four pence.

For every summons, four pence.

For every order, eight pence.

For entering every order, four pence.

For hearing, six pence.

For execution, four pence.

For entering the appearance of the defendant or defendants, six pence.

The crier for every call, one penny.

The officer for summoning, four pence.

The officer for execution on the goals, two shillings.

On the person, three shillings.

Table of fees A table of which fees shall be publickly hung up in every place to be hung up, where the said county court shall be held.

William
Whittaker
esquire, con-
tinued county
clerk.

Sheriff to ap-
point future
county clerks.

County clerk
to be sworn.

XIII. And be it enacted by the authority aforesaid, That *William Whitaker* of the *Middle Temple, London*, esquire, the present county clerk of the said county of *Middlesex*, shall continue county clerk of the said county, so long as he shall behave himself well in the said office; and from and after the resignation, removal, or death of the said *William Whitaker*, and so often as the said office shall become vacant, the sheriff of the county of *Middlesex* for the time being, shall appoint a sufficient person to be county clerk of the said county, who at the time of such appointment shall be of the degree of an utter barrister of three years standing at the bar, and be approved by the lord high chancellor, lord keeper or commissioners of the great seal, the lord chief justice of the court of *King's Bench*, and the lord chief justice of the court of *Common Pleas* for the time being, or any two of them, which person so appointed and approved shall continue county clerk so long as he shall behave himself well.

XIV. And be it enacted by the authority aforesaid, That the said *William Whitaker* shall, within one month after the said twenty fourth day of *June*, and every succeeding county clerk of the said county, within one month after his appointment and approbation as aforesaid, take the following oath in the county court aforesaid, that is to say,

The oath.

I A. B. do swear, That I will well and truly execute the office of county clerk of the county of *Middlesex*, according to the best of my

my skill and knowledge, and that I will not deny or delay justice, and will not by myself, or knowingly by any deputies, clerks, or servants under me, or by any other person or persons, receive or take, or cause, or permit, or suffer to be received or taken, any greater or other fees in my said office of county clerk, than such as are directed to be taken in and by an act made in the twenty third year of the reign of his majesty King George the Second, intituled, An act for preventing delays and expences in the proceedings in the county court of Middlesex, and for the more easy and speedy recovery of small debts within the said county court.

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So help me God.

Which oath shall and may be administered by any two suitors Oath to be re-present, and shall be entered in the county court book, and registered, signed by the said county clerk, and attested by the suitors pre-sent at the administration thereof.

XV. And be it enacted by the authority aforesaid, That it County clerk shall and may be lawful to and for the county clerk of the said county for the time being, to appoint his sufficient deputy to act for him in the said office of county clerk, which deputy in the absence of the said county clerk, shall have the same authority as if himself was present, provided nevertheless that such deputy be of the degree of an utter barrister of three years standing at the bar, and provided such deputy be nominated by the said county clerk in open court, three weeks at the least before his appointment, and the majority of the suitors present at the said appointment assent thereto; and the said deputy shall at every court before he proceeds to the hearing or determining any matter in controversy, take the oath herein before directed to be taken by the suitors of the said court, except the words, *As a suitor of this court,* which oath shall and may be administered by any two of the suitors present.

XVI. And be it enacted by the authority aforesaid, That if Method of the said county clerk, or any other county clerk of the said coun- proceeding ty, shall not behave himself well in his said office, it shall and may be lawful for any twenty four or more freeholders of the said county, to apply by petition to the lord high chancellor, lord keeper or commissioners of the great seal for the time being, thereby complaining of the misbehaviour of the said county clerk, and upon such petition it shall and may be lawful for the said lord high chancellor, lord keeper or commissioners of the great seal, the lord chief justice of the court of King's Bench, and the lord chief justice of the court of Common Pleas for the time being, or any two of them, to meet together, and to hear and determine the said complaint in a summary way; and in case the said county clerk shall be found, upon due examination and proof before them, to have been guilty of any such misbehaviour in the said office, then and in such case, it shall and may be lawful for the said lord high chancellor, lord keeper or commissioners, and the said chief justices, or any two of them, to amove the said county clerk from his said office.

XVII. And be it enacted by the authority aforesaid, That if any person or persons shall make oath, or give evidence in any cause depending in the said county court, whereby he, she, or they shall commit wilful and corrupt perjury, and thereof be duly convicted, then every such person or persons shall incur and suffer the like pains and penalties, as any other person or persons convicted of wilful and corrupt perjury is or are liable to by the laws and statutes now in being.

Officers, &c.
sued for act-
ing,

may plead the
general issue.

Double costs.
In suits pro-
secuted at
Westminster,
which are lia-
ble to be sued
in the county
court,

the defendant
to have double
costs.

This act not
to extend to
the Tower, or
the Tower
Hamlets,

or to the city
and liberty of
Westminster.

XVIII. And be it enacted by the authority aforesaid, That in case any action or suit shall at any time hereafter be commenced or brought against any member, officer, or minister of the said county court, or against any other person or persons, for or in respect of his or their acting in pursuance of or under the authority of this act, That it shall and may be lawful for such person in every such action or suit to plead the general issue, and give this act and the special matter in evidence, and the warrant or precept under the seal of the said county clerk, being duly proved in any such action or suit, shall be deemed a sufficient proof of the authority of the said county court, and of all other proceedings in the said court, previous to the issuing of such warrant or precept; and in case the plaintiff or plaintiffs in such action or suit shall have a verdict pass against him or them, be nonsuit, or discontinue his, her, or their action or suit the defendant or defendants shall, in any of the said cases, be allowed double costs.

XIX. And be it further enacted, That in case any action of debt, or action upon *Assumpsit*, shall be commenced and prosecuted after the said twenty fourth day of *June*, in any of his Majesty's courts of record at *Westminster*, and the defendant or defendants, at the time of such action brought, shall live or reside in the said county of *Middlesex*, and be liable to be summoned to the said county court, and the jury upon the trial of such cause shall find the damages for the plaintiff under the value of forty shillings, unless the judge shall in open court certify on the back of the record, that the freehold, or title to the plaintiff's land, principally came in question, or that an act of bankruptcy principally came in question at such trial, then, and in such case, no costs shall be awarded to the plaintiff in such action, but the defendant or defendants shall be intitled to, and recover double costs of suit.

XX. Provided always, and be it enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to his Majesty's *Tower of London*, or the several parishes, liberties, precincts, hamlets, and places, within the *Tower Hamlets*.

XXI. Provided always, and be it enacted by the authority aforesaid, That nothing in this act contained, shall extend, or be construed to extend, to the city and liberty of *Westminster*, and the precincts of the same, and so much of the several parishes of *Saint Clement Danes*, and *Saint Mary le Strand*, in the county of *Middlesex*, as lies without the city and liberty of *Westminster*; and also in the precincts of the *Savoy*, adjoining thereto.

XXII. And

XII. And be it further enacted, That this act shall be deemed a publick act.

C A P. XXXIV.

An act for permitting raw silk of the growth or produce of Persia, purchased in Russia, to be imported into this kingdom from any port or place belonging to the empire of Russia.

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WHEREAS by an act made in the fourteenth year of his present Majesty's reign (intituled, An act for opening a trade to and from Persia through Russia) it is (amongst other things) enacted, That from and after the twenty fourth day of June, one thousand seven hundred and forty one, it shall and may be lawful to and for any person or persons, free, or to be free, of the fellowship of English merchants for discovery of new trades, commonly called The Russia Company, exclusive of all others, to bring and import into this kingdom, in British built shipping, navigated according to law, from any port or place of or belonging to the Czar or Emperor of Russia, raw silk, or any other goods or commodities of the growth, produce or manufacture of Persia (provided such manufacture be made of the growth or produce of Persia) being purchased by barter with woollen, or other manufactures, goods, or commodities, exported from Great Britain to Russia, and from thence carried into Persia (gold and silver in coin or bullion excepted) or with the produce arising from the sales of such manufactures, goods, or commodities, so exported to Russia, and carried into Persia, as aforesaid, and not otherwise: and it is by the said act also further enacted, That no silk, or other produce, commodities, or manufactures of Persia, shall be imported into Great Britain through Russia, by virtue of the said act, unless the importer or importers thereof do take an oath, or (being of the people called Quakers) a solemn affirmation, before the collector, customer, or comptroller of his Majesty's customs (who are by the said act empowered to administer the same) at the port or place of importation, that, to the best of his or their knowledge and belief, the silk, and other the produce, commodities, or manufactures of Persia, contained in his or their entry or entries, was or were really and truly purchased by barter with woollen, or other manufactures, goods, or commodities, exported from Great Britain to Russia, and from thence carried into Persia (not being gold or silver in coin or bullion) or with the produce arising from the sales of such woollen, or other manufactures, goods, or commodities, so exported as aforesaid, and not otherwise; and that in default of taking such oath or affirmation, all such silk, or other the produce, commodities, or manufactures of Persia, so imported from Russia, shall be liable to be seized and forfeited, in like manner, as if the same had been imported contrary to the act made in the twelfth year of the reign of King Charles the Second, intituled, An act for encouraging and increasing of shipping and navigation: and whereas, soon after the commencement of the said act made in the fourteenth year of his present Majesty's reign, a very beneficial trade between Great Britain and Persia, through Russia, was opened, by

means whereof great quantities of raw silk, and other the goods and commodities, of the growth, produce, or manufacture of Persia, were imported into this kingdom, in return for the woollen and other manufactures, goods, and commodities of Great Britain, upon much easier and more advantageous terms than such silk, and other goods and commodities of the growth, produce, or manufacture of Persia could have been otherwise procured: but whereas the said trade between Great Britain and Persia, through Russia, hath been, for some time past, interrupted, the subjects of Great Britain not having been of late permitted to transport British manufactures, goods, and commodities into Persia, through the dominions or territories of or belonging to the empire of Russia, in consequence whereof the importation of raw silk, and other commodities of the growth, produce, or manufacture of Persia, from Russia, hath been discontinued: and whereas it would be of great advantage to the trade of this kingdom in general, as well as contribute to the increase and improvement of the silk manufactures in particular, if raw silk of the growth or produce of Persia, purchased in Russia, were permitted to be imported from any of the countries, dominions, or territories of the empire of Russia, in return for woollen and other manufactures exported from Great Britain to Russia, although the same be not carried from thence into Persia; 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 from and after the twenty fifth day of December, one thousand seven hundred and fifty, it shall and may be lawful to and for any person or persons, free or to be free, of the said fellowship of English merchants for discovery of new trades, commonly called, *The Russia Company*, exclusive of all others, to bring and import into this kingdom, in British built shipping, navigated according to law, from any port or place within the countries, territories, or dominions of or belonging to the empire of Russia, raw silk of the growth or produce of Persia, which shall be purchased by barter with woollen or other manufactures, goods, or commodities exported from Great Britain to Russia, although the same be not carried from thence into Persia, (gold and silver in coin or bullion excepted) or with the produce arising from the sale of such manufactures, goods, or commodities, exported from Great Britain to Russia as aforesaid, and not otherwise, upon paying, or securing to be paid, the customs and other duties now payable for the same, by any law now in force, according to such rules, methods, and directions, and in the same manner and form, and with such allowances, abatements, discounts, and drawbacks, and under such penalties, forfeitures, and disabilities, as are by law prescribed and practised, on the importation of raw silk of the growth or produce of Persia, imported into this kingdom from any port or place in the Levant or Turkey company; any thing in the said act made in the fourteenth year of his present Majesty's reign, or

in the said act made in the twelfth year of the reign of King Charles the second, intituled, *An act for encouraging and increasing of shipping and navigation*, to the contrary notwithstanding.

II. Provided always, and be it further enacted by the authority aforesaid, That no silk of the growth or produce of *Perſia*, shall be imported into *Great Britain*, from any of the countries, dominions, or territories of or belonging to the empire of *Russia*, by virtue of this act, unless the importer or importers thereof do make oath before the collector, customer, or comptroller of his Majesty's customs (who are hereby empowered and required to administer such oath) at the port or place of importation, that to the best of his or their knowledge and belief the silk contained in his or their entry or entries was really and truly purchased by barter with woollen or other manufactures, goods, or commodities, exported from *Great Britain* to *Russia* (not being gold or silver in coin or bullion) or with the produce arising from the sale of such woollen, or other manufactures, goods, or commodities, so exported as aforesaid, and not otherwise; and in default of making such oath, all such silk so imported from any of the countries, dominions, or territories of or belonging to the empire of *Russia*, shall be liable to be seized and forfeited, in like manner as if the same had been imported contrary to the said act made in the twelfth year of the reign of King Charles the Second, intituled, *An act for encouraging and increasing of shipping and navigation*.

III. Provided also, That nothing herein contained shall extend, or be construed to extend, to deprive the corporation of *East India* the united company of merchants of *England* trading to the *East Indies*, of any of the powers, privileges, franchises, and benefits which do or shall belong to them, or which they could or might have had and enjoyed in any manner whatsoever, if this act had not been made; any thing herein contained to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That Publick act, this act shall be deemed 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.

C A P. XXXV.

An act for making a better and more effectual provision for the relief of the poor, for the cleansing the streets, and for keeping a nightly watch, within the parish of Saint Martin in the Fields, within the liberties of the city of Westminster.

C A P. XXXVI.

An act for settling a stipend or maintenance upon the rector of the parish of Saint George the Martyr, in the borough of Southwark, in the county of Surry, and his successors, in lieu of tythes.

C A P. XXXVII.

An act for building a bridge cross the river of Thames, from Hampton Court in the county of Middlesex, to East Moulsey in the county of Surry.

WHEREAS many mischiefs and inconveniences would be prevented, and great benefit would arise to the inhabitants of the counties of Middlesex and Surry, and to the publick in general, if a bridge were built cross the river of Thames, from Hampton Court in the county of Middlesex, to the opposite shbore at East Moulsey in the county of Surry: and whereas by virtue of letters patent, under the great seal, bearing date the twelvth day of March, in the twenty ninth year of the reign of King Charles the Second, James Clarke esquire is become possessed of the manor of East Moulsey, with the appurtenances, in the county of Surry; and also all that passage of water upon the river of Thames, called Hampton Court Ferry, between East Moulsey and Hampton Court, and is intitled to the premisses for the term of twenty six years, or thereabouts, now remaining unexpired, and yet to come, of the term of years granted by the said letters patent: and forasmuch as the said James Clarke hath made his most humble suit to your Majesty, that your Majesty would be graciously pleased to give leave, that he the said James Clarke may build a bridge cross the said river, from East Moulsey to Hampton Court; and your Majesty hath been graciously pleased to signify your consent thereto; may it therefore please your Majesty, that it may be enacted, &c.

James Clarke esquire impowered to build a bridge cross the Thames from Hampton Court to East Moulsey; and to turn and make a highway or bridge leading to the same; making satisfaction for the damage. Five commissioners of the land tax for Middlesex and Surry, to settle the damage in case of dispute. If the parties shall be dissatisfied, or refuse to treat, the commissioners are to issue their precept to the sheriff, to return a jury, to inquire and assess the recompence; their verdicts, and the judgements of the commissioners thereon, to be binding. Upon payment, or tender of the money, the premisses may be used. Commissioners may fine the sheriff, and others, making default 40s. If in building the bridge any damage shall be done, for which no recompence has been made, the commissioners are to ascertain the same by a jury. Care to be taken that there be no overflowing occasioned by the bridge. Meeting of the commissioners not to be above 6 miles distant from the place in question. The bridge vested in James Clarke, esquire, and his heirs. Tolls: for every coach, &c. drawn by 6 horses, 2s. 6d. by 4 horses, 1s. 6d. by less than 4 horses, 1s. For every waggon, &c. drawn by 4 horses, 1s. 6d. and by less than 4 horses, 1s. For every horse, &c. not drawing, 2d. For every foot passenger on Sundays, 1d. and on other days one halfpenny. For every drove of neat cattle, 12d. per score. For every drove of calves, hogs, sheep, or lambs, 6d. per score. If after expiration of the term granted by letters patent to James Clarke, esquire, the King shall pay the expences of building the bridge, the right of the said Clarke and the tolls are to cease, and the bridge is to vest in his Majesty. A passage of 260 feet to be left for the water. Wilful damaging the bridge, felony. When the bridge shall be dangerous, a ferry may be provided; and to continue no longer than the bridge be repaired. Matters to make good the damage which their boatmen shall do to the bridge. Bridge not razeable, &c.

C A P.

C A P. XXXVIII.

An act for repairing the road from the city of York over Skipbridge to Boroughbridge in the county of York.

Certain tolls granted for 21 years.

C A P. XXXIX.

An act for the more effectual repairing and preserving the piers and harbour of Whitby in the county of York.

W H E R E A S by an ~~act of parliament made and passed in the~~ 1 Anne, st. 1. first year of the reign of her late majesty Queen Anne, intituled,

An act for the rebuilding and repairing the piers of the town and port of Whitby in the county of York, several duties were granted and laid upon all ships and vessels entering within the piers of the said port, and upon certain goods and merchandizes therein particularly mentioned, landed within the haven or piers of the said port of Whitby, and shipped off from Whitby aforesaid; and also a duty of one farthing per chalder on all coals loaded at Newcastle upon Tyne, or at Sunderland, Blythe, Seaton-sluice, Cullercoates, or any other harbour, colliery, or place that was, or was reputed to be, a member of the said port of Newcastle upon Tyne, for the term of nine years, to commence from the first day of May, one thousand seven hundred and two; with such provisions for the due collecting, accounting for, and applying of the said duties, and other powers, matters and things relating thereto, and for keeping clear the said harbour, as in the same act is particularly mentioned and contained:

and whereas by another act of parliament, made and passed in the seventh year of her said late Majesty's reign, the said act made in the 7 Anne, pri-

first year of her reign, and all the powers, matters, and clauses contained therein, and all the duties and sums of money thereby granted, and made payable, were continued and made payable, and to be in full force and virtue, until the first day of May, which should be in the year of our Lord one thousand seven hundred and twenty three: and whereas by another act of parliament made and passed in the seventh

year of the reign of his late majesty King George the First, (intituled, 7 Geo. 1. c. 16.

An act for the better preserving and keeping in repair the piers of the town and port of Whitby in the county of York; and for explaining and making more effectual the several acts passed for lengthening and repairing the piers of Bridlington alias Burlington in the said county;) all and every the said duties and sums of money granted and imposed by the said act of the first year of her said late Majesty, and continued by the said act of the seventh year of her reign as aforesaid, (save and except the said duty of one farthing per chalder) were made perpetual, and enabled to be paid to the trustees therein named and their successors for ever, to the end that the piers and harbour of Whitby aforesaid might be preserved, kept, and continued in good repair: and whereas by another act of parliament made and passed in the eighth year of his present Majesty's reign, (intituled, An act for lengthening the west pier of the harbour of Whitby in the county of York; and for improving the said harbour) reciting the said former acts; and also reciting, that by and with

with the said several duties and sums of money collected and received by virtue thereof, the said piers had been rebuilt, finished, and completed, and had been preserved, kept, and continued in good repair; but that nevertheless, for some years then past, the entrance into the said port of Whitby had been rendered very narrow and difficult, by reason of a bank of sand which was then, and for some time past had been gathering about the head of the west pier of the said harbour of Whitby, and would in time, if not prevented, intirely stop and choak up the same ~~and in a manner to the said sand~~, and the further increase thereof, in the judgement and understanding of experienced persons might and could only be remedied and prevented by lengthening and extending the said west pier one hundred yards further into the sea; therefore that the said piers and harbour might be improved, and made as secure for colliers and coasting vessels as might be, and for lengthening and extending the said west pier, it was enacted, That from and after the first day of June, one thousand seven hundred and thirty five, the said duty of one farthing per chalder, granted by the said act of the first year of the reign of her said late majesty Queen Anne, and continued by the said act of the seventh year of her reign (but which had ceased from the first day of May, one thousand seven hundred and twenty three) should be paid to the trustees nominated and appointed in or by virtue of the said act of the seventh year of his late Majesty's reign for the term of thirty one years, to commence and be computed from the said first day of June, one thousand seven hundred and thirty five, for the purposes aforesaid; and the said act of the first year of her said late Majesty's reign, and all and every the clauses, provisions, penalties, matters, and things therein contained, touching the said duty of one farthing per chalder thereby granted (save and except as to the powers and authorities thereby vested in the trustees therein named, and to be named pursuant thereto, and a clause therein contained touching the ceasing of the said duty on raising six thousand pounds, as therein mentioned) were revived and continued for the same term of thirty one years, with several other powers and clauses relating to the said duty, and work proposed to be done, and the regulating the said harbour, as by the said several acts, relation thereunto respectively being had, may more at large appear: and whereas pursuant to the said last-mentioned act of the eighth year of the reign of his present Majesty, and by and with the several duties and sums of money collected and received by virtue thereof, and of the other acts aforesaid, the said west pier of the said harbour of Whitby hath been lengthened one hundred yards, and terminated with a strong circular head, whereon is erected a commodious battery, with a strong parapet, and embrasures for five pieces of cannon, which protects the entrance of the said harbour, as also such ships as may be obliged to take shelter in the road from an enemy; but for carrying on the said work, the trustees nominated and appointed in and by virtue of the said several acts of the seventh year of his late Majesty, and eighth year of his present Majesty, have been necessitated to borrow at times, several sums of money on the said fund of one farthing per chalder, amounting to six thousand two hundred pounds, which now remains charged thereon; and the said trustees have employed the rest of the duties granted as aforesaid,

said, as they arose, in rebuilding and repairing other parts of the said piers, and in getting up quarries at the mouth of the said harbour, in order to deepen the channel; which has had so good an effect, that it has encouraged the inhabitants of Whitby aforesaid, and others, to build in the said harbour much larger ships than were formerly used: and whereas the west and east piers have been greatly shaken with the seas; and the marle, or soft rock, on which they were built, is worn away in several places, by the great quantity of sand scoured out of the said harbour, which has occasioned their sinking, and the walls thereof to bulge out; and the communication between the town and the west pier is in a great measure interrupted; and it is absolutely necessary for the security of the said harbour, that the said parts of the said east and west piers should be rebuilt, or repaired and raised; and it would be a great improvement of the said harbour, and tend very much to the advantage and safety of all colliers and coasting vessels, if the remaining part of the stone rock at the entrance of the said harbour was taken away, and the way repaired and made sufficient, from the said town of Whitby to the said west pier, with proper moorings for ships along the same; but as the expence of the said works cannot be provided for without some additional duty, the said perpetual fund granted by the said act of the seventh year of his late Majesty's reign, producing yearly one hundred and forty pounds, or thereabouts; and the said duty of one farthing per chalder will raise little if any thing more than will pay the principal monies borrowed thereon, and the interest thereof now due, and which may incur during the remainder of the said term of thirty one years: to the end therefore that the said west and east piers may be rebuilt or repaired and raised where needful, and the remaining part of the stone rock at the entrance of the said harbour may be taken away, and the way from the west pier to the said town of Whitby may be repaired and made sufficient, and proper moorings for ships may be placed thereon, as shall be judged expedient, and the said harbour may be further improved; may it please your Majesty, that it may be enacted, &c.

An additional duty of one farthing a chalder laid on coals for 31 years. Powers given by the recited act, to be exercised by the trustees with regard to the present duty. Trustees may borrow money on the credit of the duties; and contract for the work and materials; and for the purchase of houses and grounds, for making the way from the west pier to the town more convenient. Owners refusing to treat, justices to impanel a jury, who are to assess the recompence. Upon payment of the money, the lands, &c. to vest in the trustees. The west and east piers, &c. vested in the trustees. Person to be appointed, who is to direct the moorings, &c. of ships. Vessels belonging to Great Yarmouth exempted from the duties.

CAP. XL.

An act for repairing and widening the roads leading from Egremont to Dudden Bridge, Santon Bridge, and Salthouse, in the county of Cumberland.

Certain tolls granted for 21 years.

Anno

*Anno Regni GEORGII II. Regis Magnæ
Britanniæ, Franciæ, & Hiberniæ, vice-
ſimo quarto.*

AT the parliament begun and holden at Westminster, the tenth day of November, Anno Dom. 1747, in the twenty first year of the reign of our sovereign lord George the Second, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the seventeenth day of January, 1750. being the fourth ſeffion of this preſent parliament.

CAP. I.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and fifty one. EXP.

CAP. II.

An act for granting to his Majesty the ſum of two millions one hundred thouſand pounds, to be raised by annuities and a lottery, and charged on the ſinking fund, redēmable by parliament.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal ſubjects, the commons of Great Britain in parliament assembled, being defiſorous to raise the neceſſary ſupplies which we have chearfully granted to your Majesty in the easiest manner we are able for the benefit of your ſubjects, have freely and voluntarily given and granted, and by this act do give and grant unto your Majesty the ſum of two millions one hundred thouſand pounds, to be raised in ſuch manner and form as is herein after directed; and to that end and purpose do moſt humbly beſeech your Maſtety that it may be enacted; and be it enacted by the King's moſt excellent maſtety, 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 annuities which by this act ſhall be granted and made payable in reſpect of the ſaid principal ſum of two millions one hundred thouſand pounds, until redēmption thereof by parliament, in manner herein after mentioned, ſhall be charged and chargeable upon, and payable out of the monies which ſhall from time to time arife and be remaining in the receipt of his Maſtety's exchequer or for the ſurpluſſes, excefſes or overplus monies, commonly called the ſinking fund; and the ſaid ſurpluſſes, excefſes or overplus monies are hereby appropriated for that purpose accordingly,

Annuitiſ on
the ſum of
2,100,000l. to
be raised by
this act,
charged on the
ſinking fund.

II. And for or towards raising the said sum or sums of money Natives or foreigners may not exceeding in the whole the said sum of two millions one hundred thousand pounds for the purposes aforesaid, it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to contribute, advance and pay unto the first or chief cashier or cashiers of the governor and company of merchants of Great Britain trading to the South-Seas, and other parts of America, and for encouraging the fishery, commonly called ~~The South-Sea Company~~, at or before the respective days and times by this act limited in that behalf, any sum or sums of money not exceeding one million four hundred thousand pounds, in part of the said whole sum of two millions one hundred thousand pounds, for the absolute purchase of any certain annuity or annuities, to commence from the several and respective times herein after appointed for the payment of the several and respective sums by them subscribed or contributed, and to be paid and payable to such contributor or contributors, or such as he, she or they shall nominate, his, her or their executors, administrators, successors and assigns respectively, in manner herein after mentioned, so as such cashier or cashiers do first give security to the good liking of any three or more of the commissioners of the treasury now being, or the high treasurer, or commissioners of the treasury for the time being, for duly answering and paying into the receipt of his Majesty's exchequer, for the publick use, the monies so to be advanced and contributed, and to account duly for the same; which annuities before mentioned shall be computed at the rate of three pounds *per annum* for every one hundred pounds, and proportionably for any sum greater or less sum so to be advanced and paid; and the purchase-money for every such annuity at the rate aforesaid, is hereby appointed to be paid unto the said cashier or cashiers as aforesaid, at or before the respective days and times herein after limited; that is to say, ten pounds *per centum* part thereof by way of deposit, on or before the fifteenth day of March, in the year of our Lord one thousand seven hundred and fifty, fifteen pounds *per centum*, other part thereof, on or before the fifteenth day of May one thousand seven hundred and fifty-one then next ensuing; fifteen pounds *per centum*, other part thereof, on or before the seventeenth day of June then next ensuing; twenty-five pounds *per centum*, other part thereof, on or before the twelfth day of August then next ensuing; ten pounds *per centum*, other part thereof, on or before the twenty-eighth day of October then next ensuing; ten pounds *per centum*, other part thereof, on or before the twentieth day of November then next ensuing; and the remaining fifteen pounds *per centum*, on or before the twentieth day of December then next following; all which annuities so to be purchased shall be paid and payable at two of the most usual feasts or days of payment in the year; that is to say, the feast of the nativity of Saint John the Baptist, and of the birth of our Lord Christ, or within six days after every of the said

1,400,000 L.
for the purchase of annuities.
at the rate of 3 l. per cent.
Times for payment.
per ann.

said feast days; the first payment thereof to be computed and paid at the rate of three pounds *per centum per annum*, on the whole sum to be paid by such contributors for the purchase of any part of the said annuities, from the said several and respective times of paying and advancing the same as aforesaid, unto the feast of the birth of our Lord Christ, which shall be in the year of our Lord one thousand seven hundred and fifty one, or within six days after the said feast day: nevertheless the said annuities shall be redeemable according to the purport and true meaning of a provis or condition herein after contained in that behalf, and not otherwise; and the said cashier or cashiers of

Cashier to give receipt for each payment, the said governor and company for the time being is or are hereby authorized and required upon the advancing and paying to him or them any such sum or sums of money as aforesaid, forthwith to give a receipt in writing signed by himself or themselves

which shall be for each payment to the contributor or payer thereof (which receipts shall be assignable by indorsement thereupon, made at any time before the said twentieth day of *December* one thousand seven hundred and fifty one, and no longer) and, from time to time, to pay into the receipt of his Majesty's exchequer, all the monies which he or they shall receive of or for the said sum not exceeding one million four hundred thousand pounds, as fast as he or they shall receive the same, or any part thereof, or within five days afterwards at the farthest; and to account for all the monies so to be advanced and paid to him or them in his Majesty's court of exchequer, according to the due course thereof.

Contributors names to be entered in a book,

and a copy transmitted to the exchequer.

Contributors paying the consideration-money,

III. And it is hereby enacted, That in the office of the accomptant general of the said governor and company for the time being, there shall be provided and kept a book or books, in which there shall be fairly entered the names of all who shall be contributors for such annuities, after the rate of three pounds *per centum per annum* as aforesaid, and of all persons by whose hands the said contributors shall pay in any of the said sums upon this act, and also the sum so paid; to which book or books it shall be lawful for the said respective contributors, their executors, administrators, successors and assigns, from time to time at all seasonable times to have resort, and to inspect the same without any fee or charge; and the said accomptant general for the time being, shall on or before the twenty fifth day of *March* one thousand seven hundred and fifty three, transmit an attested duplicate, fairly written on paper, of the said book or books into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever.

IV. And it is hereby enacted by the authority aforesaid, That all and every contributor and contributors upon this act, duly paying the whole consideration or purchase-money, at the rate aforesaid, at or before the respective days and times in this act before limited in that behalf, for such annuity or annuities as aforesaid, or such as he, she or they shall appoint, his, her or their respective executors, administrators, successors and assigns shall

shall have, receive and enjoy, and be intitled, by virtue of this to have estates act, to have, receive and enjoy the respective annuity and an- in the an- nui- ties, so to be purchased out of the monies by this act appro- priated or appointed for payment thereof as aforesaid, and shall have good and sure estates and interests therein for ever, subject only to the proviso or condition of redemption in this act herein after contained concerning the same; and that the several and free from respective annuities payable in pursuance of this act, after the taxes. rate of three pounds *per centum per annum*, and all and every the principal sums for which the same are to be payable, shall be free from all taxes and impositions whatsoever.

V. Provided also, That in case any such contributor as afore-Contributors said, who shall, on or before the said fifteenth day of *March* not making one thousand seven hundred and fifty, have advanced to the said good their cashier or cashiers ten pounds *per centum*, by way of deposit as payments aforesaid, in part of his, her or their purchase-money; and times, such contributor, his, her or their executors, administrators, successors or assigns, shall not advance and pay to the said cashier or cashiers fifteen pounds *per centum*, other part thereof, on or before the fifteenth day of *May* then next ensuing; and fifteen pounds *per centum*, other part thereof, on or before the seventeenth day of *June* then next ensuing; and twenty five pounds *per centum*, other part thereof, on or before the twelfth day of *August* then next ensuing; and ten pounds *per centum*, other part thereof, on or before the twenty eighth day of *October* then next ensuing; and ten pounds *per centum*, other part thereof, on or before the twentieth day of *November* then next ensuing; and the remaining fifteen pounds *per centum*, on or before the twentieth day of *December* then next following; then, and in forfeit all they every such case respectively, so much of the consideration-mo-ney as shall have been actually paid in part thereof only, to the said cashier or cashiers for such respective annuity, shall be forfeited for the benefit of the publick; any thing in this act contained to the contrary notwithstanding.

VI. Provided always, That in case any contributor or con- tributors for the purchase of any of the said annuities shall, after payment of ten pounds *per centum*, in part of his, her or their purchase-money, desire that the subsequent payments to be made by him, her or them, at the respective times limited in that behalf, may immediately be made stock in the book or books directed to be kept for that purpose in the office of the said accomptant general; and that the principal money, and the annuity attending the same, be immediately transferrable (except the ten pounds *per centum*, which is to remain as a deposit till payment of the whole sum by him, her or them subscribed for, is fully compleated) it shall be lawful for the said accomptant general, and he is hereby required, upon such request made by any such contributor or contributors, to give credit in the said book or books for each respective principal sum by him, her or them subscribed and paid as aforesaid; any thing herein contained to the contrary notwithstanding.

VII. And

Purchaſers to
pay 10l. per
cent. by 15
March 1750.

700,000 l. to
be raifed by a
lottery,

at 3l. percent.

chargeable on
the ſinking
fund.

Annuities
payable half-
yearly.

Any person
may contri-
bute 10l. or
more;

and thereby
be interested
in the an-
nuities,

VII. And it is hereby enacted and declared, That no person or persons whatſoever ſhall or may purchase or obtain, or be admitted to purchase or obtain, any of the annuities at the rate aforesaid upon this act, unleſs the whole, or ten pounds *per centum*, part at leaſt of the conſideration-money for the ſame, be advanced and paid to the ſaid cashier or cashiers, on or before the ſaid fifteenth day of March one thouſand ſeven hundred and fifty.

VIII. And whereaſ it is intended that the ſum of ſeven hundred thouſand pounds, being the reſidue of the ſaid ſum of two millions one hundred thouſand pounds, already charged by this act upon the monies to arife of or for the ſaid ſurpluſes, excefſes and overplus monies, commonly caſhed the Sinking Fund, appropriated for payment thereof, in manner before directed and appointed, ſhall be raifed by way of a lottery, for the purchase of annuities, after the rate of three pounds per centum per annum, in manner herein after mentioned; be it therefore enacted by the authority aforesaid, That the annuities becoming due and payable to the contributors to the lottery herein after-mentioned, their executors, administrators and assigns, at the ſaid rate of three pounds *per centum per annum*, in reſpect of the ſaid principal ſum of ſeven hundred thouſand pounds, in manner hereafter in this act expreſſed, until redēption thereof by parliament, according to the proviſo herein after contained in that behalf, ſhall be charged upon the ſaid Sinking fund, and ſhall commence and be computed from the reſpective times of paying or advancing the ſame, or any part thereof, as herein after mentioned, and be paid unto the eaſt day of the birth of our Lord Christ, one thouſand ſeven hundred and fifty-one; and ſhall from thenceforth be paid half-yearly at the feaſts of the nativity of Saint John the Baptiſt, and the birth of our Lord Christ, by even and equal portions; the firſt payment thereof to be due and payable for the half year ending at the feaſt of the nativity of Saint John the Baptiſt one thouſand ſeven hundred and fifty two.

IX. And be it further enacted by the authority aforesaid, That for or towards raifing the ſaid ſum of ſeven hundred thouſand pounds, it ſhall and may be lawful for any perſon or perſons, natives or foreigners, bodies politick or corporate, to contribute, by paying at or before the reſpective times by this act limited in that behalf, to any receiver or receivers to be appointed for that purpose, as is herein after-mentioned, the ſum of ten pounds, or divers entire ſums of ten pounds, upon this act; and that every ſuch contributor or adventurer, for every ſuch ſum of ten pounds, which he, ſhe or they ſhall ſo advance, ſhall be intereſted in ſuch lot or ſhare of and in the joint ſtock of annuities eſtabliſhed by this act, as is herein after-mentioned and appointed in that behalf; and the ſame entire ſums of ten pounds each are hereby appointed to be paid unto ſuch receiver or receivers at ſuch time or times, and in ſuch proportions at a time as are herein after-mentioned in that behalf; that is to ſay, ten pounds *per centum*, part thereof, by way of deposit, on or before

before the fifteenth day of *March* in the year of our Lord one thousand seven hundred and fifty ; fifteen pounds *per centum*, ^{Times of ad-} ^{vancing the} ^{fums.} other part thereof, on or before the fifteenth day of *May* then next ensuing ; twenty five pounds *per centum*, other part thereof, on or before the twelfth day of *July* then next ensuing ; twenty five pounds *per centum*, other part thereof, on or before the seventh day of *September* then next ensuing ; and the remaining twenty five pounds *per centum*, on or before the seventh day of *October* then next following.

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Commissioners of the treasury to appoint managers of the lottery, and receivers ; and to take security. Receivers shall deliver tickets to the contributors. There shall be printed 70,000 tickets ; and 10,000 tickets shall be the fortunate tickets, and shall be written upon in manner following, viz. upon two severally, 10,000 l. principal money ; upon four 5000 l. upon five 3000 l. upon eight 2000 l. upon twenty 1000 l. upon forty one 500 l. upon two hundred 100 l. upon four hundred and twenty 50 l. upon nine thousand three hundred 20 l. Which sums, with 500 l. to the first drawn ticket, and 1000 l. to the last drawn, will amount to 340,000 l. which being added to 360,000 l. payable on the remaining 60,000 blank tickets, at 6 l. each blank, do amount to 700,000 l. being the total principal in respect of the lottery. Manner of drawing the lottery. Prizes to be entered in a book. When the lottery is drawn, a list of the prizes to be printed. Disputes to be determined by the managers. Counterfeiting of tickets or certificates, shall be adjudged felony. Tickets to be disposed of shall be delivered into the exchequer. Guardians may adventure infants money, so as such infants names be in the receipts and tickets. Limitation of sale of chances, &c. Persons selling shares in tickets of which they are not possessed, &c. to forfeit 500 l. After the drawing of the lottery, the tickets to be exchanged for certificates. EXP.

XXVII. And be it further enacted by the authority aforesaid, ^{for the time being,} ^{general to} ^{give credit} ^{for the fums} ^{named in the} ^{certificates;} ^{which may be} ^{transferred,} ^{and carry 3} ^{per cent. interest.} That the said accomptant general of the *South Sea* company for the time being, to whom the said certificates are to be directed, shall, upon receiving and taking in the said certificates, or any of them, give credit to the persons named therein, in the same book or books with the contributors for the purchase of the annuities not exceeding one million four hundred thousand pounds, herein before directed to be inserted in a book or books, or in any other book or books to be by him provided and kept for that purpose, for the principal sums contained in every such certificate ; and the persons to whose credit such principal sums shall be entered in the said book or books, his, her or their executors and administrators, shall and may have power to assign and transfer the same, or any part, share, or proportion thereof, to any other person or persons, bodies politick or corporate whatsoever, in other books, to be prepared and kept by the said accomptant general for that purpose ; and the principal sums so assigned or transferred, shall carry the said annuity of three pounds *per centum per annum*, and shall be taken and deemed to be stock transferrable by this act, according to the powers and authority herein after mentioned, until the redemption thereof as aforesaid ; and the said accomptant general of the *South Sea* company for the time being, is hereby authorized and directed to cancel and file the certificates as they shall from time to and notes

given in lieu
thereof.

to time be received and taken in by him, and to give the persons bringing in the same a note under his hand, testifying the principal money for which they have credit in the said book or books, by reason or means of the certificates so received, taken in, and cancelled as aforesaid, and of the annuities attending the same.

XXVIII. And for the more easy and sure payment of the several and respective annuities, amounting in the whole to two millions one hundred thousand pounds, by this act authorized to be purchased as aforesaid, it is hereby further enacted by

Chief cashier
and accompt.
ant general to
be appointed.

the authority aforesaid, That the said governor and company, and their successors, shall, from time to time, until the said several and respective annuities, after the rate of three pounds *per centum per annum* shall be redeemed according to this act, appoint and employ one sufficient person, within their office in the city of *London*, to be their chief cashier or cashiers, and one other sufficient person within the same office, to be their accomptant general; and that so much of the monies arising from time to time into the receipt of the exchequer, of or for the said *Sinking fund*, by this act appropriated for this purpose as aforesaid, as shall be sufficient from time to time to answer the said several and respective annuities, and other payments directed to be paid or discharged out of the same, shall, by order of the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or commissioners of the treasury of his Majesty, his heirs or successors for the time being, without any further or other warrant to be sued for, had or obtained in that behalf, from time to time, at the respective half-yearly feast days or days of payment, in this act before appointed for payment thereof, be issued and paid at the said receipt of exchequer, to the said chief cashier or cashiers of the said governor and company, and their successors for the time being, by way of imprest, and upon account for the payment of the said several and respective annuities to be purchased upon this act, at such times, and in such manner and form, as are by this act prescribed in that behalf; and that all and every such cashier or cashiers, to whom the said monies shall from time to time be issued, shall from time to time without delay, apply and pay the same accordingly, and render his account thereof according to the due course of the exchequer; any thing herein contained to the contrary notwithstanding.

Monies for
payment of
the annuities
to be issued
from the
exchequer by
way of im-
prest, &c.

Accomptant
general to in-
spect the
cashiers re-
ceipts.

Annuities to
be a personal
estate, &c.

XXIX. And it is hereby also enacted, That the said accomptant general for the time being, shall from time to time inspect and examine all receipts and payments of the said cashier or cashiers, and the vouchers relating thereunto, in order to prevent any fraud, negligence or delay; and that all and every person and persons whatsoever, who shall be entitled to any of the said several and respective annuities, after the rate of three pounds *per centum per annum*, and all persons lawfully claiming under them, shall be possessed thereof as of a personal estate, and the same shall not be descendible to the heir, and shall not

be liable to any foreign attachment by the custom of *London*, or otherwise; any law, statute or custom to the contrary notwithstanding.

XXX. And be it further enacted by the authority aforesaid, That all the monies to be advanced or contributed, or to which contributed to any person or persons shall become entitled upon this act, for or towards the said sum not exceeding two millions one hundred thousand pounds, shall be deemed, reputed and taken to be one capital or joint stock, on which the said several and respective annuities, after the rate of three pounds per centum per annum, shall be attending; and that all and every person and persons, and corporations whatsoever, in proportion to the money by him, her or them advanced, or to which they shall become entitled as aforesaid upon this act, shall have and be deemed to have a proportional interest and share in the said stock, and in the annuity attending the same, at the rate aforesaid; and that the said whole capital or joint stock, or any share or interest therein, and the proportional annuity attending the same, shall be assignable and transferrable as this act directs, and not otherwise; and that there shall constantly be kept at all seasons, in the office of the said accountant general for the time being, within the city of *London*, a book or books, where- in all assignments or transfers of the said whole capital or joint stock, or any part thereof, and the proportional annuity attending the same, at the rate aforesaid, shall be entered and registered; which entries shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers, or if such parties be absent, by his, her or their attorney or attorneys thereunto lawfully authorized, by writing under his, her or their hands and seals, to be attested by two or more credible witnesses; and that the person or persons to whom such transfer shall be made, do underwrite his, her or their acceptance thereof; and that no other method of assigning or transferring the said stock, and the annuities attending the same, or any part thereof, or any interest therein, shall be good or available in law; and that no stamp duties whatsoever shall be charged on the said transfers or any of them; any other law or statute to the contrary notwithstanding.

XXXI. Provided always, and it is hereby enacted by the authority aforesaid, That the said governor and company and their successors, (notwithstanding the redemption of all or any of their own funds, in pursuance of the acts for establishing the same, or any of them,) shall continue a corporation, with all the powers, privileges and advantages thereunto belonging, for the purposes in this act expressed, till all the annuities to be purchased on this act shall be redeemed by parliament, according to the proviso herein after contained in that behalf; and that the said governor and company, or any members thereof, shall not incur any disability for or by reason of their doing any matter or thing in pursuance of this act.

XXXII. Provided always, and be it enacted by the authority

Commissioners of the treasury to pay the charges of executing this act, out of the duties,

and appoint salaries for the cashiers, &c.

rity aforesaid, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall have power, and they are hereby authorized, out of the said surpluses, excesses, or overplus monies, commonly called *The sinking fund*, by this granted act and appropriated as aforesaid, to discharge all such incident charges as shall necessarily attend the execution of this act, in such manner as to them shall seem just and reasonable; and also to settle and appoint such allowances (out of the contributions to the lottery aforesaid) as they shall think just and reasonable, for the service, pains and labour of the receiver or receivers of the contributions to the said lottery, for receiving and accounting for the same; as also for the service, pains and labour of the cashier or cashiers of the said governor and company, for receiving and accounting for the contributions to the annuities granted by this act; and also such further allowances (out of the said *Sinking fund*, by this act appropriated as aforesaid) as they shall think just and reasonable, for receiving, paying and accounting for the several and respective annuities payable in respect thereof; and also for the service, pains and trouble of the accomptant general of the said governor and company, for performing the duty and trust incumbent on him by this act; all which allowances hereby empowered to be made as aforesaid, in respect to the service, pains and labour of any officer or officers of the said governor and company, shall be for the use and benefit of the said governor and company, and at their disposal only; any thing herein contained to the contrary notwithstanding.

No fee for payment of contribution-money.

Transfers to be made gratis.

Penalty.

Clause of re-demption.

XXXIII. And it is hereby enacted by the authority aforesaid, That no fee or gratuity shall be demanded or taken of any of his Majesty's subjects, for receiving or paying the said contribution-monies, or any of them, or for any tallies or receipts concerning the same, or for issuing the monies for paying the said several annuities, or any of them, or for paying the said annuities or any of them; and that no fee or gratuity shall be demanded or taken for any transfer, great or small, to be made in pursuance of this act; upon pain that the officer or person offending, by taking or demanding any such fee or gratuity contrary to this act, shall forfeit the sum of twenty pounds to the party grieved, to be recovered with full costs of suit, in any of his Majesty's courts of record at *Westminster*.

XXXIV. Provided also, and it is hereby enacted by the authority aforesaid, That any time upon one year's notice, to be printed in the *London Gazette*, and affixed upon the *Royal Exchange* in *London*, by authority of parliament, at any of the half-yearly feast days for payment of the said respective annuities, or either of them, and upon repayment by parliament of the respective principal sums for which the said respective annuities or either of them shall be payable to such respective persons or corporations as shall be entitled to the same annuities, by payments not less than five hundred thousand pounds at a time; then, and

and not till then, the said respective annuities shall cease and determine, and be understood to be redeemed; and from and after such redemption, the monies arising from the said *Sinking fund*, shall not be issued or applied to any use or purpose, but as shall be directed by future act or acts of parliament; any thing in this or any former act or acts of parliament to the contrary notwithstanding; and that any vote or resolution of the house of commons, signified by the speaker in writing, to be inserted in the *London Gazette*, and affixed on the *Royal Exchange* in *London* as aforesaid, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

XXXV. And it is hereby enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, or of any matter or thing in this act contained, such person or persons shall and may plead the general issue, and give the special matter in evidence for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs. General issue.

C A P. III.

An act for enlarging the term and powers granted by an act passed in the twelfth year of the reign of his present Majesty, for repairing the road between Stamford and Grantham in the county of Lincoln; and for making the same more effectual. *The act is Geo. 2. c. 8. continued for 21 years.*

C A P. IV.

An act for enabling his Majesty to raise the several sums of money therein mentioned, by exchequer bills, to be charged on the Sinking fund; and for empowering the commissioners of the treasury to pay off the old and new unsubscribed South Sea annuities out of the supply granted to his Majesty for the service of the year one thousand seven hundred and fifty one; and for enabling the bank of England to hold general courts, and courts of directors, in the manner therein directed; and for giving certain persons liberty to subscribe bank and South Sea annuities omitted to be subscribed pursuant to two acts of the last session of parliament.

Most gracious Sovereign,

WHEREAS by an act of parliament made and passed in 23 Geo. 2. c. 22. the twenty third year of his Majesty's reign, intituled, An act for giving further time to the proprietors of annuities after the rate of four pounds per centum per annum to subscribe the same in the manner and upon the terms therein mentioned; and for redeeming such of the said annuities as shall not be so sub-

scribed; and for empowering the *East India company* to raise certain sums by *transferrable annuities*, it is amongst other things enacted, That any person or persons, bodies politick or corporate, who are interested in, or intitled unto, any part of the national debt incurred before Michaelmas, one thousand seven hundred and forty nine, redeemable by parliament, which carried an interest after the rate of four pounds per centum per annum; and which was not subscribed in pursuance of a former act of the same session of parliament, and who should, on or before the thirtieth day of May one thousand seven hundred and fifty subscribe their names, and signify their consent, to accept of an interest of three pounds per centum per annum, to commence from the twenty fifth day of December, one thousand seven hundred and fifty five, subject to the same provisoes, notices and clauses of redemption, which their respective four per cents were liable to, should, in lieu of their present interest, be intitled unto, and receive an interest of four pounds per centum per annum, until the twenty fifth day of December, one thousand seven hundred and fifty; and from and after the said twenty fifth day of December, one thousand seven hundred and fifty, an interest of three pounds ten shillings per centum per annum, until the twenty fifth day of December, one thousand seven hundred and fifty five; and that no part of the same should be liable to be redeemed until the said twenty fifth day of December, one thousand seven hundred and fifty five; and that such part of the national debt incurred before Michaelmas one thousand seven hundred and forty nine, redeemable by law, which carried an interest of four pounds per centum per annum, and which should not be subscribed before the said thirtieth day of May, one thousand seven hundred and fifty, should be redeemed and paid off; and that it should be lawful for the King's most excellent majesty, by warrant under his royal sign manual, to authorize and empower the commissioners of the treasury, or the high treasurer for the time being, to raise by loans or exchequer bills, or by way of subscription, or in such other manner as his Majesty in his great wisdom should think most for the advantage of the publick, from any person or persons, bodies politick or corporate, any sum or sums of money, not exceeding such part of the national debt, carrying an interest of four pounds per centum per annum, redeemable by law, as should not be subscribed in pursuance of the said recited act, or the said former act, to be charged on the Sinking fund, and to be applied to pay off and redeem such part of the national debt so unsubscribed as aforesaid, upon any terms not exceeding the rate of interest in the said recited act mentioned: and whereas, since the passing of the said act, a great part of the annuities, after the rate of four pounds per centum per annum, which remained unsubscribed upon the former act, have been since subscribed, so that the principal sums remaining unsubscribed on the said thirtieth day of May one thousand seven hundred and fifty, upon the annuities payable at the exchequer and bank of England, do amount in the whole to the sum of one million twenty six thousand four hundred seventy six pounds four shillings and six pence; which said sum of one million twenty six thousand four hundred seventy six pounds four shillings and six pence, is directed by the said recited act to be paid off

off and redeemed, at the stated times, and in the proportions herein after-mentioned, according to the several notices given by the speaker of the house of commons the last session of parliament in that behalf; that is to say, the principal sum of one hundred eighty two thousand two hundred and fifty pounds, the amount of the unsubscribed exchequer order payable thereout of the duties upon wrought plate, on the twenty fifth day of March one thousand seven hundred and fifty one; and the principal sum of one hundred seventy five thousand five hundred seventy one pounds six shillings and one penny, the amount of the unsubscribed annuities of the year one thousand seven hundred and forty six; and also the principal sum of seventy one thousand seven hundred twenty three pounds nine shillings and six pence, the amount of the unsubscribed lottery annuities one thousand seven hundred and forty seven, both transferrable at the bank of England, on the twenty fourth day of June one thousand seven hundred and fifty one; and the principal sum of two hundred and eleven thousand six hundred thirty four pounds fifteen shillings, the amount of the unsubscribed annuities of the year one thousand seven hundred and forty seven, transferrable as aforesaid, on the twenty ninth day of September one thousand seven hundred and fifty one; and the principal sum of two hundred eighty one thousand three hundred twenty one pounds one shilling and nine pence, the amount of the unsubscribed annuities of the year one thousand seven hundred and forty eight, transferrable as aforesaid, on the twenty fifth day of March one thousand seven hundred and fifty one; and also the principal sum of one hundred and three thousand nine hundred seventy five pounds twelve shillings and two pence, the amount of the unsubscribed annuities of the year one thousand seven hundred and forty nine, transferrable as aforesaid, on the twenty ninth day of September one thousand seven hundred and fifty one: and whereas the governor and company of the bank of England have proposed to advance and pay into the receipt of his Majesty's exchequer the sum of one million twenty six thousand four hundred seventy six pounds four shillings and six pence, at the stated times and in the proportions before mentioned, upon condition that exchequer bills be issued to them on or before the times the said several sums are proposed to be advanced; which bills are to be made forth at the said receipt, and charged on the surplusses, excesses or overplus monies, commonly called the Sinking Fund, at an interest not exceeding the rate of three pounds per centum per annum, to be paid out of the said Sinking fund, and to commence from the stated times on which the several sums are proposed to be advanced; and that the principal sums contained in such exchequer bills shall be repaid to them out of the first excesses or surplusses of the said Sinking fund that shall be applied to the payment of the principal of the national debt: and whereas, since the making of the said proposal, the sum of thirteen thousand three hundred twenty eight pounds, in bank annuities, is by this act directed and allowed to be subscribed by the proprietors thereof, so that the principal sum to be advanced by the said governor and company, to pay off the remaining unsubscribed annuities before mentioned, will amount to the sum of one million thirteen thousand one hundred forty eight pounds four shillings and six pence only: now we, your Majesty's most dutiful

dutiful and loyal subjects, the commons of *Great Britain* in parliament assembled, being of opinion that it will be of advantage to the publick to accept of the said proposal, and being also desirous to lessen the interest of the national debt, as far as may be consistent with justice and publick faith, do most humbly beseech 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 it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, on his Majesty's behalf, to contract and agree with the said governor and company of the bank *England* to advance and pay into the said receipt of exchequer, any sum or sums of money not exceeding in the whole the said reduced sum of one million thirteen thousand one hundred forty eight pounds four shillings and six pence, for exchequer bills to be made forth at the said receipt, in manner hereafter mentioned, in such proportions and at such stated times as are herein before directed, towards paying off and redeeming the said several unsubscribed annuities, amounting to the said sum of one million thirteen thousand one hundred forty eight pounds four shillings and six pence, according to the several notices given by the speaker of the house of commons in that behalf as aforesaid.

for raising
1,013,148 l.
4 s. 6 d. by
exchequer
bills,

at 3*l.* per cent. II. And be it further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, shall have, receive and enjoy, and shall be intitled by virtue of this act, to have, receive and enjoy an interest or premium, after the rate of three pounds *per centum per annum*, for the said principal sum of one million thirteen thousand one hundred forty eight pounds four shillings and six pence, to be advanced by them into the said receipt of exchequer, in the manner following; that is say, on the sum of four hundred fifty two thousand two hundred forty three pounds one shilling and nine pence, from the twenty fifth day of *March* one thousand seven hundred and fifty one; on the sum of two hundred forty six thousand two hundred ninety four pounds fifteen shillings and seven pence, from the twenty fourth day of *June* one thousand seven hundred and fifty one; and on the sum of three hundred fourteen thousand six hundred ten pounds seven shillings and two pence, from the twenty ninth day of *September* one thousand seven hundred and fifty one; which said interest or premium shall from time to time be paid to the said governor and company, and their successors, by quarterly payments out of the monies arising at the said receipt of exchequer, of or for the said surplusses, excesses or overplus monies, commonly called the *Sinking fund*, until such times as the said exchequer bills so to be issued, or any part thereof shall be discharged and cancelled, in the manner and form by this act hereafter provided.

payable quar-
terly out of
the sinking
fund;

III. And

III. And be it further enacted by the authority aforesaid, and to prepare
 That the said commissioners of the treasury, or any three or <sup>new exche-
 quer bills,</sup> more of them now being, or the high treasurer, or any three
 or more of the commissioners of the treasury for the time being,
 are hereby authorized and empowered to prepare and make, or
 cause to be prepared and made, at the exchequer at once, or at
 the stated times, and in the proportions herein before directed,
 in such method and form as they or he shall think most safe and
 convenient, any number of new exchequer bills, containing
 one common sum or different sums in the principal monies, so
 as such bills do not exceed in the whole, the said principal sum
 of one million thirteen thousand one hundred forty eight pounds
 four shillings and six pence.

IV. And be it further enacted by the authority aforesaid, to bear interest
 That the said bills to be made and prepared in pursuance of rest at 31. per
 this act, shall and may bear an interest not exceeding the said cent.
 rate or premium of three pounds *per centum per annum*, and pro-
 portionably for any greater or less sum to be contained therein,
 and to be payable to the bearers thereof respectively; nevertheless
 the said interest shall be abated and saved upon such of the
 said bills to be made forth by this act, as shall at any time or
 times be in the receipt of the exchequer, or in the hands or
 power of any receivers or collectors of any taxes, aids or re-
 venues whatsoever, payable to his Majesty, his heirs or successors,
 during such time and times respectively as such bills shall
 be or remain in the said receipt, or in such hands or power as
 aforesaid.

V. And it is hereby enacted, That all the said bills shall be ^{and to be} numbered arithmetically, beginning with N° I. and so proceed- numbered,
 ing in an arithmetical progression ascending, wherein the com-
 mon excess or difference shall always be one, and shall be regis-
 tered accordingly, so that the principal sum to be contained in
 every such bill, may regularly be paid off and discharged in
 course, according to the number of every such bill, as it shall
 stand in the said register, and that the interest upon all and every
 the same bills shall be payable every three months, according to
 the purport and true meaning of this act; and that upon every
 such bill there shall be indorsed, printed or written in words at
 length, or in figures, the sum, after which the principal to be
 contained therein shall be payable in such course as aforesaid,
 according to the purport and true meaning of this act.

VI. And it is hereby further enacted, That all the said bills and made with
 shall be prepared and made with such cheques, indents or coun- ^{cheques, &c.}
 terfoils as shall be directed by the commissioners of the treasury,
 or any three or more of them now being, or by the high treasurer,
 or any three or more of the commissioners of the treasury for the time being; and that the person or persons who
 shall be appointed to pay off the said bills in course, shall from
 time to time have the use and custody of one part of all the
 cheques, indents or counterfoils of the said exchequer bills, to
 be prepared and made by virtue of this act, from which the
 same

same shall have been cut, to prevent his or their being imposed upon by counterfeit or forged bills; and that the undertakers or contractors for exchanging and circulating the said bills or such of them as shall be current, shall from time to time have the use and custody of one other part of all the said cheques, indents or counterfoils of the said exchequer bills, from which the same shall have been cut off as aforesaid, in order to prevent their being imposed upon by any counterfeit or forged bills; and that all the said parts of the said cheques, indents or counterfoils shall be delivered back to the exchequer, when the said bills to be made forth by virtue of this act, shall be paid off, cancelled and discharged.

and to be placed as cash in the exchequer,

VII. And it is hereby enacted, That the said commissioners of the treasury, or any three or more of them now being, or the said high treasurer, or any three or more of the commissioners of the treasury for the time being, shall, and they are hereby respectively authorized and empowered, to cause such bills as shall be prepared by virtue of this act, to be placed as so much cash in the respective offices of the tellers of the said receipt of the exchequer, each and every of which tellers shall be severally charged with the proportion of the said bills, which shall be so placed in his office respectively; any law or usage to the contrary notwithstanding.

to be current, and subject to such rules, &c. as in the malt act.

VIII. And be it further enacted by the authority aforesaid, That all the said bills to be issued as aforesaid, shall be current in like manner, and with such privileges and advantages, and subject to such rules and directions as are prescribed and enacted by an act of this present session of parliament, (intituled, *An act for continuing and granting to his Majesty, certain duties upon malt, mun, cyder, and perry, for the service of the year one thousand seven hundred and fifty one,*) for or concerning the exchequer bills thereby authorized to be made forth; and that all and every the clauses and provisoies in the said last mentioned act, relating to the currency, exchanging or receiving the same last-mentioned exchequer bills, by any publick receivers of aids, taxes or supplies, or in his Majesty's receipt of the exchequer, or for forging, counterfeiting or altering the same bills, or making out new bills in the room of such as shall be filled up with indorsements, lost, burnt, defaced or otherwise destroyed, or for making out exchequer bills of five thousand pounds each, or for making out exchequer bills, without bearing interest, or for making them afterwards to bear an interest, or a higher or lower rate of interest, from time to time, as the contractors shall agree to, or for preventing any misapplication of the fund on which the same are charged, or any other misbehaviour of any officers concerned in the receiving, issuing, exchanging, paying off or cancelling the same last mentioned exchequer bills, or for obliging the contractors to pay the interest of, or exchange for ready money on demand, the exchequer bills thereby authorized to be issued, at a rate or premium not exceeding three pounds *per centum per annum*, or for preventing any

any disabilities in any such contractors, or for making them not liable to be bankrupts on account of such contracts, or for appointing a paymaster or paymasters, for paying off and cancelling the same exchequer bills in due course and order, (not otherwise altered by this act) shall extend, and be construed to extend, as well to the exchequer bills by this act authorized to be made forth, as to the exchequer bills to be made forth in pursuance of the said act, for continuing and granting the duties upon malt, mum, cyder and perry (except such clauses as do charge the same on the rates or duties continued and granted by the same act) as amply, fully and effectually, to all intents and purposes, as if the same clauses or provisoies had been particularly repeated and re-enacted *verbatim* in this act.

IX. And be it further enacted by the authority aforesaid, That the said commissioners of the treasury, or any three or more of them now being, or the said high treasurer, or any three or more of the commissioners of the treasury for the time being, shall or may issue, or cause to be issued, to such paymaster or paymasters to be constituted as aforesaid, by way of imprest and upon account, so much monies out of the growing produce of the said surplusses, excesses or overplus monies, called the *Sinking Fund*, as shall from time to time incur and grow due to the said contractors, for the interest or premium upon the said exchequer bills to be made forth by this act, during the continuance thereof, and such other payments as are by this act directed or allowed to be paid or discharged out of the same; any thing in this or any former act or acts of parliament to the contrary notwithstanding.

X. Provided always, and it is hereby enacted by the authority aforesaid, That the said commissioners of the treasury, or any three or more of them now being, or the said high treasurer, or any three or more of the commissioners of the treasury for the time being, shall have power, and they are hereby enabled, to pay and allow, or cause to be paid and allowed, out of the growing produce of the said *Sinking Fund*, from time to time, the necessary charges of making forth the new exchequer bills hereby authorized to be made forth, and such other charges as shall be necessarily incident in or for the execution of this act, in relation to the said bills; any thing herein contained to the contrary notwithstanding.

XI. Provided also, and it is hereby further enacted by the authority aforesaid, That it is the true intent and meaning of this act, that the exchequer bills hereby authorized to be made forth, not exceeding the sum of one million thirteen thousand one hundred forty-eight pounds four shillings and six pence, as aforesaid, shall be, and they are hereby charged upon the said surplusses, excesses or overplus monies, commonly called the *Sinking Fund*; and that the same exchequer bills shall from time to time be paid off to the said governor and company out of the first monies that shall from time to time arise into the said receipt of the exchequer, of or for the said *Sinking Fund*, and which shall be applied to the payment of the principal of the national

national debt, and not otherwise: and the said commissioners of the treasury, or any three or more of them now being, or the said high treasurer, or any three or more of the commissioners of the treasury for the time being, shall and may, and they are hereby authorized and enabled, to cause such monies which shall from time to time arise at the said receipt of the exchequer, of or for the said *Sinking Fund* (except such monies of the said *Sinking Fund* as are or shall be appropriated to any particular use or uses by any act or acts of parliament in that behalf) to be issued from time to time to such paymaster to be constituted as aforesaid, by way of imprest and upon account, to be by him applied towards the paying off and discharging the exchequer bills hereby authorized to be made forth as aforesaid, or any part thereof, in such course as aforesaid, at such times, and in such proportions, as the said commissioners of the treasury, or any three or more of them, or the said high treasurer for the time being, shall judge to be most for the advantage of the publick; from which respective time or times of paying off and discharging the said exchequer bills, or any part thereof, by such paymaster as aforesaid, a proportional part of the interest or premium payable for such exchequer bills so paid off or discharged, at the rate aforesaid, shall cease and determine; any thing in this or any other act or acts of parliament to the contrary in any wise notwithstanding.

XII. And whereas your Majesty's said dutiful commons did resolve, towards raising the supply granted to your Majesty, to enable your Majesty to borrow a further sum not exceeding two hundred twenty-five thousand twenty-three pounds seven shillings and eleven pence, at an interest of three pounds per centum per annum, to be charged on the said *Sinking Fund*: and whereas, since the making of the said resolution, the sum of forty-eight thousand one hundred twenty-nine pounds sixteen shillings and four pence, in old and new South-Sea annuities, is by this act directed and allowed to be subscribed by the proprietors thereof, so that the principal sum now necessary to be advanced by the said governor and company of the bank of England, will be reduced to the sum of one hundred seventy-six thousand eight hundred ninety-three pounds eleven shillings and seven pence only; be

Treasury to contract for a further sum of 176,893l. 11s. 7d. by exchequer bills,

it therefore further enacted by the authority aforesaid, That it shall and may also be lawful to and for the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, on his Majesty's behalf, to contract and agree with any person or persons, bodies politick or corporate, to advance and pay into the said receipt of exchequer, any further sum or sums of money, not exceeding in the whole the said sum of one hundred seventy-six thousand eight hundred ninety-three pounds eleven shillings and seven pence, for exchequer bills to be made forth at the said receipt, and issued to them at such time or times as the said commissioners of the treasury, or any three or more of them now being, or the said high treasurer, or any three or more of the commissioners

of the treasury for the time being, shall think most convenient for the advantage of the publick; which said exchequer bills shall be and are hereby also charged on the said surplusses, excesses, or overplus monies, commonly called the *Sinking Fund*, at an interest not exceeding three pounds *per centum per annum*, to be paid out of the said *Sinking Fund*, and commence from the time or respective times on which the said sum not exceeding one hundred seventy-six thousand eight hundred ninety-three pounds eleven shillings and seven pence, is or shall be advanced into the said receipt; and ~~that the principal sum contained in~~ such exchequer bills shall be repaid out of the said excesses or surplusses of the said *Sinking Fund* that shall be applied to the payment of the principal of the national debt, in manner herein after-mentioned and directed.

XIII. And be it further enacted by the authority aforesaid, to carry into effect all and every such person or persons, bodies politic or rest at the rate corporate, shall have and receive, and shall be intitled, by virtue of this act, to have and receive, an interest or premium, after the rate of three pounds *per centum per annum*, for the said principal sum not exceeding one hundred seventy-six thousand eight hundred ninety-three pounds eleven shillings and seven pence, so to be advanced by them into the said receipt of exchequer, to commence from the respective time or times of advancing the same as aforesaid; which said interest or premium shall from time to time be paid to them by quarterly payments, out of the monies arising at the said receipt, of or for the said surplusses, excesses or overplus monies of the said *Sinking Fund* as aforesaid, until such times as the said exchequer bills so to be issued, or any part thereof, shall be discharged and cancelled in the manner and form by this act hereafter provided.

XIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners of the treasury, or any three or more of them now being, or the said high treasurer, or any three or more of the commissioners of the treasury for the time being, to cause exchequer bills to be made forth at the said receipt, for any sum or sums of money, not exceeding the said sum of one hundred seventy-six thousand eight hundred ninety-three pounds eleven shillings and seven pence, in the same or like manner, form and order, and according to the same or like rules and directions, as are herein before enacted and prescribed concerning the exchequer bills herein before directed to be made forth; and that all and every the clauses, provisoos, powers, privileges, advantages, penalties, forfeitures and disabilities herein before contained or referred unto, relating to the said exchequer bills (except as before excepted) shall be applied and extended to the exchequer bills to be made forth for the said sum, not exceeding one hundred seventy-six thousand eight hundred ninety-three pounds eleven shillings and seven pence, as fully and effectually, to all intents and purposes, as if the said several clauses or provisoos had been herein again particularly repeated and re-enacted.

XV. And

to be paid out
of the sinking
fund.

XV. And be it further enacted by the authority aforesaid, That all and every the said exchequer bills last-mentioned, shall be numbered arithmetically, beginning from the number which shall be expressed upon the last of the bills herein before directed to be made forth, and shall be registered accordingly, and paid in course, according to the directions herein contained in that behalf.

XVI. Provided also, and it is hereby declared, That it is the true intent and meaning of this act, that the said exchequer bills hereby directed to be made forth for the said sum, not exceeding one hundred seventy-six thousand eight hundred ninety-three pounds eleven shillings and seven pence, shall (from and after the paying off and discharging all and every the exchequer bills by this act before directed to be made forth for the principal sum of one million thirteen thousand one hundred forty-eight pounds four shillings and six pence, and all the interest and premium due thereupon) be repaid out of the first monies that shall from time to time arise into the said receipt, of or for the said *Sinking Fund*, that shall be applied to the payment of the principal of the national debt, and not otherwise; and the said commissioners of the treasury, or any three or more of them, or the said high treasurer, or any three or more of the commissioners of the treasury for the time being, shall and may, and they are hereby authorized and impowered to cause such monies of the said *Sinking Fund* (except such monies of the said *Sinking Fund* as are or shall be appropriated to any particular use or uses by any act or acts of parliament in that behalf) to be issued from time to time, to such paymaster as shall be appointed in pursuance of this act, by way of imprest and upon account, to be by him applied towards the paying off and discharging the said exchequer bills to be made forth for the said principal sum, not exceeding one hundred seventy-six thousand eight hundred ninety-three pounds eleven shillings and seven pence, or any part thereof, in such course and order as aforesaid, and at such times, and in such proportions, as the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall think fit; from which respective time or times of paying off the said exchequer bills, or any part thereof, by such paymaster as aforesaid, a proportional part of the interest or premium payable thereupon, at the time of paying off the same shall cease and determine; any thing herein contained to the contrary notwithstanding.

XVII. And for obviating all doubts and difficulties which shall or may arise in relation to the paying off and discharging the respective stocks of old and new *South-Sea* annuities, as have not been subscribed in pursuance of two acts passed in the last session of parliament, for redeeming the several annuities, carrying an interest after the rate of four pounds *per centum per annum*, directed to be redeemed and paid off; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners of the treasury, or any three or

or more of them now being, or the said high treasurer, or any old and new three or more of the commissioners of the treasury for the time being, to issue and pay, or cause to be issued and paid, out of any monies arisen or to arise into the receipt of his Majesty's exchequer, of or for all or any the aids or supplies granted to his Majesty for the service of the year one thousand seven hundred and fifty-one, unto the governor and company of merchants of *Great Britain* trading to the *South-Sea*, and other parts of *America*, and for encouraging the fishery, commonly called the *South-Sea Company*, any sum or sums of money, not exceeding the sum of two millions two hundred seventy-six thousand eight hundred ninety-three pounds eleven shillings and seven pence, being the total principal sum remaining due and payable upon the said unsubscribed old and new *South-Sea annuities* (after deducting the sum of forty-eight thousand one hundred twenty-nine pounds sixteen shillings and four pence, by this act authorized and directed to be subscribed into the said annuities) at such respective time or times, and in such proportions, by payments not less than five hundred thousand pounds at a time, as they shall think most proper and convenient, towards redeeming and paying off the said annuities; and as the said payments of principal money shall from time to time be made, a proportional part of the said annuities, and also of the annuities attending thereon, and of the allowances for charges of management, shall cease and determine.

XVIII. And be it further enacted by the authority aforesaid, That the said *South-Sea company* shall forthwith upon the receipt of the said sum of two millions two hundred seventy-six thousand eight hundred ninety-three pounds eleven shillings and seven pence, or any part thereof, by such payments as aforesaid, or as soon after as conveniently may be, divide out and distribute the same as near as may be amongst all the several proprietors of the said old and new annuities respectively, towards sinking and discharging so much of their shares or interests in the said respective annuities, by even and equal dividends amongst them all, in proportion to their respective shares or interests therein.

XIX. And to the end, intent and purpose, That all trust estates and interests in the said capital stocks of old and new *South-Sea annuities*, may be preserved and improved for the benefit of the persons concerned therein, with the least expence and inconvenience to them; be it enacted by the authority aforesaid, That in all and every cases where, in pursuance of this act, any payments or dividends shall be made of the capital of any such annuity stock, as shall be vested in any person or persons in trust for other persons who have or claim distinct or different interests therein, or for any other ends or purposes, for which the capital sum or annuity ought to be preserved intire, such payments or dividends of the capital stock of annuities, shall not be paid or applied as dividends of profit, annuity, or interest, but shall remain in the hands of such trustees respectively, till

till otherwise disposed of at interest; and for that purpose, it shall and may be lawful to and for the trustee or trustees who shall receive the same, at his or their discretion to lay out or dispose of the same, or any part thereof, in the purchase of so much other capital stock of annuities of the same kind, as hath been subscribed in pursuance of the said two acts of the last session of parliament, or either of them, as at the current market price of such annuity stock, the monies received for such dividends, shall, as near as conveniently may be, extend to purchase; which new purchased stock of annuities shall be transferred to such trustee or trustees, and a receipt or receipts shall be given and signed by the person or persons transferring the same, for the monies paid for the same; and in case such trustees respectively, by writing indorsed on or annexed to such receipts, and signed or acknowledged before one of the masters of the high court of chancery, shall declare that the money in the said receipts were the produce of the said dividends of the said capital stock of annuities (which signing or acknowledgement such masters in chancery are hereby required to accept or take, and each and every such master, before whom the same shall be done, shall at the same time certify the same, by subscribing his name thereto, for doing whereof such master shall be paid for each certificate one shilling and no more) then and in every such case, the annuity stock mentioned in such receipts to be transferred, shall respectively go and be deemed subject and liable to the same trusts, for the benefit of the same persons, and for the same uses, ends, intents and purposes, as the rest of the trust annuity stock remaining in such trustees respectively will or ought to be subject and liable to, and such trustees respectively shall from thenceforth be indemnified from any loss, charges or damages, on account of their so doing, at the expences of the said trust estates.

or in any other purchase. XX. Provided always, That nothing in this act contained shall extend or be construed to extend to restrain or prohibit any such trustees from laying out or disposing of any of the said trust monies in any other purchases or any other securities, whether publick or private, if they shall so think fit, in the same manner and with the same freedom and security to themselves, as they might have done if this act had not been made.

XXI. And whereas doubts have arisen with regard to the taking the oaths and affirmation, and subscribing the declaration appointed by the charter of the governor and company of the bank of England, to be taken and subscribed by all and every the members of every general court: and whereas the administering the said oaths and affirmation, and subscribing the declaration at every general court, will be a

The bank may great delay to the proceedings of the said general court; be it therefore enacted by the authority aforesaid, That it shall and may general court proceed in any fore enacted by the authority aforesaid, That it shall and may be lawful for the said governor and company in any general without administering the oaths, &c, ap- general court, to proceed to transact any busines, without administer- pointed by their charter. required thereto, by any nine or more of the proprietors present, qualified

qualified to vote at the said general court according to the charter; any thing in their said charter, or any act or acts of parliament contained in any wise to the contrary notwithstanding.

XXII. And be it further enacted by the authority aforesaid, That when any court of directors of the said governor and company shall be met according to any summons or appointment, and shall have notice or be otherwise satisfied, that the governor and deputy governor of the said corporation, will not be present so as to hold the said court of directors, or in case the said governor and deputy governor shall be absent after a full time of proceeding to business, that then and in such case it shall and may be lawful for the said court of directors, and they are hereby authorized and impowered, to chuse a chairman for that time (which chairman shall also in the like case preside at a general court, if any shall at that time be summoned to meet) and to proceed to business, and transact the affairs of the corporation, and that the transactions of the said general court and court of directors respectively shall be as valid and effectual to all intents and purposes, as if the said governor or deputy governor had been present; any thing in the charter of the said corporation, or any act or acts of parliament contained in any wise to the contrary notwithstanding.

XXIII. And whereas several persons, not being timely apprized of the notice given for subscribing in their several annuities, being in his Majesty's colonies in America, and other parts beyond the seas, or from unavoidable accidents have been deprived subscribing the same;

be it therefore enacted by the authority aforesaid, That the sums which were standing in the respective names of the following persons, on the twenty-eighth day of February one thousand seven hundred and forty-nine, shall be intitled to the benefit of the vote of the house of commons, passed the twenty-ninth day of November one thousand seven hundred and forty-nine, *videlicet*, Charles Aptorp of Boston in New England, to the sum of five thousand three hundred twenty-eight pounds in bank annuities, John Erving of the same place to the sum of six thousand pounds in bank annuities, Daniel Huger of South Carolina to the sum of eight thousand pounds in old South-Sea annuities, John Smith to the sum of eleven thousand pounds in old South-Sea annuities, and to the sum of two thousand one hundred pounds in new South-Sea annuities, instead of the like sums subscribed to the second resolution passed in the same year, Ralph Willet to the sum of three thousand pounds in old South-Sea annuities, Elias Moses Desfortis to the sum of three thousand four hundred and fifty-one pounds joint stock in the new South-Sea annuities, Hugh Holmes to the sum of four thousand three hundred pounds old South-Sea annuities, John Saunderson to five hundred pounds old South-Sea annuities, John Armstrong to the sum of two hundred and twenty-five pounds old South-Sea annuities, John Jolly to the sum of one thousand pounds old South-Sea annuities, two thousand pounds new South-Sea annuities, one thousand pounds bank annuities, of the year one thousand seven hundred and forty-

seven, and one thousand pounds lottery annuities of the year one thousand seven hundred and forty-seven, in as full and ample manner, as if they had severally and respectively accepted the said terms on or before the said twenty-eighth day of *February* one thousand seven hundred and forty-nine.

Sumstanding
in the joint
names of Sa-
muel Edwards
and Hugh
Briggs, inti-
tled to the be-
nefit of the
vote of 21
March 1749.

XXIV. And be it further enacted by the authority aforesaid, That the sums that were standing in the joint names of *Samuel Edwards*, deceased, and *Hugh Briggs*, now Sir *Hugh Briggs*, baronet, on the twenty-eighth day of *February* one thousand seven hundred and forty-nine, shall be intituled to the benefit of the vote of the house of commons, passed the twenty-first day of *March* one thousand seven hundred and forty-nine, *videlicet*, twelve thousand two hundred and ten pounds two shillings and one penny, in new *South-Sea* annuities, and thirteen thousand four hundred and forty-three pounds fourteen shillings and three pence, in old *South-Sea* annuities, in as full and ample manner, as if they had severally accepted the said terms on or before the thirtieth day of *May* one thousand seven hundred and fifty.

C A P. V.

An act to indemnify persons who have omitted to qualify themselves for offices and employments within the time limited by law, and for allowing further time for that purpose. E X P. Time given to 28 Nov. 1751.

C A P. VI.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters. E X P.

C A P. VII.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty-one. Exp. At 3*s.* in the pound.

C A P. VIII.

An act for the better carrying on and regulating the navigation of the rivers *Thames* and *Isis*, from the city of London westward, to the town of *Cricklade* in the county of *Wilts*.

WHEREAS the rivers of *Thames* and *Isis* have, time out of mind, been navigable from the city of *London* to the village of *Bercott* in the county of *Oxford*; and from the city of *Oxford* westward, beyond *Letchlade* in the county of *Gloucester*: and whereas in and by an act of parliament, made and passed in the one and twentieth year of the reign of his late majesty King *James the First*, (intituled, An act for making the river of *Thames* navigable for barges, boats and lighters, from the village of *Bercott* in the county of *Oxford*, unto the university and city of *Oxford*) the said rivers were made navigable from the said village of *Bercott* to the said city of *Oxford*: and whereas divers abuses have heretofore been, and still are committed, by the owners of the several towing-paths, and other passages on the banks of the said rivers, and by the

the owners of the locks, weirs, turnpikes, dams, flood-gates, and other engines in and upon or near adjoining to the said rivers: and also by the several barge-masters, and their servants, navigating thereon; by reason whereof and other exactions, the price of water-carriage, on those rivers, hath of late years been very much raised, contrary to the intent and provision of divers wholesome and good laws, made and passed for the due regulation of the said navigation; be it therefore 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 for preventing all abuses and exactions, which Commissioners may or can lessen the navigation of the said rivers, and render this act in execution. the same less useful to the publick, all and every person or persons who are or shall be assessed and charged, and do and shall pay towards the aid granted unto his Majesty by an act of this present session of parliament, (intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty-one*) or towards any future aid, by any future act or acts of parliament, for granting an aid to his Majesty, his heirs and successors, by a land tax in Great Britain, for and in respect of an estate in lands, tenements or hereditaments in his or their possession, or of some person in trust for him or them, of the yearly value of one hundred pounds in any or either, or all of the several counties of Middlesex, Surry, Berks, Bucks, Oxon, Gloucester and Wilts; and also the vice-chancellor, and the heads of colleges and halls in the university of Oxford; and the mayor or chief officer for the time being of the corporation and borough towns, lying upon the said rivers, shall be and are hereby constituted commissioners for putting in execution all and singular the powers in this act contained; and that all and every person and persons constituted and appointed a commissioner or commissioners by virtue or in pursuance of this act, before he and they respectively take upon himself or themselves to act as a commissioner or commissioners under this act (other than the administering the oath following to one another, which they, or any two of them, are hereby empowered and required to do) do and shall take and subscribe the following oath:

I A. B. do swear, That I will without favour or affection, truly, faithfully and impartially execute, perform and discharge the office and duty of a commissioner, according to the powers, authorities, and directions given and established by an act of parliament, (intituled, *An act for the better carrying on and regulating the navigation of the rivers Thames and Isis, from the city of London westward, to the town of Cricklade in the county of Wilts*) according to the best of my skill and knowledge.

So help me God.

Which oath so taken and subscribed as aforesaid, shall be kept and to be registered by the clerk of the peace, among the records of the sessions of the

the peace, in and for the respective counties where the same shall be so taken and subscribed.

Times and places for the meeting of the commissioners.

II. And be it further enacted by the authority aforesaid, That the said commissioners, or any seven of them, for the further, better and more orderly putting in execution the powers hereby to them given and appointed, shall, for the first time, meet on the first day of *July* next ensuing, at the town-hall in *Reading* in the county of *Berks*; and from thence by adjournment, meet at the town hall in the city of *Oxford* on the fifth of *August* following; and for the like purposes, shall for the time to come, hold a general meeting upon the first *Tuesday* in *July* in every year, at the town hall in the said city of *Oxford*, and another on the first *Tuesday* in *September* following, in every year, at the town hall in *Reading* aforesaid, for such time or number of days as shall to the said commissioners seem convenient, and at any of the said meetings shall adjourn themselves from time to time to such place; and so from place to place, within the counties of *Middlesex*, *Surry*, *Berks*, *Buckingham*, *Oxford*, *Gloucester* and *Wilts*, and near to the same rivers, or some part thereof, as they shall think proper; and the said commissioners, or any five or more of them, are hereby empowered and authorized afterwards, at any time or times, when it shall happen that no general meeting is appointed to be held by adjournment, to appoint general meetings of the said commissioners, for putting in execution all or any of the powers hereby in them vested, at such times and places as they shall think proper, within any or either of the said counties, by or through which the said rivers run, upon or near the same, upon giving twenty days notice in the *London Gazette*, and some other publick news papers, as to the commissioners shall seem meet, of the time and place which shall be from time to time appointed for such general meetings; (at which the commissioners then present shall be at liberty, and are hereby empowered to adjourn themselves to such times and places, within any or either of the aforesaid counties, near the said rivers, as they shall think proper;) and the said commissioners, or any seven of them, or the major part of them assembled at such general meeting, shall at any or either of such general meetings, held at any of the respective times and places aforesaid, or in pursuance of such notice aforesaid only, for such number of days, as to them shall seem convenient, upon due examination of any person or persons, touching any matters or things which concern the better carrying on and regulating the navigation of the said rivers, or touching any matters in controversy between party and party relating thereto, upon oath, (which oath they are hereby empowered at such general meetings to administer, and shall be in these words:)

I A. B. do swear, That such information or evidence as I shall give, shall be the truth, the whole truth, and nothing but the truth. So help me God.

And

Power of appointing general meetings.

20 days notice of such meetings to be given in the London Gazette, &c.

Commissioners empowered to examine on oath,

And make orders and constitutions for the settling and ascertain- and to settle
ing reasonable rates and prices to be taken from the owners of all the prices pay-
barges, boats and vessels, for the use and exercise of all the tow- able by barges
ing-paths, gates and bridges, either by men or horses, as they towing-paths,
are now used, or shall be used, at the discretion of the said com- &c.
missioners, by the tenants or occupiers of all locks, weirs, bucks,
winches, turnpikes, dams, flood-gates and other engines, and
towing-paths, in, upon or near adjoining to the said rivers of
Thames and Iiss, or which www.libtool.com.mt may affect the navigation of the
same, or shall be deemed by the said commissioners, or any se-
ven of them, or the major part of them, assembled at such
meeting or meetings as aforesaid, to be necessary or useful there-
to, between the said city of *London* and the said town of *Crick-
lade*, for the help and assistance which barges, boats or vessels
may or shall receive thereby, or by means thereof, in their pas-
sage upon the said rivers, regard being had as well to the burden
or tonnage of such boats, barges and vessels that have, do and
shall navigate on the said rivers, as to the charges and expences
which have been, and shall be, laid out in building, repairing,
inlarging, improving and supporting the said locks, weirs, bucks, and to make
winches, turnpikes, flood-gates and other engines ; and also to orders for the
make orders and regulations touching the sizes and draughts of sizes and
all boats, barges and other vessels navigating the said rivers ; draughts of
and to settle proper gauges on the sides thereof, and how deep for settling
they shall load at all times, and in different seasons of the year, gauges on the
so as no boat, barge or other vessel whatsoever, navigating the sides, &c.
said rivers, shall draw more than four feet on the sides, or draw
more than four feet of water at any season of the year ; and also
to constitute and appoint all such other necessary rates, orders,
constitutions, rules and regulations concerning the said naviga- and other re-
tion, and also concerning such locks, weirs, bucks, winches, turnpikes, dams, flood-gates and other engines and towing-paths, cerning the
lying between the places aforesaid, and the shutting, penning, navigation,
opening, drawing, use or management thereof, for the benefit
and safety of the said navigation ; and making satisfaction for the
loss or damage which any owners or occupiers of mills or lands
shall or may sustain thereby ; and concerning all barges, boats
or vessels passing by, through or with the help of the same ; and
behaviour of all bargemen, boatmen and watermen belonging to and behaviour
or working in such barges, boats or vessels, so as to remedy the of bargemen,
abuses which have been frequently heretofore committed, or may
hereafter be committed by them in the navigation ; and to give and satisfacti-
such reparation, satisfaction and damages to the person or per- on of persons
sons aggrieved thereby ; as likewise to the owners or occupiers grieved.
of meadows, or other grounds, who shall be damaged by the
neglect or refusal of the owners of such locks, weirs, bucks,
winches, turnpikes and flood-gates, in not opening and keep-
ing open the same, till the water is sunk beneath the Water-
mark, as to the said commissioners, or any seven or more of
them, or the major part of them present at any such meeting,
shall seem meet.

No alterations to be made in the towing-paths or landing places, without consent of proprietors.

III. Provided always, and be it enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to empower the said commissioners to alter, change or remove any of the towing-paths, or landing-places now used as such, or to make or appoint any new or other towing-paths or landing-places, on the banks of the said rivers, without the mutual consent first had and obtained of both the owner or proprietor of the ground, over which the towing-path or landing-place proposed to be removed now is, and also of the owner or proprietor of the ground on which such towing-path or landing-place shall be intended to be removed to, or on which any such new towing-path or landing-place shall be intended to be made; any thing herein contained to the contrary notwithstanding.

Orders made at a general meeting, not to be altered at any general meeting not appointed by adjournment, &c.

Orders may be altered, upon application, at any stated meetings.

20 days notice to be given of such application.

Commissioners may hold sub-meetings,

IV. Provided always, That no order, rule or regulation made by the said commissioners, in pursuance of the powers by this act vested in them, at any general meeting held upon and at the respective days and places in every year directed by this act as aforesaid, or at any adjournment thereof, shall be altered or repealed at any general meeting held by the said commissioners in pursuance of the notice hereby directed to be given, when it shall happen that no general meeting has been appointed to be held by adjournment: and that it shall and may be lawful to and for the said commissioners by this act constituted, upon any application to them made in that behalf, at either of the said general meetings, held at and upon the days and places prefixed by this act, for the respective holding the same in every year, or at any adjournment thereof, to alter, annul or repeal any order, rule or regulation made by the said commissioners at any former meeting or adjournment whatsoever, held in pursuance of this act, or make any new order, rule or regulation, touching and concerning the same, as the occasion and circumstances of the case may then require, and as to them shall seem expedient; and so as no such alteration, repeal or new order, be made or deemed good and sufficient, unless the party or parties applying for such alteration, repeal or new order, shall give twenty days notice in writing of his intended application, to every person or persons whom the same immediately concerns, or leave such notice with the servant or agent of any such person or persons.

V. And be it further enacted by the authority aforesaid, That the said commissioners, or any three or more of them, shall and may have and hold a sub-meeting in every of the said counties, by or through which the said rivers run, once in every year, at such times, and in such towns or places respectively, at the Michaelmas quarter-sessions in every year, for every of the said counties respectively shall be held (and at such sub-meetings the said commissioners shall have power to adjourn themselves, from time to time as they shall think proper) for the enforcing the execution of all or any of the orders and constitutions, to be made at all or any of the general meetings of the said commissioners to be

be held as aforesaid; and at such sub-meetings the said commissioners, or any three or more of them, or the major part of them present, shall have power, and are hereby authorized, in a summary way, upon examination of the parties, and all witness to be produced by them; upon oath, which shall be in the same words as herein before directed for the examination of any person or persons as aforesaid, (which oath they are hereby empowered to administer) to hear and determine all such complaints and informations, as shall be made or laid against all and every person or persons, accused of offending against, or not complying with this act, or any of the rules, orders, regulations or constitutions, to be made in pursuance or by virtue thereof; and upon conviction of the offender or offenders, to levy such fines, penalties, forfeitures or damages as the said commissioners are by this act empowered to set, or are hereby made payable or forfeited, for the offences whereof such offenders shall be respectively convicted, by distress and sale of the offenders goods and chattels, rendering the overplus to the offender or offenders, by warrant or warrants, under the hands and seals of the said commissioners, or any three or more of them, to be directed to the constables, tythingmen, or other peace officers of the several liberties or places wherein, or near whereto, any goods or chattels, by such warrant directed to be distrained, shall be; and all such constables, and other officers, are hereby commanded to obey and execute such warrants accordingly: provided, That every person against whom any complaint or information shall be made or laid at any or either of the said sub-meetings, shall have at least six days notice of such complaint or information, under the hands of two or more of the said commissioners.

VI. Provided also, That it shall and may be lawful for any person, whose fine, penalty, forfeiture or damage adjudged against him, at any or either of the said sub-meetings, shall exceed the sum of five pounds, and who shall think himself aggrieved thereby, to appeal to the next general quarter sessions of the peace, to be held after the expiration of ten days, from the time that the party aggrieved shall have notice of the adjudication of such sub-meeting of the commissioners of the county, wherein the matter of complaint shall originally arise, but not afterwards, upon giving six days notice in writing, of such appeal to the party or parties appealed against, or leaving such notice at his or their last place of abode; and the court of such quarter-sessions shall hear and determine such appeal, and give such costs to either party, as they shall think reasonable, whose determination therein shall be final.

VII. And be it further enacted by the authority aforesaid, That the clerks of the peace for the said several counties through which the said rivers run, shall be, and are hereby, appointed clerks to the said commissioners, and each of such clerks of the peace, or his deputy, shall, and are hereby required to attend, and act as clerks to the said commissioners, at such of their

and levy fines by distress and sale.

6 days notice to be given to the party complained against.

6 days notice to be given.

meetings only, as shall be held in the county whereof he is clerk and to be paid out of the county stock. meetings only, as shall be held in the county whereof he is clerk of the peace; and such clerks of the peace shall respectively be paid out of the several counties stock, of which county they are clerks of the peace, such sums for their attendance at such meetings respectively, as shall at such meetings, at which they shall so attend, be allowed them by any three or more of the said commissioners, by writing or certificate under their hands and seals, not exceeding the sum of twenty shillings a day; and the treasurers of the said counties respectively are hereby required to pay the same, the clerks of the peace producing such certificate as aforesaid.

VIII. And whereas, for the more effectual putting of the powers herein contained in execution, it may be necessary to view the several locks, weirs, bucks, winches, turnpikes, dams, flood-gates, or other engines, and the several towing-paths upon or near the said rivers:

3 commissioners empowered to view the locks,

be it enacted by the authority aforesaid, That the said commissioners, or any three, or the major part of them, at such their general meetings or sub-meetings, may appoint any number of commissioners (but not a less number than three) as they should think fit, who are hereby authorized and empowered to go and view any locks, weirs, bucks, winches, turnpikes, dams, flood-gates and other engines, in, upon or near adjoining to the said rivers; and likewise to view all towing-paths, gates, bridges

and to inquire into their state,

and places proper for the fixing a water-mark at all locks, weirs, bucks, winches, turnpikes, dams, flood-gates and other engines, and to inquire into the state, condition and circumstances thereof; and to inquire also by information upon oath (which shall be in the same words as the oath herein before directed for the examination of witnesses as aforesaid, which oath they are hereby empowered to administer) what rates or prices have formerly been paid to, or taken by, the owners or proprietors of such locks, weirs, bucks, winches, turnpikes, dams, flood-gates or other engines, in or upon, or near adjoining to the said rivers, or in any wise affecting the same, as likewise by the owners of towing-paths adjoining to the said rivers; and the several sums that are now paid to, or taken by such owners, proprietors or occupiers, from the several barge-masters navigating on the said rivers; which information or informations thus taken,

and the rates formerly paid.

shall be signed by two of the said commissioners at least, and shall be by them transmitted to, and reported at, the next general meeting of the said commissioners, who, or any seven of them, or the major part of them, shall make such order and determination thereupon, as shall to them seem just; six days notice in writing of such informations and intended order being first given to the person or persons whom the same may concern, or left at his, her or their last place of abode.

and the sums now taken.

Information to be signed by 2 commissioners, and reported to the next general meeting, &c.

Commissioners to rate the prices of carriage,

IX. And be it further enacted by the authority aforesaid, That the said commissioners, or any seven or more of them, or the major part of them, shall have power and authority, and they are hereby enjoined and required, at their said general meetings, to assess and rate the prices of the carriage of all sorts of goods whatsoever, from the said city of London westward, to the said town of Cricklade, and back from thence to the said city of London, or to

or from thence respectively, to any other place or places upon the said rivers, or to or from any place or places upon the said rivers, to any other place or places upon the same, in such boats, barges or other vessels; and shall forthwith give publick notice in writing, to be signed by the said commissioners at such their meetings, or any seven or more of them, to be printed and published in the *London Gazette*; of which publick notice the ſeveral owners of boats, barges and other vessels, navigating on the ſame in the ſaid rivers, are hereby required to take notice, as also of the rates and prices ſo, from time to time, ſet and aſſeſed, and of all other rates and prices, which shall at any time or times hereafter, at ſuch reſpective meetings as aforesaid, be rated and aſſeſed by virtue of this act: and if any owner or proprietor of any ſuch barge, boat or other vessel, ſhall, at any time after the expiration of ten days next after the publishing of ſuch notice, take for the water-carriage of any goods or merchandizes, above the rates and prices ſo ſet as aforesaid, every person or persons ſo offending shall forfeit the ſum of five pounds, and ſhall lose the freight of ſuch goods; and if any person or persons what- ſoever shall break or act contrary to any other rules, orders or contrary to constitutions, which shall be made in purſuance of this act, either any rules, &c. for the benefit of the proprietors or owners of mills, locks, lands or meadows, near or adjoining to the ſaid rivers, or either of them, or otherwise howſoever; every ſuch person ſo offending, ſhall, for every ſuch offence, likewiſe forfeit the ſum of five pounds, unleſs in the caſe of offences on which other penalties and forfeitures are herein otherwiſe iſſued; all which reſpective penalties and forfeitures ſhall and may be recovered in a ſummary way, by information or complaint made to the ſaid commissioners at any or either of their ſub-meetings to be held as aforesaid; and ſhall go and be applied, one moiety to the in- former or informers, and the other moiety to the party or par- ties aggrieved by any ſuch offence, and ſhall and may be levied by diſtrefs and ſale in manner herein before directed. Application of forfeitures.

X. Provided also, and be it further enacted by the authority aforesaid, That no commissioner or commissioners ſhall ſit in judgement in the execution of this act, or any of the powers herein contained, where he or they, on his or their own parts, are any wiſe interested or concerned. No commissioners to act where he is interested.

XI. Provided nevertheless, and be it enacted by the authority aforesaid, That if any person or persons ſhall think himſelf or the commi- themſelves aggrieved, by reaſon of any rules, orders, constituti- oners to the ones or aſſeſments ſo as aforesaid to be made by the ſaid com- missioners, or any ſeven of them, or the major part of them, at their ſaid general meetings, it ſhall and may be lawful to and for the judge or judges of aſſize, at the aſſizes to be held for the county wherein the matter of complaint principally arifeth, or the judge or judges of *Nisi prius*, or ſitting of *Nisi prius* at *West-minster*, when the cauſe of complaint ſhall arife in the county of *Middleſex*, upon complaint made by ſuch person or persons aggrieved, within the ſpace of eight months next after the making of

of ſuch rules, orders, conſtitutions or aſſeſments, to conſirm, vacate or alter the ſame, in ſuch manner as ſhall be thought moſt conveſtient.

Orders of commissioners to be in force till vacated, except in caſes affecting others property.

XII. Provided always, That the orders made by the ſaid commissioners ſhall remain in full force till vacated, or altered, by ſuch judge or judges: but if ſuch orders, rules or conſtitutions ſhall affect the property or interest of any person or persons, in lands, tenements, or hereditaments, other than in locks, weirs, winches, turnpikes, dams, flood-gates, antient towing-paths and landing-places, then ſuch orders, rules and conſtitutions ſhall not be in force, until the expiration of one month next after the making thereof, and after notice given in writing to the person or persons affected thereby, or left at his or their place of abode, in order that the person or persons ſo affected may have an opportunity of appealing againſt ſuch orders, rules and conſtitutions, before the ſame are carried into execution; and every ſuch person or persons who ſhall make ſuch appeal, ſhall, within the ſpace of one month, give notice in writing to the clerk of the commissioners making the rules, orders or conſtitutions intended to be appealed againſt; and ſhall also enter into a recognizance before ſome justice of the peace of the county wherein the matter doth lie, in the penalty of ten pounds at leaſt, to prosecute the ſaid appeal, according to the notice given thereof, as aforesaid; in which caſe the rules, orders or conſtitutions ſo appealed againſt, ſhall not be in force until ſuch appeal be heard and determined, according to the direc‐tions of this act; and in caſe the judge or judges, who ſhall hear the ſaid appeal, ſhall determine the ſame againſt the appellant, it ſhall be lawful for ſuch judge or judges to give ſuch coſts to the party or parties againſt whom the ſaid appeal is made, as to ſuch judge or judges ſhall ſeem meet.

Judges may give coſts.

Orders to be written on parchment, and printed;

and kept amongst the records of the ſeſſions.

XIII. Provided also, and be it further enacted by the authority aforesaid, That all ſuch rules, orders, conſtitutions and aſſeſments as ſhall be made by the ſaid commissioners, or any ſeven, or the major part of them, in purſuance of this act, ſhall be written on parchment, and ſigned by the ſaid commissioners, or any ſeven, or the major part of them, and ſhall also be printed; and the original orders, ſo ſigned, ſhall be kept amongſt the records of the ſeſſions of the peace of the county, within which the ſame ſhall be made; and a true copy, ſigned by the clerk of the peace of the county where ſuch original orders ſhall be filed, ſhall by him be transmitted to the ſeveral clerks of the peace of the counties of *Berks* and *Oxford*, when the ſaid orders are made in other counties than those of *Berks* and *Oxon*; all which, or true copies thereof, ſigned by the clerk of the peace, who hath the custody thereof, ſhall be taken, adjudged, and deemed good and ſufficient evidence and proof in any court of law or equity whatſoever, and other places of judicature; and the ſaid rules, orders, conſtitutions and aſſeſments, ſo ſigned by the ſaid commissioners, or confirmed or altered on ſuch appeal as aforesaid, ſhall continue in force from the making the ſame by

the said commissioners, or the confirmation or alteration thereof, by the said judge or judges of assize, or *Nisi Prius*, until some new order, rule, constitution or assessment, shall be made in the same case, by the said commissioners, or any seven, or the major part of them; and every such new order, rule, constitution or assessment, shall be subject to the like appeal as aforesaid.

XIV. And, for the further preventing the damages and mischiefs frequently done and committed by rude and disorderly persons, rowing, managing, haling or towing the said barges, boats, and vessels, either with men or horses, and that the owners of such barges, boats and vessels may be more careful to prevent the same; be it enacted by the authority aforesaid, That every barge-master, or the master of any boat or vessel, and owner of any barge, boat and vessel, shall be, and is hereby made answerable and responsible for any damage or mischief that shall be done or committed by his or their barge, boat or vessel, or by the whole or any of the crew of his or their said barge, boat or vessel, or by persons ordinarily belonging to, and going with, such barge, boat, or vessel, either to the goods and commodities with which such barge, boat or vessel is laden, or by fishing with nets, or otherwise, or by shooting with guns, or taking or destroying any fish, fowl or game, or to any of the locks, lock-tables, weirs, bucks, winches, turnpikes, dams, flood-gates or other engines; or to any bridge or lands, trees, meadows or grounds, in and upon the said rivers, or bordering or near adjoining thereto, either with men or horses: and the said barge-masters, barge-owners, and the masters and owners of any boat or vessel, shall be, and are hereby made liable to make good all such damages to be committed as aforesaid; and shall and may be sued and prosecuted for the same, by action of trespass or otherwise; and if it appear that such trespass or damage was done by any of the persons ordinarily belonging to or employed in the barge or other craft, whereof such person or persons was or were master or masters, owner or owners, such master or masters, owner or owners, shall be found guilty, and the plaintiff or plaintiffs shall recover his or their damages thereby sustained, with his, her, or their full costs of suit; any former law or usage to the contrary notwithstanding.

Barge-master
responsible for
damages done
by his men.

XV. And whereas the bargemen, and other persons navigating the barges, boats and other vessels on the said rivers, have frequently embezzled and adulterated wines, cyder, beer and other liquors; and have often stole and bartered coals, malt, wheat and other goods committed to their care; and have been guilty of many other abuses, to the great damage of the proprietors of such goods, and the discredit of the said navigation; but it has been found very difficult to detect the offenders; be it therefore enacted by the authority aforesaid, That if any bargeman, boatman, or other person or persons, being part of the crew of or belonging to any barge, boat or other vessel, navigating the said rivers, shall hereafter steal, sell, take, any goods on barter, confiupie, adulterate or embezzil any wine, cyder, beer board.

or

Forfeiture to go to the in-former.

For want of distress of-fender to be committed,

and the in-former to be paid by the county treaſurers.

On complaint that the water runs over the marks, 2 commissioners may compel the owners of locks to open the same.

3 commissioners may order ſatisfaction for damages occaſioned by overflowing.

or other liquor, coals, malt, wheat or other goods, which ſhall be part of the freight of ſuch barge, boat or other veſſel, and ſhall be thereof lawfully convicted before any one of his Maſtety's juſtices of the peace for the county wherein, or adjoining to the place where, the offence ſhall be committed (who are hereby im-pow-ered to hear and determine ſuch complaints in a ſummary way, and to convict the offenders, either upon their own confeſſion, or upon the evidence of one credible witneſs upon oath, which oath ſuch juſtices are hereby im-pow-ered to administer) ſuch barge-men, boatmen, or other per-son or per-sons ſo offend-ing, ſhall forfeit and pay the ſum of forty ſhillings for every ſuch offence, to any per-son or per-sons who will inform thereof, the ſame to be levied by diſtreſs and ſale of the offender's goods, by warrant under the hand and ſeal of the juſtice before whom the complaint or information ſhall be made or laid: and in caſe ſuch offender or offenders ſhall have no goods and chattels, whereby the pena-ty may be levied, or do not, upon demand, pay down the ſaid forty ſhillings, then ſuch juſtice ſhall and may ſend ſuch offender or offenders to the house of corre-ction, there to be kept to hard labour, for any time not exceeding the ſpace of two months: and in ſuch caſe the per-son or per-sons ſo informing, ſhall be allowed and paid the ſaid ſum of forty ſhillings, by the county treaſurers of the two counties between which that part of the ſaid river ſhall run, where the offence ſhall happen to be committed, in equal ſhares and proportions: and the treaſurers of ſuch counties are hereby required to pay the ſame, upon the in-former or in-formers producing a certi-ſicate of the con-vection of the ſaid offender or offenders, under the hand of the juſtice before whom the information ſhall be laid: and that ſuch offender or offenders had no goods and chattels, whereon the pena-ty could be levied as aforefaid.

XVI. And be it further enacted by the authority aforesaid, That it ſhall and may be lawful for any two of the ſaid com-miſſioners upon the complaint of, and oath made by any of the tenants or occupiers of the meadows above, that the water runs over the water-mark, and that their meadows are in danger of being over-flowed, to ſend, under their reſpective hands and ſeals, a warrant di-rected to the conſtable or conſtables of the pa-rish or tything, or ſome neighbouring pa-rish or tything to the place where the offence ſhall be committed, thereby authorizing and im-pow-ering him or them to give notice of ſuch complaint to the fe-veral tenants or occupiers of the ſaid locks, weirs, turn-pikes, dams and flood-gates; and on their refu-al to open the ſame, to compel the laid tenants or occupiers of the ſaid locks, weirs, turn-pikes, dams and flood-gates, to open, and keep open the ſame, as occaſion ſhall require, till the water is funk below the water-mark, and no longer: and if any damage ſhall be ſuſtained by the tenants or occupiers of ſuch meadows, occaſioned either by the occupiers or tenants of ſuch locks, weirs, bucks, turn-pikes, dams and flood-gates, penning above the water-mark, ſo as aforesaid ſet by the laid com-miſſioners; or neglecting or refu-al

refusing to draw, after such notice as aforesaid; any three or more of the said commissioners shall, at any of their sub-meetings to be held as aforesaid, within the space of fourteen days next ensuing, on proof made on oath as aforesaid, of the damage or damages, order such satisfaction as to them shall seem just: and if any or either of the tenants or occupiers of any locks, weirs, bucks, turnpikes, dams or flood-gates, shall refuse to pay such sum or sums of money so ordered, within thirty days after such order made, and notice thereof given, he or they so refusing shall forfeit the sum of five pounds, over and above the sum or sums so ordered, to be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of any three or more of the said commissioners as aforesaid.

XVII. And whereas great inconveniences and damages do often happen to light-loaded barges, boats and other vessels, by deep-loaded barges, boats and other vessels, lying across or aground in the said rivers; and thereby or otherwise obstructing and preventing the passage of such light-loaded vessels, which otherwise might pass: for remedy whereof, be it further enacted by the authority aforesaid, That it shall and may be lawful for any one or more of the said commissioners, on his or their view, or on complaint thereof made to him or them by the owners or navigators of such light-loaded barges, boats or other vessels, to order the owners or navigators of such deep-loaded barges, boats or other vessels, by warrant under his or their hands, forthwith to remove such obstructions, by lightening their said vessels, or otherwise, in such manner as the said commissioner or commissioners shall think fit; and to suffer the said light-loaded barges, boats or other vessels to pass; and upon non-compliance with such order, to assess and levy by warrant under such commissioner or commissioners hands and seals, to be directed to the constables, or other peace officers, of the parish or place wherein or near to the place where such complaint shall arise, such penalty not exceeding the sum of five pounds, upon the goods and chattels of the offender or offenders, or the tackle belonging to his or their barge or barges, as the said commissioner or commissioners shall think proper, or adequate to the damage to be thereby sustained by the owner or owners of such light-loaded vessel or vessels, and to be paid to the person next immediately sustaining the damage occasioned by his boat or vessel's being stopt.

XVIII. And be it enacted by the authority aforesaid, That if it shall appear, either by view of any three or more of the said commissioners, or upon complaint made on oath, to be taken and administered as herein before directed, to any five or more of the said commissioners, at any of the said sub-meetings, that any owner or occupier of any lock, weir, turnpike, dam or flood-gate, or any other person or persons, hath removed any water-mark, so as aforesaid set or appointed by the said commissioners, that the person or persons so removing the same shall forfeit and pay the sum of five pounds, to be recovered at any

any of the said sub-meetings, in a summary way, by any person or persons who will complain or inform thereof, and levied by distress and sale of the offender's goods and chattels, in manner aforesaid.

XIX. And whereas it may be necessary to cleanse, scour, clear and ballast the said rivers in many places; be it enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any seven or more of them, at any of their general meetings, by any order under their hands and seals, to cause the ~~said rivers, or such parts thereof as to them shall seem~~ meet, to be cleansed, scoured, cleared and ballasted, and all obstructions and annoyances in and upon the said rivers to be removed; and to defray the charges and costs of such clearing, cleansing, scouring and ballasting; and removing all obstructions and annoyances aforesaid; as also to defray the incidental expences of printing and publishing the orders of the commissioners; and for the making a reasonable recompence to the several clerks of the peace, for transmitting duplicates of such orders as aforesaid; and for paying the salaries of such officers as the commissioners shall think fit to appoint, for the inspecting the execution of this act; it shall and may be lawful to and for the said commissioners, or any seven or more of them, at any of their general meetings, to impose and set a rate or rates, to be paid by the owner or owners of every boat, barge or vessel, passing the said place so cleared, cleansed, scoured and ballasted; and to appoint a receiver or receivers thereof until a sufficient sum be raised for defraying the expence thereof: and in case the owner or owners of such boat, barge or vessel shall neglect or refuse to pay the said rate or rates, so directed to be paid, that then it shall and may be lawful to and for the said commissioners, or any seven or more of them, by warrant under their hands and seals, directed to such receiver or receivers, to levy the monies so rated, or directed to be paid, upon the goods and chattels of the person or persons so refusing or neglecting to pay the same, and to dispose of and sell the goods and chattels so levied, and to deduct thereout the said rates so directed to be paid, together with the costs and charges of such warrant, distress and sale, rendering the overplus to the person or persons so refusing or neglecting to pay the said rate or rates as aforesaid.

XX. Provided always, and be it enacted by the authority aforesaid, That the owners of all boats, barges and other vessels, of the burden of twenty tons, and upwards, navigating the said rivers, shall cause his, her or their name or names, and place of abode, together with the dimensions and tonnage of his, her or their boat, barge or vessel, to be set on some conspicuous place of their respective boats, barges or vessels: and every owner or owners neglecting so to do, or suffering his, her or their boat, barge or other vessel, to navigate in or upon the said rivers, or either of them, without their respective names, place of abode, dimension and tonnage thereon, shall forfeit and pay the sum of forty shillings for every such offence, to any person or persons

Commissioners may make order for cleansing the rivers:

and impose a rate on barges, &c.

and appoint receivers.

Owners of barges to affix their names and places of abode, &c. on their vessels.

Penalty.

who

who will make information or complaint thereof to the said commissioners, at any or either of their sub-meetings, to be, as aforesaid, held, the same to be levied by distress and sale of the offenders goods as aforesaid, so as the offender or offenders be thereof first duly convicted by the said commissioners, at any of their sub-meetings as aforesaid.

XXI. And whereas for improving the navigation of the rivers *Thames* and *Isis*, it is found expedient to put such part of the river of *Kennet*, as is between the common landing-place at *Reading* aforesaid, and the mouth of the said river of *Kennet*, under the same regulation and management; be it therefore enacted by the authority aforesaid, That the commissioners appointed by this act shall be commissioners for carrying on and regulating the navigation of the aforesaid part of the said river *Kennet*, in like manner as they are hereby appointed commissioners concerning the navigation of the said rivers of *Thames* and *Isis*; and that all and singular the powers and authorities by this act given to, or vested in, the said commissioners, relating to the navigation of the said rivers of *Thames* and *Isis*, shall extend to, and the said commissioners are hereby authorized to exercise the same over the aforesaid part of the said river *Kennet*, and over all persons, boats, barges and vessels navigating the same, or any ways concerned therein, and the locks, weirs, turnpikes, dams, flood-gates and other engines thereon, and the adjacent lands, meadows, tenements and premisses; and to make all such, or any of the orders and constitutions relating thereto, as are herein mentioned, and in like manner as the said commissioners are hereby authorized to do, of and concerning the navigation of the said rivers of *Thames* and *Isis*, and the matters and things relating thereto, or any persons interested or concerned therein.

XXII. Provided always, That nothing in this act contained shall extend, or be construed to extend, to take away any jurisdiction, power or authority of the mayor, commonalty and citizens of the city of *London*, or any other body politic or corporate, or other person or persons whatsoever.

XXIII. And be it further enacted by the authority aforesaid, That all the orders of the said commissioners shall be kept by the clerks of the peace aforesaid, among the records of the sessions of the peace in the respective counties where the same shall be made; and that such clerks of the peace, respectively, shall permit the same to be inspected by all persons desiring the same, at convenient times; and shall deliver copies thereof, or of any part thereof, to any person desiring the same, taking for the searches and copies thereof, reasonable fees, to be limited by the said commissioners from time to time, at their general meetings aforesaid.

XXIV. And be it enacted and declared by the authority aforesaid, That this act shall be deemed a publick act, and shall be taken notice of as such, without specially pleading the same: and if any action shall be brought, or suit commenced, against any person or persons for any thing done in pursuance of this act,

Part of the river *Kennet* put under the same management.

Limitation.

Orders to be kept by the clerks of the peace among the records.

Publick act.

act, every such action or suit shall be brought or commenced in the county or place where the cause of action or suit doth arise, and not elsewhere, and within the space of six months next after such cause of action shall accrue; and the defendant or defendants, in such action or suit may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act: and if the same shall appear to have been so done, or if any such action or suit shall be brought or commenced after the time before limited for bringing or commencing the same, or shall be brought or commenced in any other county or place, then, and in such case, the jury shall find for the defendant or defendants; and in such case, or if the plaintiff or plaintiffs shall become nonsuit, or suffer a discontinuance of his, her or their action or actions, or if any 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 double costs, and shall have the like remedy for the same as any defendant or defendants hath or have for costs of suit in other cases by law.

XXV. And be it enacted by the authority aforesaid, That the costs and charges of obtaining this act shall be paid by the treasurers of the several counties of *Middlesex, Surry, Bucks, Berks, Oxford, Gloucester and Wilts*, through which the said rivers run, in equal shares, that is to say, by every treasurer of the said several counties, one seventh part, to *William Cooke of Great Farringdon* in the county of *Berks*, gentleman, his executors or administrators, upon his or their producing to such treasurers respectively the bill of costs and disbursements, on account of passing this act, signed by any five of the said commissioners, or their certificate, or allowance thereof: and the said treasurers of the said counties are hereby required to pay the same accordingly, on sight of such bill, certificate or allowance, so as aforesaid signed; and the receipts of the said *William Cooke*, his executors or administrators, shall be good and sufficient vouchers to such treasurers respectively, and allowed in their respective accounts for what they shall so as aforesaid respectively pay to the said *William Cooke*, his executors or administrators, in pursuance of this act.

XXVI. And be it further enacted by the authority aforesaid, That from and after the end of this present session of parliament, the said act made in the sixth and seventh years of his late majesty King *William the Third*, intituled, *An act to prevent exactions of the occupiers of locks and weirs upon the river of Thames westward, and for ascertaining the rates of water-carriage upon the said river*: and also the said other act, made in the third year of the reign of his present Majesty, intituled, *An act for reviving and amending an act made in the sixth and seventh years of the reign of his late majesty King William the Third, intituled, An act to prevent exactions of the occupiers of locks and weirs upon*

Charges of
this act how
to be paid.

6 & 7 W. 3.
c. 16

and 3 Geo. 2.
c. 11. repeal-
ed.

on the river of *Thames* westward ; and for ascertaining the rates of water-carriage upon the said river ; shall be, and the same are hereby repealed.

C A P. IX.

An act for repairing the road leading from West-Lavington to the *De-
vizes*, and from the *Devizes* to *Scend* in the county of *Wilts*.

Certain tolls granted for 21 years.

C A P. X.

An act for enlarging the term and powers granted by two acts of parliament, for repairing the highways through the several parishes of *Saint Michael, Saint Alban, Saint Peter, Shenley-Ridge and South Mims*, in the counties of *Hertford* and *Middlesex*.

The acts 1 Geo. 1. and 8 Geo. 2. c. 9. continued for 21 years.

C A P. XI.

*An act for reducing the interest upon the capital stock of the South Sea company, from the time and upon the terms
therein mentioned ; and for preventing of frauds committed
by the officers and servants of the said company.*

Most gracious Sovereign,

WHEREAS the corporation of the governor and company of merchants of Great Britain trading to the South Seas, and other parts of America, and for encouraging the fishery, have proposed to accept of four pounds per centum per annum on their capital stock, to Christmas, one thousand seven hundred and fifty seven, and then to stand reduced to three pounds per centum per annum, provided the receipt from the exchequer, and charges of management, upon the present old and new South Sea annuities, be continued as they now are ; and also the charges of management on the capital stock of the said company be continued ; and that all the rights and exemptions, with regard to the redemption of the same, be confirmed in the same manner as they now stand : and your Majesty's dutiful and loyal subjects the commons of Great Britain in parliament assembled, having duly considered the said proposal, have resolved to accept thereof, in full discharge of all demands which the said company could or might claim of the King of Spain, on account of the *affiento*, or annual ship, or on any account whatsoever, over and above the sum of one hundred thousand pounds paid pursuant to treaty : and do therefore most humbly beseech your M^{aj}esty 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 governor and company of South Sea merchants of Great Britain trading to the South Seas, and other company to parts of America, and for encouraging the fishery, shall have, receive 4*l.* per cent. on their capital, receive and enjoy, and shall be intitled, by virtue of this act, to have, receive and enjoy the present annuity of four pounds per centum p.r. annum, payable on their said capital stock, until the cember 1757 ; twenty fifth day of December one thousand seven hundred and fifty seven ; and that from and after the said twenty fifth day of December 1757 ;

which is then December one thousand seven hundred and fifty seven, the said to be reduced annuity of four pounds *per centum per annum* shall be reduced to to 3*l.* *per cent.* an interest after the rate of three pounds *per centum per annum*, until the redemption thereof, in full discharge of all demands which the said company could or might claim of the King of Spain, on account of the *asiento*, or annual ship, or on any account whatsoever, over and above the sum of one hundred thousand pounds paid pursuant to treaty.

Charges of management upon their old and new annuities, to be continued, &c.

II. Provided always, and it is hereby further enacted by the authority ~~were said~~ *whereof* ~~the said~~ *governor* and company shall continue to receive from the receipt of his Majesty's exchequer, so much monies out of the funds appropriated for that purpose, as shall, from time to time, become due and payable for the interest of, and charges of management upon such part of the said old and new *South Sea* annuities, as are not redeemed, and on the capital stock of the said company, as they now have and receive; and that all the rights and exemptions, with regard to the redemption of the said capital stock of the said company, shall be, and are hereby, confirmed in the same manner as they now stand; any thing in this or any former act or acts of parliament contained to the contrary thereof in any wise notwithstanding.

Officer or servant of the company embeziling, &c. any effects of the company intrusted with him,

III. And be it further enacted by the authority *foresaid*, That if any officer or servant of the said company, being intrusted with any note, bill, dividend-warrant, bond, deed, or any security, money or other effects belonging to the said company, or having any bill, dividend-warrant, bond, deed, or any security, money or effects of any other person or persons, lodged or deposited with the said company, or with him as an officer or servant of the said company, shall secrete, embezil or run away with, any such note, bill, dividend-warrant, bond, deed, security, money or effects, or any part of them, every officer or servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony, and shall suffer death as a felon without benefit of clergy.

C A P. XII.

An act for appointing commissioners to put in execution an act made in the twenty second year of the reign of King Charles the Second, for making navigable the rivers commonly called Brandon and Waveney; so far as the same relates to the navigation of the river commonly called the Lesser Ouse, from Thetford to Brandon, and from Brandon to a place called the White House, near Brandon ferry, in the counties of Norfolk and Suffolk.

•2 Car. 2. private.

WH E R E A S by an act of parliament passed in the twenty second year of the reign of King Charles the Second, for making navigable the rivers commonly called Brandon and Waveney, divers persons therein named were constituted commissioners for determining all controversies which might arise in making the said rivers navigable,

in

In maintaining the navigation thereof, in settling the rates of carriage of goods on the said rivers, and for ascertaining the damages done to the banks of the said rivers by hauling and drawing of vessels navigated thereon; and power was given to the commissioners appointed by the said act, or any five of them, to chuse other persons, residing in the counties of Norfolk and Suffolk, to be commissioners, instead of such commissioners as should from time to time die: and whereas all the commissioners appointed to put into execution so much of the said act as relates to the navigation of the said river commonly called the Lesser Ouze, from Thetford to Brandon, and from Brandon to a place called the White House, near Brandon ferry, have been long since dead; and that no new commissioners were appointed in their stead and place, pursuant to the power vested in them by the said act: and whereas some disputes have of late years arisen between the owners of lands and banks adjoining to the said river commonly called the Lesser Ouze, from Thetford to Brandon, and from Brandon to a place called the White House, near Brandon ferry, relating to the hauling-ways there, and other matters relating to the said navigation, which cannot be adjusted and settled by any other means than by expensive and tedious law suits, unless some further provision be made by parliament for appointing new commissioners, and investing them with the like powers and authorities as were granted to the commissioners appointed by the said former act relating to the said navigation; may it therefore please your Majesty that it may be enacted, &c.

Commissioners appointed to put the act of 21 Car. 2. in execution, so far as relates to the navigation of the Lesser Ouze.

C A P. XIII.

An act for repairing the road from Crosford Bridge, through the townships of Stretford and Hulme, to the town of Manchester, in the county palatine of Lancaster. Certain tolls granted for 21 years.

C A P. XIV.

An act for explaining and amending an act passed in the twenty-first year of the reign of his present Majesty, intituled, An act for the relief of the annuitants of the wardens, and commonalty of the mystery of Mercers of the city of London, and for other purposes therein mentioned.

WHEREAS by an act of parliament made and passed in the 21 G. 2. c. 32; twenty-first year of the reign of his present Majesty, intituled, An act for the relief of the annuitants of the wardens and commonalty of the mystery of Mercers of the city of London, after reciting that by indentures of lease and release, bearing date respectively the third and fourth days of October one thousand six hundred and ninety-nine, and inrolled in the high court of Chancery, the wardens and commonalty of the mystery of Mercers of the city of London, did grant and release divers messuages and tenements, tofts, gardens, ground and hereditaments, of and belonging to the said wardens and commonalty, situate and being in the city of London, and in the county of Middlesex, therein particularly mentioned and described;

together with one full moiety of all that great fabrick and place called the Royal Exchange, London, and other tenements in, under, upon or near the same, therin particularly mentioned and described; and also all that the manor of Mercers, with the rights, members and appurtenances thereof, lying and being in the county of Londonderry in Ireland, and divers other lands, tenements and hereditaments in Ireland, in the same indentures more particularly mentioned and described, unto Sir William Hedges, and several other persons, as trustees, their heirs and assigns, upon trust, amongst other things, to pay and satisfy few charitable gifts, and also such annuities to be granted by the said wardens and commonalty, during the lives of the wives of clergymen, or of other persons, surviving their husbands, in such manner as in the said act is mentioned; and also reciting that by indentures of lease and release, bearing date the first and second days of June one thousand seven hundred and forty-one, Richard Chiswell the elder, Sir Thomas Webster, David Papillon and Clement Tookie, therein named, being then the only surviving trustees in certain indentures of lease and release, bearing date the first and second days of June one thousand seven hundred and seventeen, in the said act mentioned and referred to, did, by the direction and appointment of the said wardens and commonalty, grant and convey the said several trust estates to the use of themselves, and other trustees therein named, their heirs and assigns, upon certain trusts, and for divers purposes mentioned in the said act, or in certain deeds therein referred to; and also reciting that the trustees, in whom the legal interest of the said estates comprised in the said indentures of the third and fourth of October one thousand six hundred and ninety-nine, and the said indentures of the first and second of June one thousand seven hundred and forty-one, was then vested, might refuse to act; and that it might be for the benefit of the said annuitants, that building and repairing leases should be lett of the several estates that are within the city of London and county of Middlesex, and also that such of the said estates as are in the kingdom of Ireland, should be lett for a term of years, or for lives and a term of years; it was enacted, That it should and might be lawful to and for the said wardens and commonalty, and their successors, from time to time, by any deed or deeds indented under the common seal of the said wardens and commonalty, to demise and lease all or any part of the said estates (except as therein after is excepted) for any term or number of years not exceeding twenty-one years absolute, in possession, and not in reversion, reserving the most improved rent that could be had for the same, without taking any fine or other thing, by way of income, for granting any lease or leases thereof, and so as no such lease or leases should be made dispusable of waste, and so as the respective lessees should seal and execute counterparts of such lease or leases respectively; in which said act is contained a proviso, that it should and might be lawful to and for the said wardens and commonalty, and their successors, to demise and lease the manor of Mercers, part of the said estates in the kingdom of Ireland, with the rights, members and appurtenances, or any part or parts thereof, for any term or number of years not exceeding sixty-one years in possession, or for sixty one years in possession, and for the lives of any

any three persons, and the life of the longer liver of them; and that they should and might take such fine or fines, or other consideration, for the granting such lease or leases, and reserve such yearly or other rent or rents thereon, as could be reasonably obtained, so as the reserved rent upon any such lease be not less than the rent then reserved to the said wardens and commonalty; and also that it should and might be lawful to and for the said wardens and commonalty to demise and lease the several messuages and tenements, part of the said estates, situate, lying, standing and being, in or near Long Acre in the county of Middlesex; and all other the messuages or tenements belonging to the said estates, which they should deem necessary to lett upon building or repairing leases, according to the common or usual method of letting such leases; videlicet, the building leases for any term or number of years not exceeding sixty-one years, and the repairing leases for any term or number of years not exceeding forty-one years, to commence from the date or dates of any such leases; and should and might take such fine or fines, or other consideration, and such yearly and other rent or rents, for granting such lease or leases, as they should think fit; in which building lease or leases, power should be given to the respective lessees, or their agents, to pull down and demolish the old buildings, and to dispose of the materials, as they should respectively think fit; and also a provis^o, that no lease or leases of any part of the said estates (except the estates in Ireland and Long Acre) should be granted till within the space of three years next before the expiration of such lease or leases as were then in being: and whereas the trustees named and appointed by the said deeds of the first and second days of June one thousand seven hundred and forty-one, decline acting in the said trust: and whereas the powers given to the said wardens and commonalty by the said recited act, are not sufficient to enable the said wardens and commonalty to grant such lease or leases of their estate in Ireland, as was meant and intended by the said act, they should have power to grant, inasmuch as by the said act, the leases they are thereby enabled to grant, are to be for any term or number of years not exceeding sixty-one years in possession, or for sixty-one years in possession and for the lives of any three persons, and the life of the longer liver of them: and whereas the said Irish estate is now lett on lease or leases which are not yet expired; and the power given by the said act to grant leases for sixty-one years, being restrained and limited to be for sixty-one years in possession; and the power of granting leases for three lives, being a power to grant a freehold, the same cannot by the rules of law, be granted to commence in futuro; so that the said wardens and commonalty, as the act now stands, cannot legally grant any lease of the said Irish estate, either for sixty-one years, or for three lives and sixty-one years, until the lease or leases thereof now in being are expired or surrendered, without the aid of an act of parliament for explaining and amending the said recited act, with respect to the power of granting leases of the said estate: and whereas it will be greatly for the advantage of the annuitants of the said wardens and commonalty, that the said wardens and commonalty should be now enabled, and have power, to grant leases of their said Irish estate, to commence at the expiration of the leases thereof now subsisting, reserv-

Anno vicesimo quarto GEORGII II. c. 15,--18. [1751.]

ing the present rent, and taking the best fine that can be got for the same, according to the true intent and meaning of the said recited act; may it therefore please your most excellent Majesty, at the humble request of your loyal and dutiful subjects, the wardens and commonalty of the mystery of Mercers of the city of London, that it may be enacted, &c.

Mercers company may grant leases of their estate in Ireland, in reversion for 61 years, or for three lives, and take fines, &c. They may grant building leases for 61 years, &c. and repairing leases for 41 years, of their estate in Long Acre, and take fines; and may lease their other estates in London and Middlesex, for 21 years; and grant building leases for 61 years, and repairing leases for 41 years, without fines. Leases of the estates in London and Middlesex not to be granted until within 3 years of the expiration of the present leases. No lease to be valid, unless consented to by the annuitants and creditors, &c. Deeds and settlements not altered by this act. Rights of the crown and of other persons reserved. Publick act. Amended 25 Geo. 2. c. 7.

C A P. XV.

An act to enable the parishioners of the parish of Saint Mary, Islington, in the county of Middlesex, to rebuild the church of the said parish.

C A P. XVI.

An act for the more speedy and easy recovery of small debts within the city of Lincoln, and county of the same city, and the liberties and precincts thereof; and within the bail of Lincoln in the county of Lincoln.

C A P. XVII.

An act for repairing the road leading from the east end of Brumpton High Lane in the county of York, to the town of Richmond, and from thence to and through the towns of Askri gg and Ingleton in the said county, to the town of Lancaster in the county of Lancaster.

Certain tolls granted for 21 years.

C A P. XVIII.

An act for the better regulation of trials by jury; and for enlarging the time for trials by Nisi Prius in the county of Middlesex.

^{3 Geo. 2. c. 25.} **W**HEREAS by an act made in the third year of the reign of his present Majesty, intituled, An act for the better regulation of juries; it is amongst other things enacted; That the person or party who shall apply for a special jury to be struck in the manner therein mentioned, shall bear and pay the fees for the striking such jury, and shall not have any allowance for the same upon taxation of costs: and whereas the said clause doth extend only to the fees paid for striking such special jury; by reason whereof special juries have frequently been applied for in small and trivial causes, in order to burden the other party with the expence thereof; which practice has been ^{6 G. 2. c. 37.} found to be very inconvenient and oppressive: and whereas one other act was made in the sixth year of the reign of his present Majesty, intituled, An act for making perpetual the several acts therein mentioned, for the better regulation of juries; and for empowering the justices of session or assizes for the counties palatine of Chester, Lancaster and Durham, to appoint a special jury in manner therein

therein mentioned; and for continuing the act for regulating the manufacture of cloth in the west riding of the county of *York* (except a clause therein contained) and for continuing an act for the more effectual punishing wicked and evil-disposed persons going armed in disguise, and for other purposes therein mentioned, and to prevent the cutting or breaking down the bank of any river, or any sea bank; and to prevent the malicious cutting of hop-binds; and for continuing an act made in the thirteenth and fourteenth years of the reign of King *Charles the Second*, for preventing theft and rapine upon the northern borders of *England*; and for reviving and continuing certain clauses in two other acts made for the same purpose; whereby it is amongst other things enacted, That the said act for the better regulation of juries, should be, and was thereby made perpetual; and it was thereby also enacted, That the justices of the session or assizes for the counties palatine of *Chester*, *Lancaster* and *Durham*, should and might, upon motion, order and appoint a jury to be struck before the proper officer of each court respectively, for the trial of any issue in any of the cases, and in such manner as are therein mentioned; for remedy thereof 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 Persons apply the first day of *Easter* term, which shall be in the year of our Lord one thousand seven hundred and fifty-one, the person or juries, to pay, the party who shall by virtue of either of the said acts apply for such special jury, shall not only bear and pay the fees for striking the same, and the such jury, but shall also pay and discharge all the expences or charges occasioned by the trial of the cause by such special jury, and shall be signed by the not have any further or other allowance for the same, upon taxation of costs, than such person or party would be intitled unto in case the cause had been tried by a common jury, unless the judge before whom the cause is tried shall immediately after the trial, certify in open court under his hand upon the back of the record, that the same was a cause proper to be tried by a special jury.

II. And whereas complaints are frequently made of the great and extravagant fees paid to jurymen returned under the authority of the said recited acts; be it enacted by the authority aforesaid, That Fees allowed no person who shall, after the said first day of *Easter* term, serve to jurymen, upon any jury appointed or returned by authority of any of the said acts, shall be allowed or take for serving on any such jury more than the sum of money which the judge who tries the issue or issues shall think just and reasonable, not exceeding the sum of one pound one shilling, except in causes wherein a view hath been or shall be directed.

III. And whereas by an act passed in the fourth year of the reign of her late majesty Queen Anne, (intituled, An act for the amendment of the law, and the better advancement of justice) it is enacted, That from and after the first day of *Trinity* term one thousand seven hundred and six, every *Venire facias* for the trial of any issue,

issue, to any action or suit in any of her Majesty's courts of record at Westminster, shall be awarded of the body of the proper county where such issue is triable; but in the said act there is contained a proviso, that the same shall not extend to any action or information upon any penal statute, which proviso has, by experience, been found inconvenient, by reason of challenges to the arrays of panels of jurors,

Venire facias and to the polls for default of hundredors; therefore, for prevention of the trial of such issue upon the said first day of Easter term, every **Venire facias** for the trial of any penal statute, to be awarded of any issue, in any action or information upon any penal statute, of the body of the county where the issue is triable, in any of his Majesty's courts of record at Westminster, in the counties palatine of *Lancaster*, *Chester* and *Durham*, and the principality of *Wales*, shall be awarded of the body of the proper county where such issue is triable; any thing in the said act to the contrary notwithstanding.

IV. And whereas great delays do frequently happen in trials, where a peer or lord of parliament is party, by reason of challenges to the arrays of panels of jurors, for want of a knight's being returned on such panels; for remedy thereof for the future, be it enacted by the authority aforesaid, That from and after the said first day of Easter term, no challenge shall be taken to any panel of jurors, for want of a knight's being returned in such panel, nor any array quashed by reason of any such challenge taken after that time; any law, usage or custom to the contrary notwithstanding.

5 Geo. I. c. 31. V. And whereas by an act of parliament made in the twelfth year of the reign of King George the First, intituled, An act for the better regulating trials by *Nisi Prius* in the county of *Middlesex*; power and authority is given to the chief justice of the King's Bench, the chief justice of the Common Pleas, and the chief baron of the court of Exchequer, for the time being, and every of them respectively, and in the absence of any of them, to and for any other judge or baron of the said several courts, as justices of *Nisi Prius* for the said county of *Middlesex*, within the term, or within the space of eight days after the end of any term respectively, to try all such issues as by an act of parliament made in the eighteenth year of the reign of Queen Elizabeth, (intituled, An act for trial of *Nisi Prius* in the county of *Middlesex*) they, or any of them, are enabled to try, in such place and manner, and with and under such powers, authorities and provisions, as in the said last-mentioned act, or any other act of parliament, or law whatsoever concerning the premises, are prescribed and contained: and whereas the restraining the time for such trials after the term, to eight days, hath been found inconvenient, and occasioned delay of justice; be it therefore enacted by the authority aforesaid, That from and after the first day of Easter term in the

year of our Lord one thousand seven hundred and fifty-one, it shall and may be lawful to and for the chief justice of the King's Bench, the chief justice of the Common Pleas, and the chief baron of the court of Exchequer, for the time being, and every of them respectively, and in the absence of any of them, to and for any other judge or baron of the said several courts, as justices of *Nisi Prius* for the said county of *Middlesex*, at any time or times

Justices of *Nisi Prius* for the county of *Middlesex* may, within 14 days after the end of term, try issues.

times within the space of fourteen days after the end of any term respectively, to try all such issues as by the before-mentioned acts they or any of them are enabled to try, in such place and manner, and under such powers, authorities and provisions as in and by the aforesaid acts, or any other act of parliament or law whatsoever concerning the premisses, are prescribed and contained; any thing in the before-mentioned acts to the contrary hereof in any wise notwithstanding.

C.A.P. XIX.

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An act for making the river Nar navigable, from the town and port of King's Lynn to Westacre, in the county of Norfolk.

WHEREAS the river Nar in the county of Norfolk, is very capable of being made navigable, from the town and port of King's Lynn to Westacre in the said county; and the same, if effected, will be of great benefit and advantage, not only to the said town of King's Lynn, but to all the towns and places situate near the said river, and be a general benefit to all the adjacent country, by better accommodating the same with necessaries, and by opening and facilitating trade and commerce, whereby navigation and the number of watermen will be increased, the poor find employment, and the highways thereabouts, now worn by the weight of heavy and frequent carriages, will be better supported and maintained; to the end therefore that the said river *Nar* may be made navigable for boats, barges and other vessels, from the said town and port of *King's Lynn* to *Westacre* aforesaid; be it enacted, &c.

Commissioners may contract with persons to make the river navigable. Undertakers may remove annoyances, &c. and erect locks above *Setch Bridge*, &c. and set out towing-paths. Satisfaction to be made to the owners of grounds. Seven commissioners may receive proposals; nine to be present at making the contracts. Notice of meeting for that purpose to be given. If the adjourned meetings be not held as often as necessary, five commissioners may summon a meeting. Nine commissioners may agree with the owners of such lands as shall be made use of, and settle the proportion payable thereout to the tenant. If any persons shall refuse, or be incapable of making such agreement, a jury to be impanelled, who may view the lands, and assess the recompence. Verdict to be kept amongst the records of the sessions. Commissioners may summon witnesses, and impole fines on the sheriff and others making default in the premisses, to be levied by distress and sale. Tolls to be paid for goods carried up or down the river, which are vested in the commissioners, and may be levied by distress and sale. No toll to be paid for goods carried not more than a furlong above *Setch Bridge*. Commissioners may appoint collectors and treasurers of the tolls, and other officers, and administer an oath of office to them, &c. Salaries to be allowed to the officers. Watermen to give an account of the quantity and quality of goods on board, &c. Penalty on his refusal, &c. Commissioners to let up gates, &c. where towing paths shall be set out. If the river shall be raised above its usual height by weirs or dams, the banks are to be proportionably raised. If new cuts, &c. be made, &c. which render the ways impassable, bridges are to be built over them. Commissioners may make orders concerning the navigation of the river. No haling with horses allowed between *King's Lynn* and *Sandringham Eau*. Penalty on commissioner acting where he is interested. Commissioners may make by-laws, &c. with penalties.

penalties. Persons aggrieved by any by-law may appeal to the quarter-sessions. Royalties of the river reserved to the lords, &c. No toll for pleasure-boats. Commission of sewers not abridged by this act. Boat-master answerable for damages done by his boat or crew. Justice to inquire into, and order the recompence. Penalty of obstructing the passage of other vessels, or of the opening or shutting the locks, &c. Penalty on water-men carrying a gun or net to fowl or fish with. Application of the forfeiture, &c. Persons aggrieved by the order of any justice, may appeal to the sessions: Order of the justices not removable by *Certiorari*. No order of the commissioners to be quashed for want of form. Commissioners may borrow money on the tolls.

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C A P. XX.

An act for repairing and widening the road from Preston to Lancaster, and from thence to a place called Heiring Syke, that divides the counties of Lancaster and Westmorland. *Certain tolls granted for 21 years.*

C A P. XXI.

An act for enlarging the term and powers granted by an act passed in the third year of the reign of his present Majesty, *For repairing and amending the several roads leading from Woodstock through Kiddington and Enford to Rollright Lane, and from Ecton Bridge to Kiddington aforesaid, in the county of Oxford;* and for making the said act more effectual. *The act 3 Geo. 2. c. 21 continued for 21 years, &c.*

C A P. XXII.

An act for explaining and amending so much of an act passed in the fourteenth year of the reign of his present Majesty for the repairing and enlarging the roads from the town of Selby in the west riding of the county of York, to the town of Leeds; and from thence, in two several branches, one through Bradford and Horton, and the other through Bowling and Wibsey, to the town of Halifax in the same riding, as relates to that part of the said roads which lies between Selby and Leeds; and also for repairing the road from Tadcaster in the said west riding, over Bramham Moor through Kidhall Lane, over Win Moor, and through Seacroft to a place called Ilton Dyal, where it comes into the above-said road; between Selby and Leeds. *The act 14 Geo. 2. c. 32. continued for 21 years, and amended.*

C A P. XXIII.

An act for regulating the commencement of the year; and for correcting the calendar now in use.

Amended by
25 Geo. 2. c. 30.

WHEREAS the legal supputation of the year of our Lord in that part of Great Britain called England, according to which the year beginneth on the twenty-fifth day of March, hath been found by experience to be attended with divers inconveniences, not only as it differeth from the usage of neighbouring nations, but also from the legal method of computation in that part of Great Britain called Scotland, and from the common usage throughout the whole kingdom, and thereby frequent mistakes are occasioned in the dates of deeds, and other writings, and disputes arise therefrom: and whereas the calendar now in use throughout all his Majesty's British dominions, commonly called The Julian Calendar, hath been discovered to be erroneous; by means whereof the vernal or spring equinox, which at the time of the general council of Nice in the year of our Lord three hundred and twenty-five, happened on or about the twenty-first day of March, now happens on the ninth or tenth day of the same month;

and

and the said error is still increasing, and if not remedied, would, in process of time, occasion the several equinoxes and solstices to fall at very different times in the civil year from what they formerly did, which might tend to mislead persons ignorant of the said alteration: and whereas a method of correcting the calendar in such manner, as that the equinoxes and solstices may for the future fall nearly on the same nominal days, on which the same happened at the time of the said general council, hath been received and established, and is now generally practised by almost all other nations of Europe: and whereas it will be of general convenience to make known to other persons corresponding with other nations and countries, and tend to prevent mistakes and disputes in or concerning the dates of letters, and accounts, if the like correction be received and established in his Majesty's dominions: 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 in and throughout all his Majesty's dominions and countries in Europe, Asia, Africa, and America, belonging or subject to the crown of Great Britain, the said supputation, according to which the year of our Lord beginneth on the twenty-fifth day of March, shall not be 1751. The old supputation of the year, not to be made use of after Dec. 31, 1750.

made use of from and after the last day of *December* one thousand seven hundred and fifty-one; and that the first day of *January* next following the said last day of *December* shall be reckoned, taken, deemed and accounted to be the first day of the year of our Lord one thousand seven hundred and fifty-two; and the first day of *January*, which shall happen next after the said first day of *January* one thousand seven hundred and fifty-two, shall be reckoned, taken, deemed and accounted to be the first day of the year of our Lord one thousand seven hundred and fifty-three; and so on, from time to time, the first day of *January* in every year, which shall happen in time to come, shall be reckoned, taken, deemed and accounted to be the first day of the year, and that each new year shall accordingly commence, and begin to be reckoned, from the first day of every such month, of *January* next preceding the twenty-fifth day of *March*, on which such year would, according to the present supposition, have begun or commenced: and that from and after the said first day of *January* one thousand seven hundred and fifty-two, the several days of each month shall go on, and be reckoned and numbered in the same order; and the feast of *Easter*, and other moveable feasts thereon depending, shall be ascertained according to the same method, as they now are, until the second day of *September* in the said year one thousand seven hundred and fifty-two inclusive; and that the natural day next immediately following the said second day of *September*, shall be called, reckoned and accounted to be the fourteenth day of *September*, omitting for that time only the eleven intermediate nominal days, of the common calendar; and that the several natural days, which shall follow and succeed next after the said fourteenth day, Year to commence, for the future, on 1 Jan. The days to be numbered as now until 2 Sept. 1752; and the day following to be accounted 14 Sept. omitting 11 days.

The days to be numbered as now until 2nd Sept. 1753; and the day following to be accounted 14 Sept. omitting 11 days.

day of *September*, shall be respectively called, reckoned and numbered forwards in humerical order from the said fourteenth day of *September*, according to the order and succession of days now used in the present calendar, and that all acts, deeds, writings, notes and other instruments of what nature or kind soever, whether ecclesiastical or civil, publick or private, which shall be made, executed or signed, upon or after the said first day of *January* one thousand seven hundred and fifty-two, shall bear date according to the said new method of supputation, and that the two fixed terms of *Hilary* and *Michael*, in that part of *Great Britain* called *Engiland*, and the courts of great sessions in the counties palatine, and in *Wales*, and also the courts of general quarter-sessions and general sessions of the peace, and all other courts of what nature or kind soever, whether civil, criminal or ecclesiastical, and all meetings and assemblies of any bodies politick or corporate, either for the election of any officers or members thereof, or for any such officers entering upon the execution of their respective offices, or for any other purpose whatsoever, which by any law, statute, charter, custom or usage within this kingdom, or within any other the dominions or countries subject or belonging to the crown of *Great Britain*, are to be holden and kept on any fixed or certain day of any month, or on any day depending upon the beginning, or any certain day of any month (except such courts as are usually holden or kept with any fairs or marts) shall, from time to time, from and after the said second day of *September*, be holden and kept upon or according to the same respective nominal days and times, whereon or according to which the same are now to be holden, but which shall be computed according to the said new method of numbering and reckoning the days of the calendar as aforesaid; that is to say, eleven days sooner than the respective days whereon the same are now holden and kept; any law, statute, charter, custom or usage, to the contrary thereof in any wise notwithstanding.

II. And for the continuing and preserving the calendar or method of reckoning, and computing the days of the year in the same regular course, as near as may be, in all times coming; be it further enacted by the authority aforesaid, That the several years of our Lord, one thousand eight hundred, one thousand nine hundred, two thousand one hundred, two thousand two hundred, two thousand three hundred, or any other hundredth years of our Lord, which shall happen in time to come, except only every fourth hundredth year of our Lord, whereof the year of our Lord two thousand shall be the first, shall not be esteemed or taken to be bissextile or leap years, but shall be taken to be common years, consisting of three hundred and sixty-five days, and no more; and that the years of our Lord, two thousand, two thousand four hundred, two thousand eight hundred, and every other fourth hundred year of our Lord, from the said year of our Lord two thousand inclusive, and also all other years of our Lord, which by the present supputation are esteemed to be bissextile

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tile of 366
days.

bisextile or leap years, shall for the future, and in all times to come, be esteemed and taken to be bisextile or leap years, consisting of three hundred and sixty-six days, in the same sort and manner as is now used with respect to every fourth year of our Lord.

III. And whereas according to the rule prefixed to the book of common prayer of the church of England, Easter-day is always the first Sunday after the first full moon which happens next after the one and twentieth day of March, and if the full moon happens upon a Sunday, Easter-day is the Sunday after, which shall be made in conformity to the decree of the said general council of Nice, for the celebration of the said feast of Easter: and whereas the method of computing the full moons now used in the church of England, and according to which the table to find Easter for ever, prefixed to the said book of common prayer, is formed, is by process of time become considerably erroneous: and whereas a calendar, and also certain tables and rules for the fixing the true time of the celebration of the said feast of Easter, and the finding the times of the full moons on which the same dependeth, so as the same shall agree as nearly as may be with the decree of the said general council, and also with the practice of foreign countries, have been prepared, and are hereunto annexed; be it therefore enacted by the authority aforesaid, That the said other moveable feasts, to be observed according to the new calendar, tables and rules.

feast of Easter, or any of the moveable feasts thereon depending, shall, from and after the said second day of September, be no longer kept or observed in that part of Great Britain called England, or in any other the dominions or countries subject or belonging to the crown of Great Britain, according to the said method of supputation now used, or the said table prefixed to the said book of common prayer; and that the said table, and also the column of golden numbers, as they are now prefixed to the respective days of the month in the said calendar, shall be left out in all future editions of the said book of common prayer; and that the said new calendar, tables and rules, hereunto annexed, shall be prefixed to all such future editions of the said book, in the room and stead thereof; and that from and after the said second day of September, all and every the fixed feast days, holy-days and fast-days, which are now kept and observed by the church of England, and also the several solemn days of thanksgiving, and of fasting and humiliation, which by virtue of any act of parliament now in being, are, from time to time, to be kept and observed, shall be kept and observed on the respective days marked for the celebration of the same in the said new calendar; that is to say, on the same respective nominal days on which the same are now kept and observed; but which according to the alteration by this act intended to be made as aforesaid, will happen eleven days sooner than the same now do; and that the said feast of Easter, and all other moveable feasts thereon depending, shall, from time to time, be observed and celebrated according to the said new calendar, tables and rules hereunto annexed, in that part of Great Britain called England, and in all the dominions and countries aforesaid, wherein the liturgy of the Feasts and fasts &c. to be according to the new calendar.

the church of *England* now is, or hereafter shall be used, and that the two moveable terms of *Easter* and *Trinity*, and all courts of what nature or kind soever, and all meetings and assemblies of any bodies politick or corporate, and all markets, fairs and marts, and courts thereunto belonging, which by any law, statute, charter, custom or usage are appointed, used or accustomed to be holden and kept at any moveable time or times depending upon the time of *Easter*, or any other such moveable feast as aforesaid, shall, from time to time, from and after the said second day of *September*, be holden and kept on such days and times whereon the same shall respectively happen or fall, according to the happening or falling of the said feast of *Easter*, or such other moveable feasts as aforesaid, to be computed according to the said new calendar, tables and rules.

Courts of session and exchequer in Scotland, and markets, fairs and marts to be held upon the same natural days.

IV. And be it further enacted by the authority aforesaid, That the several meetings of the court of session, and terms fixed for the court of *Exchequer* in *Scotland*, the *April* meeting of the governor, bailiffs and commonality of the company of conservators of the great level of the fens, and the holding and keeping of all markets, fairs and marts, whether for the sale of goods or cattle, or for the hiring of servants, or for any other purpose, which are either fixed to certain nominal days of the month, or depending upon the beginning, or any certain day of any month, and all courts incident or belonging to, or usually holden or kept with any such fairs or marts, fixed to such certain times as aforesaid, shall not, from and after the said second day of *September*, be continued upon, or according to the nominal days of the month, or the time of the beginning of any month, to be computed according to the said new calendar, but that from and after the said second day of *September*, the said courts of session and exchequer, the said *April* meeting, and all such markets, fairs and marts as aforesaid, and all courts incident or belonging thereto, shall be holden and kept upon, or according to the same natural days, upon or according to which the same should have been so kept or holden, in case this act had not been made; that is to say, eleven days later than the same would have happened, according to the nominal days of the said new suppuration of time, by which the commencement of each month, and the nominal days thereof, are anticipated or brought forward, by the space of eleven days; any thing in this act contained to the contrary thereof in any wise notwithstanding.

V. And whereas, according to divers customs, prescriptions and usages, in certain places within this kingdom, certain lands and grounds are, on particular nominal days and times in the year, to be opened for common of pasture, and other purposes; and at other times, the owners and occupiers of such lands and grounds have a right to inclose or shut up the same, for their own private use; and there is, in many other instances, a temporary and distinct property and right vested in different persons, in and to many such lands and grounds, according to certain nominal days and times in the year: and whereas the anticipating or bringing forward the said nominal days and times, by the space

space of eleven days, according to the said new method of ſupputation, might be attended with many inconveniences; be it therefore further declared, provided and enacted by the authority aforesaid, That nothing in this act contained ſhall extend, or be conſtrued to extend, to accelerate or anticipate the days or times for the opening, incloſing or shutting up any ſuch lands or grounds as aforesaid, or the days or times on which any ſuch temporary or diſtinct property or right in or to any ſuch lands or grounds as aforesaid is to commence; but that all ſuch lands and grounds as aforesaid ſhall, from www.archive.org/details/1751-act-for-the-opening-and-closing-of-commons the ſaid ſecond day of September, be, from time to time, reſpectively opened, incloſed or shut up, and ſuch temporary and diſtinct property and right in and to ſuch lands and grounds as aforesaid, ſhall commence and begin upon the ſame natural days and times on which the ſame ſhould have been ſo reſpectively opened, incloſed or shut up, or would have commenced or begun, in case this act had not been made; that is to ſay, eleven days later than the ſame would have happened, according to the ſaid new account and ſupputation of time, ſo to begin on the ſaid fourteenth day of September as aforesaid.

The times for opening and incloſing of commons, not altered.

VI. Provided also, and it is hereby further declared and enacted, That nothing in this present act contained ſhall extend, or be conſtrued to extend, to accelerate or anticipate the time of payment of any rent or rents, annuity or annuities, or ſum or ſums of money whatſoever, which shall become payable by virtue or in conſequence of any custom, usage, lease, deed, writing, bond, note, contract or other agreement whatſoever, now ſubſisting, or which shall be made, ſigned, ſealed or entered into, at any time before the ſaid fourteenth day of September, or which shall become payable by virtue of any act or acts of parliament now in force, or which shall be made before the ſaid fourteenth day of September, or the time of doing any matter or thing di rected or required by any ſuch act or acts of parliament to be done in relation thereto; or to accelerate the payment of, or in crease the interest of, any ſuch ſum of money which shall be come payable as aforesaid; or to accelerate the time of the delivery of any goods, chattels, wares, merchandize or other things whatſoever; or the time of the commencement, expiration or determination of any lease or demise of any lands, tenements or hereditaments or of any other contract or agreement what ſoever; or of the accepting, ſurrendering or delivering up the poſſeſſion of any ſuch lands, tenements or hereditaments; or the commencement, expiration or determination of any annuity or rent; or of any grant for any term of years, of what nature or kind ſoever, by virtue or in conſequence of any ſuch deed, writing, contract or agreement; or the time of the attaining the age of one and twenty years, or any other age requisite by any law, custom or usage, deed, will or writing whatſoever, for the years, &c. not doing any act, or for any other purpose whatſoever, by any per ſon or persons now born, or who ſhall be born before the ſaid fourteenth day of September; or the time of the expiration or deter

Times of payment of rents, annuities, &c.

Commencement or expiration of leases, &c.

or of attaining the age of 21 years, &c. not altered.

determination of any apprenticeship, or other service, by virtue of any indenture, or of any articles under seal, or by reason of any simple contract or hiring whatsoever; but that all and every such rent and rents, annuity and annuities, sum and sums of money, and the interest thereof, shall remain and continue to be due and payable; and the delivery of such goods and chattels, wares and merchandize, shall be made; and the said leases and demises of all such lands, tenements and hereditaments, and the said contracts and agreements, shall be deemed to commence, expire and determine; and the said lands, tenements and hereditaments shall be accepted, surrendered and delivered up; and the said rents and annuities, and grants for any term of years, shall commence, cease and determine, at and upon the same respective natural days and times, as the same should and ought to have been payable or made, or would have happened, in case this act had not been made; and that no further or other sum shall be paid or payable for the interest of any sum of money whatsoever, than such interest shall amount unto, for the true number of natural days for which the principal sum bearing such interest shall continue due and unpaid; and that no person or persons whatsoever shall be deemed or taken to have attained the said age of one and twenty years, or any other such age as aforesaid, or to have completed the time of any such service as aforesaid, until the full number of years and days shall be elapsed on which such person or persons respectively would have attained such age, or would have completed the time of such service as aforesaid, in case this act had not been made; any thing herein before contained to the contrary thereof in any wise notwithstanding.

The

The New Calendar, Tables and Rules, mentioned and referred to in the Act for regulating the Commencement of the Year and for correcting the Calendar now in Use.

The Calendar, with the Table of Lessons.

JANUARY hath xxxi Days.

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			MORNING PRAYER.		EVENING PRAYER.	
			1 Lesson	2 Lesson	1 Lesson	2 Lesson
1	A	Calendæ	Circumcision.			
2	b	4 Non.		Genesis 1	Matth. 1	Genesis 2
3	c	3 Non.		3	2	4
4	d	Pr. Non.		5	3	6
5	e	Nonæ		7	4	8
6	f	8 Id.	Epiphany.			
7	g	7 Id.		9	5	12
8	A	6 Id.	Lucian P. & M.	13	6	14
9	b	5 Id.		15	7	16
10	c	4 Id.		17	8	18
11	d	3 Id.		19	9	20
12	e	Pr. Id.		21	10	22
13	f	Idus.	Hilary, B. & C.	23	11	24
14	g	19 C. F ^b .		25	12	26
15	A	18 Cal.		27	13	28
16	b	17 Cal.		29	14	30
17	c	16 Cal.		31	15	32
18	d	15 Cal.	Prisca, V. & M.	33	16	34
19	e	14 Cal.		35	17	37
20	f	13 Cal.	Fabian B. & M.	38	18	39
21	g	12 Cal.	Agnes V. & M.	40	19	41
22	A	11 Cal.	Vincent, M.	42	20	43
23	b	10 Cal.		44	21	45
24	c	9 Cal.		46	22	47
25	d	8 Cal.	Conversion of			
26	e	7 Cal.	(S. Paul.)	48	23	49
27	f	6 Cal.		50	24	Exodus 1
28	g	5 Cal.		Exodus 2	25	3
29	A	4 Cal.			4	10
30	b	3 Cal.	K. Charles Mar	6	26	5
31	c	Pr. Cal.		8	27	7
					9	11
						12

Note, that * Exodus 6, is to be read only to ver. 14.

The Calendar, with the Table of Lessons.

FEBRUARY hath xxviii Days;
And in every Leap-year xxix Days.

			MORNING PRAyER		EVENING PRAyER.	
1	d	Calendæ	Fast.	1 Lesson Exod. 10	2 Lesson Mark - 1	1 Lesson Exod. 11
2	e	4 Non.	Purif. of V. Mary		2	1 Cor. 13
3	f	3 Non.	Blasius, B. & M.	12	3	14
4	g	Pr. Non.		14	4	15
5	A	Nonæ	Agatha, V. & M.	16	5	16
6	b	8 Id.		18	6	17
7	c	7 Id.		20	7	2 Cor. - 1
8	d	6 Id.		22	8	2
9	e	5 Id.		24	9	3
10	f	4 Id.		33	10	4
11	g	3 Id.	Lev. - 18	11	Lev. - 19	5
12	A	Pr. Id.		20	12	6
13	b	Idus.	Num. 11	13	Num. 12	7
14	c	16 C. M ^r .	Valentine, B.	13	14	8
15	d	15 Cal.		16	15	9
16	e	14 Cal.		20	16	10
17	f	13 Cal.		22	Lu. 1. to 39	11
18	g	12 Cal.		24	1. ver. 39	12
19	A	11 Cal.		27	2	13
20	b	10 Cal.		31	3	14
21	c	9 Cal.		35	4	15
22	d	8 Cal.	Deut. - 1	5	Deut. - 2	16
23	e	7 Cal.	Fast.	6	4	17
24	f	6 Cal.	S. Matthias.	7		Ephes. - 1
25	g	5 Cal.		5	8	18
26	A	4 Cal.		7	9	19
27	b	3 Cal.		9	10	20
28	c	Pr. Cal.		11	11	21
29				13	Math. 7	22
						Rom. 12

MARCH

The Calendar, with the Table of Lessons.

MARCH hath xxxi Days.

			MORNING PRAYER.		EVENING PRAYER.
1	d	Calendæ	David, A.Bp.	Deut. 15	Luke 12
2	e	6 Non.	Chad, Bp. —	17	13
3	f	5 Non.	—	19	14
4	g	4 Non.	—	21	15
5	A	3 Non.	—	24	16
6	b	Pr. Non.	—	26	17
7	c	Nonæ	Perpetua, M. —	28	18
8	d	8 Id.	—	30	19
9	e	7 Id.	—	32	20
10	f	6 Id.	—	34	21
11	g	5 Id.	Joshua 2	22	3
12	A	4 Id.	Gregory M.B.	4	23
13	b	3 Id.	—	6	5
14	c	Pr. Id.	—	8	John 1
15	d	Idus.	—	10	2
16	e	17 C. Ap.	—	24	3
17	f	16 Cal.	Judges 2	4	5
18	g	15 Cal.	Ed. K. W. Sax.	5	5
19	A	14 Cal.	—	6	1 Tim. 1
20	b	13 Cal.	—	8	6
21	c	12 Cal.	Benedict, Abb.	10	7
22	d	11 Cal.	—	12	9
23	e	10 Cal.	—	14	10
24	f	9 Cal.	Fast.	16	11
25	g	8 Cal.	Annunciation of	17	12
26	A	7 Cal.	(V. Mary. —	18	13
27	b	6 Cal.	—	20	14
28	c	5 Cal.	Ruth —	1	15
29	d	4 Cal.	—	3	16
30	e	3 Cal.	1 Sam. 1	1	17
31	f	Pr. Cal.	—	3	18
					4

The Numbers here prefixed to the several Days, between the Twenty-first Day of March, and the Eighteenth Day of April, both inclusive; denote the Days upon which those Full Moons do fall, which happen upon or next after the Twenty-first Day of March, in these Years, of which they are respectively the Golden Numbers; and the Sunday-Letter next following any such Full Moon.

The Calendar, with the Table of Lessons.

APRIL hath xxx Days.

				MORNING PRAYER.	EVENING PRAYER.
13	1	g	Calendæ	1 Sam.	1 Lesson
2	2	A	Non.	5 John	1 Sam.
3	3	b	Non.	19	6 Hebr.
10	4	c	Pr. Non.	Richard, Bp.	3
	5	d	Nonæ	9	8
18	6	e	3 Id.	21	10
7	7	f	7 Id.	11 Acts	5
	8	g	6 Id.	1	12
15	9	A	5 Id.	13	2
4	10	b	4 Id.	15	14
11	c	3 Id.		3	7
12	12	d	Pr. Id.	17	16
1	13	e	Idus.	4	8
	14	f	18 C. M ³¹	19	14
9	15	g	17 Cal.	21	18
16	A	16 Cal.		23	22
17	17	b	15 Cal.	25	21
6	18	c	14 Cal.	27	28
19	d	13 Cal.		29	James
20	e	12 Cal.		10	1
21	f	11 Cal.		11	2
22	g	10 Cal.		12	3
23	A	9 Cal.		13	4
24	b	8 Cal.		14	5
25	c	7 Cal.		15	6
26	d	6 Cal.		16	7
27	e	5 Cal.		17	Peter
28	f	4 Cal.		18	1
29	g	3 Cal.		19	2
30	A	Pr. Cal.		20	3
				21	2
				22	1
				23	0
				24	1
				25	2
				26	3
				27	4
				28	5
				29	6
				30	7
				1 Kings	2, 3 John
				2	
				3	
				4	
				5	
				6	
				7	
				2, 3	

Moon, points out *Easter-day* for that Year. All which holds until the Year of our Lord 1809 inclusive: after which Year, the Places of these Golden Numbers will be to be changed, as is hereafter expressed.

MAY

The Calendar, with the Table of Lessons.

M A Y hath xxxi Days.

			MORNING PRAYER.		EVENING PRAYER.
1	b	Calendæ S. Philip & James	1 Lesson	1 Lesson	1 Lesson
2	c	6 Non.	1 Kings 8	Acts - 28	1 Kings 9
3	d	5 Non. inv. of the Cross.	10 Matth.	1	11
4	e	4 Non.	12	2	13
5	f	3 Non.	14	3	15
6	g	Pr. Non. John Port. Lat.	16	4	17
7	A	Nonæ	18	5	19
8	b	8 Id.	20	6	21
9	c	7 Id.	22	7	2 Kings 1
10	d	6 Id.	2 Kings 2	8	3
11	e	5 Id.	10	9	5
12	f	4 Id.	12	10	7
13	g	3 Id.	14	11	6
14	A	Pr. Id.	16	12	11
15	b	Idus.	18	13	13
16	c	17 C. Jun.	20	14	14
17	d	16 Cal.	22	15	15
18	e	15 Cal.	24	16	17
19	f	14 Cal.	1 Dunstan, A. B.	17	19
20	g	13 Cal.	20	18	1 Cor. - 1
21	A	12 Cal.	22	19	2
22	b	11 Cal.	24	20	23
23	c	10 Cal.	Ezra - 1	21	25
24	d	9 Cal.	4	22	5
25	e	8 Cal.	6	23	6
26	f	7 Cal.	8	24	7
27	g	6 Cal.	Auguſtin, A. B. Neh. - 2	25	8
28	A	5 Cal.	Ven. Bede, Pr.	26	9
29	b	4 Cal.	K. Charles II. N.	27	10
30	c	3 Cal.	(& R. Esther - 1	28	11
31	d	Pr. Cal.	3 Mark - 1	29	12

The Calendar, with the Table of Lessons.

JUNE hath xxx Days.

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			MORNING PRAYER.		EVENING PRAYER.
1	e	Calendæ	Nicomede, M.	1 Lesson Esther-5	2 Lesson Mark-2
2	f	4 Non.		7	3
3	g	3 Non.		9	4
4	A	Pr. Non.		Job-2	Job-1
5	b	Nonæ	Boniface, B.M.	4	5
6	c	3 Id.		6	7
7	d	7 Id.		8	8
8	e	6 Id.		10	9
9	f	5 Id.		12	10
10	g	4 Id.		14	11
11	A	3 Id.	S. Barnabas, Ap.		15
12	b	Pr. Id.		16	12
13	c	Idus.		19	13
14	d	18 C. Jul		21	14
15	e	17 Cal.		23	15
16	f	16 Cal.		26, 27	16
17	g	15 Cal.	S. Alban, M.	29	Luke-1
18	A	14 Cal.		31	2
19	b	13 Cal.		33	3
20	c	12 Cal.	Pr. of K. Edw.	35	4
21	d	11 Cal.		37	5
22	e	10 Cal.		39	6
23	f	9 Cal.	Fast.	41	7
24	g	8 Cal.	S. John Baptif.		42
25	A	7 Cal.		Prov. -1	Prov. -2
26	b	6 Cal.		3	9
27	c	5 Cal.		5	10
28	d	4 Cal.	Fast.	7	11
29	e	3 Cal.	S. Peter, Apost.		8
30	f	Pr. Cal.		9	10

JULY

The Calendar, with the Table of Lessons.

JULY hath xxxi Days.

		MORNING PRAYER.		EVENING PRAYER.	
1	g Calendæ	1 Lesson	2 Lesson	1 Lesson	2 Lesson
2	A 6 Non.	Prov. 11	Luke 13	Prov. 12	Philip. 1
3	b 5 Non.	Visitat. of V. M.	13	14	2
4	c 4 Non.		15	15	3
5	d 3 Non.	Tr. of Mart. B.	17	16	4
6	ē Pr. Non.		19	17	Coloff. 1
7	f Nonæ		21	18	2
8	g 8 Id.		23	19	3
9	A 7 Id.		25	20	4
10	b 6 Id.		27	21	1 Thes. 1
11	c 5 Id.		29	22	2
12	d 4 Id.	Ecclef. 1	23	Ecclef. 2	3
13	ē 3 Id.		3	24	4
14	f Pr. Id.		5	John 1	5
15	g Idus.	Swithun, B. Tr.	7	2	2 Thes. 1
16	A 17 C. Aug st		9	10	2
17	b 16 Cal.		11	4	3
18	c 15 Cal.	Jer.	1	5	Jer. 2
19	d 14 Cal.		2	12	1 Tim. 1
20	ē 13 Cal.	Marg. V. & M.	3	6	2, 3
21	f 12 Cal.		5	7	4
22	g 11 Cal.		7	8	5
23	A 10 Cal.	S. Mary Magd.	9	9	6
24	b 9 Cal.		11	10	2 Tim. 1
25	c 8 Cal.	Fast.	15	12	2
26	d 7 Cal.	S. James, Apost.	13	11	4
27	ē 6 Cal.	S. Anne.	17	14	18 Titus 1
28	f 5 Cal.		19	15	20 2, 3
29	g 4 Cal.		21	16	Philem.
30	A 3 Cal.		23	17	24 Hebr. -1
31	b Pr. Cal.		25	18	26
			27	19	28
					3

The Calendar, with the Table of Lessons.

AUGUST hath xxxi Days.

			MORNING PRAYER.	EVENING PRAYER.
1	c	Calendæ	Lammas-day. —	1 Lesson. 1 Lesson. 1 Lesson. 1 Lesson.
2	d	4 Non.	Jer. — 29	John — 20 Jer. — 30 Hebr. — 4
3	e	3 Non.	31	21 32 5
4	f	Pr. Non.	33	Acts 1 34 6
5	g	Nonæ	35	2 36 7
6	A	8 Id.	37	3 38 8
7	b	7 Id.	Transfiguration 39	4 40 9
8	c	6 Id.	Name of Jesus. 41	5 42 10
9	d	5 Id.	43	6 44 11
10	e	4 Id.	45, 46	7 47 12
11	f	3 Id.	S. Laurence, M. 48	8 49 13
12	g	Pr. Id.	50	9 51 James — 1
13	A	Idus.	52	10 Lam. — 1 .. 2
14	b	19 C. Sept.	Lam. — 2	11 3 3
15	c	18 Cal.	4	12 5 4
16	d	17 Cal.	Ezek. — 2	13 Ezek. — 3 .. 5
17	e	16 Cal.	6	14 7 1 Peter. 1
18	f	15 Cal.	13	15 14 .. 2
19	g	14 Cal.	18	16 33 .. 3
20	A	13 Cal.	34	17 Daniel — 1 .. 4
21	b	12 Cal.	Daniel — 2	18 3 .. 5
22	c	11 Cal.	4	19 5 2 Peter. 1
23	d	10 Cal.	6	20 7 .. 2
24	e	9 Cal.	Fast. 8	21 9 .. 3
25	f	8 Cal.	S. Bartholomew. 22	1 John 1 ..
26	g	7 Cal.	10	23 11 .. 2
27	A	6 Cal.	12	24 Hosea — 1 .. 3
28	b	5 Cal.	Hos. 2, 3	25 4 .. 4
29	c	4 Cal.	5, 6	26 7 .. 5
30	d	3 Cal.	S. John behead- 8	27 9 2, 3 John ..
31	e	Pr. Cal.	(ed. 10	28 11 Jude ..
			12 Matth. 1	13 Rom. — 1 ..

SEP.

The Calendar, with the Table of Lessons.

SEPTEMBER hath xxx Days.

			MORNING PRAYER.	EVENING PRAYER.		
1	2	3	1 Lesson	2 Lesson	1 Lesson	2 Lesson
1 f	Calendæ	Giles, Abb. & C.	Hosea 14	Matth. 2	Joel — 1	Rom. 2
2 g	4 Non.	—	Joel — 2	3	3	3
3 A	3 Non.	—	Amos — 1	4	Amos — 2	4
4 b	Pr. Non.	—	— 3	5	— 4	5
5 c	Nonæ	—	— 5	6	— 6	6
6 d	8 Id.	—	— 7	7	— 8	7
7 e	7 Id.	Enurchus, B.	— 9	8	Obadiah	8
8 f	6 Id.	Nat. of V. Mary	Jonah — 1	9	Jon. 2, 3	9
9 g	5 Id.	—	— 4	10	Micah 1	10
10 A	4 Id.	—	Micah 2	11	— 3	11
11 b	3 Id.	—	— 4	12	— 5	12
12 c	Pr. Id.	—	— 6	13	— 7	13
13 d	Idus.	—	Nahum 1	14	Nahum 2	14
14 e	18 C. Oct.	Holy Crofs Day	— 3	15	Hab. — 1	15
15 f	17 Cal.	—	Hab. — 2	16	— 3	16
16 g	16 Cal.	—	Zeph. — 1	17	Zeph. — 2	1 Cor. 1
17 A	15 Cal.	Lambert, B.M.	— 3	18	Haggai 1	2
18 b	14 Cal.	—	Haggai 2	19	Zech. 1	3
19 c	13 Cal.	—	Zec. 2, 3	20	— 4, 5	4
20 d	12 Cal.	Fast.	— 6	21	— 7	5
21 e	11 Cal.	S. Matthew, Ap.	—	22	—	6
22 f	10 Cal.	—	— 8	23	— 9	7
23 g	9 Cal.	—	— 10	24	— 11	8
24 A	8 Cal.	—	— 12	25	— 13	9
25 b	7 Cal.	—	— 14	26	Malachi 1	10
26 c	6 Cal.	S. Cyprian, M.	Malachi 2	— 27	— 3	11
27 d	5 Cal.	—	— 4	28	Tobit 1	12
28 e	4 Cal.	—	Tobit 2	Mark 1	— 3	13
29 f	3 Cal.	S. Michael.	—	— 2	—	14
30 g	Pr. Cal.	S. Jerom, C.D.	— 4	3	— 6	15

OCTOBER

The Calendar, with the Table of Lessons.

OCTOBER hath xxxi Days.

			MORNING PRAYER.		EVENING PRAYER.
1	A	Calendæ	Remigius, Bp.	1 Lesson	1 Lesson
2	b	6 Non.		Tob. - 7	Mark - 4
3	c	5 Non.		9	5
4	d	4 Non.		11	6
5	e	3 Non.		13	7
6	f	Pr. Non.	Faith, V. & M.	Judith 1	Judith 2
7	g	Nonæ		3	8
8	A	8 Id.		5	9
9	b	7 Id.	S. Denys, B. M.	7	10
10	c	6 Id.		9	11
11	d	5 Id.		11	12
12	e	4 Id.		13	14
13	f	3 Id.	Tr. of K. Edw.	15	15
14	g	Pr. Id.	Wisd.	1	16
15	A	Idus.		3	Lu. 1.1039
16	b	17 C. N°		5	1. ver. 39
17	c	16 Cal.	Etheldreda, V.	7	2
18	d	15 Cal.	S. Luke, Evang.	9	3
19	e	14 Cal.		11	4
20	f	13 Cal.		13	5
21	g	12 Cal.		15	6
22	A	11 Cal.		17	7
23	b	10 Cal.		19	8
24	c	9 Cal.		Eccl ¹¹ 2	9
25	d	8 Cal.	Crispin, Mart.	4	Eccl ¹¹ 10
26	e	7 Cal.		6	11
27	f	6 Cal.	Fast.	8	12
28	g	5 Cal.	S. Simon & Jude.	10	13
29	A	4 Cal.		12	14
30	b	3 Cal.		14	15
31	c	Pr. Cal.	Fast.	14	Coloff. 1

NOV.

The Calendar, with the Table of Lessons.

NOVEMBER hath xxx Days.

			MORNING PRAYER.	EVENING PRAYER.	
1	Lesson.	2	Lesson.	1	Lesson.
1 d	Calendæ	All Saints Day.			
2 e	4 Non.		Eccl ^{us} 16	Luke 18	Eccl ^{us} 17
3 f	3 Non.		18	19	19
4 g	Pr. Non.		20	20	21
5 A	Nonæ	Papijts Conspir.	22	21	23
6 b	8 Id.	Leonard, C.	24	22	* 25
7 c	7 Id.		27	23	28
8 d	6 Id.		29	24	† 30
9 e	5 Id.		31	John 1	32
10 f	4 Id.		33	2	34
11 g	3 Id.	S. Martin, B.	35	3	36
12 A	Pr. Id.		37	4	38
13 b	Idus.	Britius, B.	39	5	40
14 c	18 C. D ^{ec}		41	6	42
15 d	17 Cal.	Machutus, B.	43	7	44
16 e	16 Cal.		45	8	46
17 f	15 Cal.	Hugh, B. Linc.	47	9	48
18 g	14 Cal.		49	10	50
19 A	13 Cal.		51	11	Baruch 1
20 b	12 Cal.	Edm. K. & M.	Baruch 2	12	3
21 c	11 Cal.			4	5
22 d	10 Cal.	Cecilia, V. & M.	6	13	Hist. Su. Titus - 1
23 e	9 Cal.	S. Clement, B.	Bel & D.	14	Isaiah - 1
24 f	8 Cal.		15	16	2, 3
25 g	7 Cal.	Isaiah - 2		3	Philem.
26 A	6 Cal.	Catherine, V.	4	17	Hebr. - 1
27 b	5 Cal.		8	19	5
28 c	4 Cal.		10	20	7
29 d	3 Cal.	Fast.	12	21	9
30 e	Pr. Cal.	S. Andrew, Ap.		Acts 1	3
					4
					5
					6

Note, that * Eccl^{us} 25. is to be read only to ver. 13. and † Eccl^{us} 30. only to ver 18. and || Eccl^{us} 46. only to ver. 20.

The Calendar, with the Table of Lessons.

DECEMBER hath xxxi Days.

			MORNING PRAYER.		EVENING PRAYER.
1	f	Calendæ	1 Lesson Isaiah	2 Lesson Acts	1 Lesson Isaiah
2	g	+ Non.	14	15	15
3	A	3 Non.	16	3	17
4	b	Pr. Non.	18	4	19
5	c	Nonæ	20, 21	5	22
6	d	8 Id.	23	6	24
7	e	7 Id.	Nicolas, Bp.	7. to v. 30	26
8	f	6 Id.	25	7. v. 30	12
9	g	5 Id.	Concep. of Virg.	27	28
10	A	4 Id.	(Mary)	29	30
11	b	3 Id.	31	8	James
12	c	Pr. Id.	Lucy, V. & M.	33	1
13	d	Idus.	35	10	34
14	e	19 C. Jan.	37	11	36
15	f	18 Cal.	39	12	38
16	g	17 Cal.	O Sapientia.	40	1 Peter
17	A	16 Cal.	41	13	1
18	b	15 Cal.	43	14	2
19	c	14 Cal.	45	15	3
20	d	13 Cal.	47	16	4
21	e	12 Cal.	Faſt.	48	5
22	f	11 Cal.	S. Thomas, Ap.	49	2 Peter
23	g	10 Cal.	51	50	1
24	A	9 Cal.	53	18	2
25	b	8 Cal.	Faſt.	54	3
26	c	7 Cal.	55	19	4
27	d	6 Cal.	S. Stephen, Mart.	56	5
28	e	5 Cal.	S. John, Evang.	57	1 John
29	f	4 Cal.	Innocents-Day.	58	1
30	g	3 Cal.	59	20	2
31	A	Pr. Cal.	Silvester, B.	60	2 John
				61	62
				63	3 John
				64	4
				65	5
				66	Jude.

TABLES and RULES for the Moveable and Immoveable FEASTS; together with the Days of Fasting and Abſtinenſe, through the whole Year.

Rules to know when the Moveable Feasts and Holy-days begin.

Easter-day (on which the rest depend) is always the First Sunday after the Full Moon, which happens upon, or next after the Twenty-first Day of March. And if the Full Moon happens upon a Sunday, Easter day is the Sunday after. www.libtool.com.cn
Advent-Sunday is always the nearest Sunday to the Feat of St. Andrew, whether before or after.

<i>Septuagesima</i>	Sunday is	Nine Eight Seven Six	Weeks before Easter.
<i>Sexagesima</i>			
<i>Quinagesima</i>			
<i>Quadragesima</i>			
<i>Rogation Sunday</i>	is	Five Weeks	after Easter.
<i>Ascension-Day</i>		Forty Days	
<i>Whitsunday</i>		Seven Weeks	
<i>Trinity Sunday</i>		Eight Weeks	

A Table of all the FEASTS that are to be obſerved in the Church of England throughout the Year.

All Sundays in the Year.

The Circumcifion of our Lord J E S U S C H R I S T.
The Epiphany.
The Conversion of S. Paul.
The Purification of the Blessed Virgin.
S. Matthias the Apostle.
The Annunciation of the Blessed Virgin.
S. Mark the Evangelist.
S. Pbil. and S. Jam. the Apostles.
The Ascension of our Lord J E S U S C H R I S T.
S. Barnabas.

Monday and Tuesday in Easter-Week.

The Days of the Feasts of
The Nativity of S. John Baptift.
S. Peter the Apostle.
S. James the Apostle.
S. Bartholomew the Apostle.
S. Matthew the Apostle.
S. Michael, and all Angels.
S. Luke the Evangelift.
S. Simon and S. Jude the Apostles.
All Saints.
S. Andrew the Apostle.
S. Thomas the Apostle.
The Nativity of our Lord.
S. Stephen the Martyr.
S. John the Evangelift.
The Holy Innocents.

Mond. and Tuesd. in Whitsun-Week.

A Table of the VIGILS, FASTS, and Days of Abſtinenſe, to be obſerved in the Year.

The Evens or Vigils before	The Nativity of our Lord.	The Evens or Vigils before	S. John Baptift.
	The Purification of the Bleſſed Virgin Mary.		S. Peter.
	The Annunciation of the Bleſſed Virgin.		S. James.
	Easter-Day.		S. Bartholomew.
	Ascension-Day.		S. Matthew.
	Pentecost.		S. Sim. and S. Jude.
	S. Matthias.		S. Andrew.
			S. Thom. All Saints.

Note, That if any of these Feat-days fall upon a Monday, then the Vigil or Fast-day shall be kept upon the Saturday, and not upon the Sunday next before it.

Days

Days of Fasting or Abstinence.

I. The Forty days of Lent. 1. The First Sunday in Lent.
 II. The Ember-days at the *Four Seasons*, being 2. The Feast of Pentecost.
 the *Wednesday, Friday, and Saturday* after 3. September 14.
 4. December 13.
 III. The three *Rogation days*, being the *Monday, Tuesday, and Wednesday* before *Holy Thursday*, or the *Ascension* of our L O R D.
 IV. All the *Fridays* in the Year, except *Christmas Day*.

Certain Solemn Days, for which particular Services are appointed.

I. The Fifth Day of *November*, being the Day kept in Memory of the *Papists Conspiracy*.
 II. The Thirtieth Day of *January*, being the Day kept in Memory of the *Martyrdom of King Charles I.*
 III. The Twenty-ninth Day of *May*, being the Day kept in Memory of the *Birth and Return of King Charles II.*

A TABLE to find EASTER-DAY from the present Time, till the Year 1899 inclusive, according to the foregoing Calendar.

Golden Number.	Day of the Month.	Sunday Letter.
14	March 21	C
3	22	D
	23	E
11	24	F
	25	G
19	26	A
8	27	B
	28	C
16	29	D
5	30	E
	31	F
13	April 1	G
2	2	A
	3	B
10	4	C
	5	D
18	6	E
7	7	F
	8	G
15	9	A
4	10	B
	11	C
12	12	D
1	13	E
	14	F
9	15	G
	16	A
17	17	B
6	18	C
	19	D
14	20	E
	21	F
11	22	G
	23	A
8	24	B
	25	C

THIS Table contains so much of the Calendar as is necessary for the determining of *Easter*; to find which, look for the Golden Number of the Year in the First Column of the Table, against which stands the Day of the Paschal Full Moon; then look in the Third Column for the Sunday-Letter, next after the Day of the Full Moon, and the Day of the Month standing against that Sunday-Letter is *Easter-day*. If the Full Moon happens upon a Sunday, then (according to the first Rule) the next Sunday after is *Easter-day*.

To find the Golden Number, or Prime, add one to the Year of our Lord, and then divide by 19; the Remainder, if any, is the Golden Number; but if nothing remaineth, then 19 is the Golden Number.

To find the Dominical or Sunday-Letter, according to the Calendar, until the Year 1799 inclusive, add to the Year of our Lord its Fourth Part, omitting Fractions, and also the number 1: Divide the Sum by 7; and if there is no Remainder, then A is the Sunday-Letter: But if any Number remaineth, then the Letter standing against that Number in the small annexed Table, is the Sunday-Letter.

For the next Century, that is, from the Year 1800 till the Year 1899 inclusive, add to the current Year only its Fourth Part, and then divide by 7, and proceed as in the last Rule.

Note, That in all Bissextile or Leap-Years, the Letter found, as above, will be the Sunday-Letter from the intercalated Day exclusive, to the End of the Year.

Another

Another TABLE to find EASTER
till the Year 1899 inclusive.

Golden Number.	SUNDAY-LETTERS.						
	A	B	C	D	E	F	G
I	April 16	17	18	19	20	14	15
II	April 9	3	4	5	6	7	8
III	Mar. 26	27	28	29	23	24	25
IV	April 16	17	11	12	13	14	15
V	April 2	3	4	5	6	Mar. 31	April 1
VI	April 23	24	25	19	20	21	22
VII	April 9	10	11	12	13	14	8
VIII	April 2	3	Mar. 28	29	30	31	April 1
IX	April 16	17	18	19	20	21	22
X	April 9	10	11	5	6	7	8
XI	Mar. 26	27	28	29	30	31	25
XII	April 16	17	18	19	13	14	15
XIII	April 2	3	4	5	6	7	8
XIV	Mar. 26	27	28	22	23	24	25
XV	April 16	10	11	12	13	14	15
XVI	April 2	3	4	5	Mar. 30	31	April 1
XVII	April 23	24	18	19	20	21	22
XVIII	April 9	10	11	12	13	7	8
XIX	April 2	Mar. 27	28	29	30	31	April 1

To make use of the preceding Table, find the Sunday-Letter for the Year in the Uppermost Line, and the Golden Number, or Prime, in the Column of Golden Numbers, and against the Prime, in the same Line under the Sunday-Letter, you have the Day of the Month on which *Easter* falleth that Year. But Note, That the Name of the Month is set on the Left Hand, or just with the Figure, and followeth not, as in other Tables, by Descent, but Collateral.

**A TABLE of the MOVEABLE FEASTS for Fifty-two Years,
according to the foregoing Calendar.**

The Year of our Lord.	Sund. after Epiph.	Sunday-Letter.	Septuagesima Sunday.	The First Day of Lent.	Easter-Day.	Rogation Sunday.	Ascension-Day.	Whit-Sunday.	Advent Sunday.
1752	5	G	6	Feb. 18	Mar. 7	Apr. 22	May 27	June 10	Dec. 3
1753	6	25	6	— 10	Feb. 27	— 14	— 19	— 23	— 2
1754	7	6	F	4	— 12	Mar. 30	— 4	— 23	— 1
1755	8	17	E	2	Jan. 26	— 20	— 23	— 26	Nov. 30
1756	9	28	DC	5	Feb. 15	Mar. 3	Apr. 18	June 6	23
1757	10	9	B	4	— 6	Feb. 23	— 10	— 19	— 28
1758	11	20	A	2	Jan. 22	— 8	Mar. 26	Apr. 30	— 27
1759	12	1	G	5	Feb. 11	— 28	Apr. 15	May 20	Dec. 3
1760	13	12	FE	3	— 3	— 20	— 6	June 3	24
1761	14	23	D	1	Jan. 18	— 4	Mar. 22	Apr. 26	May 25
1762	15	4	C	4	Feb. 7	— 24	Apr. 11	May 16	Nov. 30
1763	16	15	B	2	Jan. 30	— 16	— 3	— 12	— 25
1764	17	26	AG	6	Feb. 19	Mar. 7	— 22	— 27	Dec. 2
1765	18	7	F	3	— 3	Feb. 20	— 7	— 12	May 26
1766	19	18	E	2	Jan. 26	— 12	Mar. 30	— 4	— 1
1767	20	0	D	5	Feb. 15	Mar. 4	Apr. 19	— 24	June 7
1768	21	11	CB	3	Jan. 31	Feb. 17	— 2	— 8	23
1769	22	2	A	2	— 22	— 8	Mar. 26	Apr. 30	— 27
1770	23	3	G	5	Feb. 11	— 28	Apr. 15	May 20	June 3
1771	24	14	F	2	Jan. 27	— 13	Mar. 31	— 5	24
1772	25	25	ED	6	Feb. 16	Mar. 4	Apr. 19	— 24	— 28
1773	26	6	C	4	— 7	Feb. 24	— 11	— 16	May 30
1774	27	17	B	3	Jan. 30	— 16	— 3	— 8	— 22
1775	28	28	AG	5	Feb. 12	Mar. 1	— 16	— 21	Dec. 3
1776	29	9	GF	4	— 4	Feb. 21	— 7	— 12	May 26
1777	30	20	E	2	Jan. 26	— 12	Mar. 30	— 4	— 8
1778	31	1	D	5	Feb. 15	Mar. 4	Apr. 19	— 24	June 7
1779	1	12	C	3	Jan. 31	Feb. 17	— 4	— 9	23
1780	2	23	BA	2	— 23	— 9	Mar. 26	Apr. 30	— 14
1781	3	4	G	5	Feb. 11	— 28	Apr. 15	May 20	June 3
1782	4	15	F	2	Jan. 27	— 13	Mar. 31	— 5	10
1783	5	26	E	5	Feb. 16	Mar. 5	Apr. 20	— 25	June 8
1784	6	7	DC	4	— 8	Feb. 25	— 11	— 16	23
1785	7	18	B	2	Jan. 23	— 9	Mar. 27	— 1	— 5
1786	8	0	A	5	Feb. 12	Mar. 1	Apr. 16	— 21	— 24
1787	9	11	G	4	— 4	Feb. 21	— 8	— 13	May 27
1788	10	22	FE	1	Jan. 20	— 6	Mar. 23	Apr. 27	— 1
1789	11	3	D	4	Feb. 8	— 25	Apr. 12	May 17	— 21
1790	12	14	C	2	Jan. 31	— 17	— 4	— 9	— 13
1791	13	25	B	6	Feb. 20	Mar. 9	— 24	— 29	June 2
1792	14	7	AG	4	— 5	Feb. 22	— 8	— 13	May 17
1793	15	17	F	2	Jan. 27	— 13	Mar. 31	— 5	— 9
1794	16	28	E	5	Feb. 16	Mar. 6	Apr. 20	— 25	June 8
1795	17	9	D	3	— 1	Feb. 18	— 5	— 10	14
1796	18	20	CB	2	Jan. 24	— 10	Mar. 27	— 1	— 5
1797	19	1	A	5	Feb. 12	Mar. 1	Apr. 16	— 21	— 25
1798	20	12	G	4	— 4	Feb. 21	— 8	— 13	May 27
1799	21	23	F	1	Jan. 20	— 6	Mar. 24	Apr. 28	— 2
1800	22	4	E	4	Feb. 9	— 26	Apr. 13	May 18	— 22
1801	23	15	D	3	— 1	— 18	— 5	— 10	14
1802	24	26	C	5	— 14	Mar. 3	— 18	— 23	May 24
1803	25	7	B	4	— 6	Feb. 23	— 10	— 15	— 19
1804	26	18	AG	3	Jan. 29	— 15	— 1	— 6	— 10

A TABLE of the MOVEABLE FEASTS,
according to the several Days that EASTER
can possibly fall upon.

Easter-day.	Sundays after Epiphany.	Septuagesima Sunday.	Rogation Sunday.	The First Day of Lent.	Advent Sunday.		Sundays after Trinity.	Whitsunday.	Ascension-day.
					Feb. 4	Apr. 26	Apr. 30	May 10	Nov. 29
Mar 22	1	Jan. 18	Feb. 4	Apr. 26	19	27	May 1	11 ²⁷	30
23	1	19	5	27	20	28	2	12 ²²	Dec. 1
24	1	20	6	28	21	29	3	13 ²⁷	2
25	2	21	7	29	22	30	4	14 ²⁷	3
26	2	22	8	30	23	1	5	15 ²⁶	Nov. 27
27	2	23	9	May 1	24	6	6	16 ²⁶	28
28	2	24	10	2	25	7	7	17 ²⁶	29
29	3	25	11	3	26	8	8	18 ²⁶	30
30	2	26	12	4	27	9	9	19 ²⁶	Dec. 1
31	2	27	13	5	28	10	10	20 ²⁶	2
Apr. 1	3	28	14	6	29	11	11	21 ²⁶	3
2	3	29	15	7	30	12	12	22 ²⁵	Nov. 27
3	3	30	16	8	1	13	13	23 ²⁵	28
4	3	31	17	9	2	14	14	24 ²⁵	29
5	3	Feb. 1	18	10	3	15	15	25 ²⁵	30
6	3	2	19	11	4	16	16	26 ²⁵	Dec. 1
7	3	3	20	12	5	17	17	27 ²⁵	2
8	4	4	21	13	6	18	18	28 ²⁵	3
9	4	5	22	14	7	19	19	29 ²⁴	Nov. 27
10	4	6	23	15	8	20	20	30 ²⁴	28
11	4	7	24	16	9	21	21	31 ²⁴	29
12	4	8	25	17	10	22	22	31 ²⁴	29
13	4	9	26	18	11	June 1	23	30	Dec. 1
14	4	10	27	19	12	24	24	2 ²²	
15	5	11	28	20	13	25	3	3 ²²	
16	5	12	Mar 1	21	14	26	4	4 ²²	
17	5	13	2	22	15	27	5	5 ²³	Nov. 27
18	5	14	3	23	16	28	6	6 ²³	28
19	5	15	4	24	17	29	7	7 ²³	29
20	5	16	5	25	18	30	8	8 ²³	30
21	5	17	6	26	19	30	9	9 ²³	Dec. 1
22	6	18	7	27	20	31	10	10 ²³	2
23	6	19	8	28	June 1	11 ²³	3	11 ²²	
24	6	20	9	29	2	12 ²²	Nov. 27	12 ²²	
25	6	21	10	30	3	13 ²²	28	13 ²²	

Note, That in a Bissextile or Leap-Year, the Number of Sundays after Epiphany will be the same, as if *Easter-Day* had fallen one Day later than it really does. And for the same reason, one Day must in every Leap-Year be added to the Day of the Month given by the Table for *Septuagesima-Sunday*: And the like must be done for the First Day of Lent (commonly called *Ash-Wednesday*), unless the Table gives some Day in the Month of *March* for it; for in that Case the Day given by the Table is the right Day.

Table to find EASTER
from the Year 1900, to
the Year 2199 inclusive.

Golden Numb.	Day of the Month.	Sunday- Letters.
14	March—22	D
3	—23	E
—	—24	F
7	—25	G
—	—26	A
19	—27	B
8	—28	C
—	—29	D
16	—30	E
5	—31	F
—	April—1	G
13	2	A
2	3	B
—	4	C
10	5	D
—	6	E
18	7	F
7	8	G
—	9	A
15	10	B
4	11	C
—	12	D
12	13	E
1	14	F
—	15	G
9	16	A
17	17	B
6	18	C
—	19	D
—	20	E
—	21	F
—	22	G
—	23	A
—	24	B
—	25	C

THE Golden Numbers in the foregoing Calendar will point out the Days of the Paschal Full Moons, till the Year of our Lord 1900; at which Time, in order that the Ecclesiastical Full Moons may fall nearly on the same Days with the real Full Moons, the Golden Numbers must be removed to different Days of the Calendar, as is done in the annexed Table, which contains so much of the Calendar then to be used, as is necessary for finding the Paschal Full Moons, and the Feast of *Easter*, from the Year 1900, to the Year 2199 inclusive. This Table is to be made use of, in all respects, as the First Table before inserted, for finding *Easter* till the Year 1899.

General TABLES for finding the Dominical or Sunday-Letter, and the Places of the Golden Numbers in the Calendar.

TABLE I.

TABLE II.

I	2	3	I	2	3
	Years of our Lord.			Years of our Lord.	
	1600	0	B	5200	15
	1700	1		5300	16
	1800	1		5400	17
	1900	2		5500	17
B	2000	2	B	5600	17
	2100	2		5700	18
	2200	3		5800	18
B	2300	4	B	5900	19
	2400	3		6000	19
	2500	4		6100	19
	2600	5		6200	20
B	2700	5		6300	21
	2800	5	B	6400	20
	2900	6		6500	21
	3000	6		6600	22
B	3100	7	B	6700	23
	3200	7		6800	22
	3300	7		6900	23
	3400	8		7000	24
B	3500	9	B	7100	24
	3600	8		7200	24
	3700	9		7300	25
	3800	10		7400	25
B	3900	10		7500	26
	4000	10	B	7600	26
	4100	11		7700	26
	4200	12		7800	27
B	4300	12		7900	28
	4400	12	B	8000	27
	4500	13		8100	28
	4600	13		8200	29
B	4700	14		8300	29
	4800	14		8400	29
	4900	14		8500	30
	5000	15		8600	30
	5100	16		8700	30
				8800	30
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				29400	30
				29500	30
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				29900	30
				30000	30

To find the Dominical or Sunday-Letter for any given Year of our Lord, add to the Year its Fourth Part, omitting Fractions, and also the Number, which in Table I. standeth at the Top of the Column, wherein the Number of Hundreds contained in that given Year is found: Divide the Sum by 7, and if there is no Remainder, then A is the Sunday-Letter; but if any Number remaineth, then the Letter, which standeth under that Number at the Top of the Table, is the Sunday-Letter.

To find the Month and Days of the Month, to which the Golden Numbers ought to be prefixed in the Calendar, in any given Year of our Lord, consisting of entire Hundred Years, and in all the intermediate Years betwixt that and the next Hundred Year following; look in the Second Column of Table II. for the given Year, consisting of entire Hundreds, and Note the Number or Cypher which stands against it in the Third Column: Then, in Table III. look for the same Number in the Column under any given Golden Number; which, when you have found, guide your Eye side-ways to the Left Hand, and in the First Column you will find the Month and Day, to which that Golden Number ought to be prefixed in the Calendar during that Period of One hundred Years.

The Letter B prefixed to certain Hundredth Years in Table II. denotes those Years which are still to be accounted Bissextile or Leap-Years, in the New Calendar; whereas all the other Hundredth Years are to be accounted only common Years.

TABLE

TABLE III.

Paschal Full Moon.	Sunday- Letter.	The GOLDEN NUMBERS.																		
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
March 21	C	8	19	0	11	22	3	14	5	6	17	28	9	20	1	12	23	4	15	26
March 22	D	9	20	1	12	23	4	15	26	7	18	29	10	21	13	24	5	16	27	
March 23	E	10	21	2	13	24	5	16	27	8	19	0	11	22	3	14	25	6	17	28
March 24	F	11	22	3	14	25	6	17	28	9	20	1	12	23	4	15	26	7	18	29
March 25	G	12	23	4	15	26	7	18	29	10	21	2	13	24	5	16	27	8	19	0
March 26	A	13	24	5	16	27	8	19	0	11	22	3	14	25	6	17	28	9	20	1
March 27	B	14	25	6	17	28	9	20	1	12	23	4	15	26	7	18	29	10	21	2
March 28	C	15	26	7	18	29	10	21	2	13	24	5	16	27	8	19	0	11	22	3
March 29	D	16	27	8	19	0	11	22	3	14	25	6	17	28	9	20	1	12	23	4
March 30	E	17	28	9	20	1	12	23	4	15	26	7	18	29	10	21	2	13	24	5
March 31	F	18	29	10	21	2	13	24	5	16	27	8	19	0	11	22	3	14	25	6
April 1	G	19	0	11	22	3	14	25	6	17	28	9	20	1	12	23	4	15	26	7
April 2	A	20	1	12	23	4	15	26	7	18	29	10	21	2	13	24	5	16	27	8
April 3	B	21	2	13	24	5	16	27	8	19	0	11	22	3	14	25	6	17	28	9
April 4	C	22	3	14	25	6	17	28	9	20	1	12	23	4	15	26	7	18	29	10
April 5	D	23	4	15	26	7	18	29	10	21	2	13	24	5	16	27	8	19	0	11
April 6	E	24	5	16	27	8	19	0	11	22	3	14	25	6	17	28	9	20	1	12
April 7	F	25	6	17	28	9	20	1	12	23	4	15	26	7	18	29	10	21	2	13
April 8	G	26	7	18	29	10	21	2	13	24	5	16	27	8	19	0	11	22	3	14
April 9	A	27	8	19	0	11	22	3	14	25	6	17	28	9	20	1	12	23	4	15
April 10	B	28	9	20	1	12	23	4	15	26	7	18	29	10	21	2	13	24	5	16
April 11	C	29	10	21	2	13	24	5	16	27	8	19	0	11	22	3	14	25	6	17
April 12	D	0	11	22	3	14	25	6	17	28	9	20	1	12	23	4	15	26	7	18
April 13	E	1	12	23	4	15	26	7	18	29	10	21	2	13	24	5	16	27	8	19
April 14	F	2	13	24	5	16	27	8	19	0	11	22	3	14	25	6	17	28	9	20
April 15	G	3	14	25	6	17	28	9	20	1	12	23	4	15	26	7	18	29	10	21
April 16	A	4	15	26	7	18	29	10	21	2	13	24	5	16	27	8	19	0	11	22
April 17	B	5	16	27	8	19	0	11	22	3	14	25	6	17	28	9	20	1	12	23
April 17	B	5	16	27	8	19	0	11	22	3	14	25	6	17	28	9	20	1	12	23
April 18	C	6	17	28	9	20	1	12	23	4	15	26	7	18	29	10	21	2	13	24
April 18	C	7	18	29	10	21	2	13	24	5	16	27	8	19	0	11	22	3	14	25

C A P. XXIV.

An act to provide for the administration of the government, in case the crown should descend to any of the children of his late royal highness Frederick prince of Wales, being under the age of eighteen years; and for the care and guardianship of their persons.

Most gracious Sovereign,

WHEREAS your Majesty having it entirely at heart to secure the future welfare and happiness of your people, was graciously pleased to communicate to your parliament, That you had maturely considered, that nothing can conduce so much (under the protection of the divine providence) to the preservation of the protestant succession in your royal family, and the support of the religion, laws and liberties of these kingdoms (which have always been most dear to your Majesty) as the making proper provisions for the care and tuition of the person of your successor to the crown, and for the regular administration of the government, in case such successor should be of tender years, by means whereof, the safety and princely education of such successor may be secured, the publick peace and good order maintained, and the strength and glory of the crown of Great Britain suffer no diminution; for which reasons your Majesty, out of your paternal affection and tenderness for your royal family, and for all your faithful subjects, did earnestly recommend it to both your houses of parliament to take this weighty affair into their most serious deliberation; and was pleased to propose to their consideration, That when the imperial crown of these realms should descend to any of the issue of your son the late prince of Wales, being under the age of eighteen years, the prince's dowager of Wales their mother (of whose great virtues and eminent qualities, we are truly sensible) might be guardian of the person of such successor, and regent of these kingdoms, until they should attain such age, with such powers and limitations as should appear necessary and expedient for these important purposes: and whereas, in return for this paternal goodness, with the most unfeigned duty and gratitude to your Majesty, and with the justest sense of that constant protection which your Majesty has always extended to our religious and civil rights, and of the many blessings which these kingdoms have enjoyed, during your auspicious and glorious reign (for the long continuance whereof our daily and most fervent prayers are offered up to heaven) we have taken this weighty affair into our serious consideration, and being thoroughly convinced of the wisdom and expediency of what your Majesty has thought fit to recommend on this important occasion, are firmly and zealously determined to contribute every thing in our power to the preservation of the protestant succession, as settled by law in your royal family, the numerous hopeful branches whereof, formed by your instruction, and led by your example, we look upon as so many pledges of the security of our excellent constitution to future generations: we, your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal and commons in parliament assembled, do humbly

humbly beseech 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 whosoever, and as often as the imperial crown of this realm shall descend to his royal highness George William Frederick prince of Wales, the eldest son of his royal highness Frederick late prince of Wales, or to any other of the children of his said late royal highness, if at the respective times of such descent, his said royal highness George William Frederick prince of Wales, or such other of the said children succeeding to the crown as aforesaid, shall be under the age of eighteen years, her royal highness Augusta princess dowager of Wales shall be guardian and have the care, tuition and education of the person of his said royal highness George William Frederick prince of Wales, or such other successor as aforesaid, until their respective ages of eighteen years, and shall, till such ages, have the disposition, ordering and management of all matters and things relating thereto; and that her said royal highness shall, during such minorities, and no longer, have full power and authority, in the name of his said royal highness George William Frederick prince of Wales, or such other successor, and in his or her stead, and under the stile and title of *Regent of the Kingdom*, to exercise and administer, according to the laws and constitution thereof, the regal power and government of this realm, and all the dominions, countries and territories belonging to the crown of Great Britain, and shall do and execute all prerogatives, authorities, acts of government and administration of government, which belong to the King or Queen of this realm to do and execute, according to law; but in such manner, and subject to such conditions, restrictions, limitations and regulations, as are herein after for that purpose specified and mentioned.

II. And be it further enacted by the authority aforesaid, That all acts of regal power, prerogative, government or administration of government, of what nature or kind soever, which shall be done or executed by such King or Queen under the age of eighteen years, during the regency of her said royal highness, established by this act, otherwise than by her said royal highness, in the manner, and according to the directions of this act, shall be absolutely null and void to all intents and purposes.

III. And be it further enacted by the authority aforesaid, That in order to assist her said royal highness in the administration of the government, there shall be during such minorities, a council to be called *The Council of Regency*, which shall consist of the persons and officers following, (that is to say) his royal highness William duke of Cumberland, the archbishop of Canterbury for the time being, the lord chancellor or lord keeper of the great seal of Great Britain for the time being, the lord treasurer of Great Britain for the time being, the lord president of the council for the time being, the lord privy seal for the time be-

Acts of regal power done otherwise royal highness declared void.

Council of regency to assist her royal highness.

His Maſtrey by 3 instru-
ments under
his sign man-
ual may add
four counſel-
lors;

and may alter
his nomina-
tion.

After the de-
mife of his
Maſtrey, in
case of ſuch
minority, the
instruſments
to be brought
before the
privy council.

Any person
who ſhall open
the ſaid in-
ſtruments,
&c incurſ a
premuir.

ing, the lord high admiral of *Great Britain* for the time being, the principal ſecreſaries of ſtate for the time being, and the lord chief justice of the court of *King's Bench* for the time being; and ſuch and ſo many other persons (being natural-born ſubjects of this realm) not exceeding the number of four, as his preſent Maſtrey ſhall, by three instruſments under his royal sign manuſcript, revocable, from time to time, at his will and pleasure, think fit to nominate and add to the ſaid persons and officers before mentioned; which three instruſments being ſealed up under three ſeveral covers, with any ſeal his Maſtrey ſhall think fit to make uſe of for that purpose, ſhall be each ſealed also with the ſeveral ſeals of her ſaid royal highneſs, the archbiſhop of *Canterbury* for the time being, and the lord chancellor or lord keeper of the great ſeal for the time being; and one of the ſaid instruſments ſhall be lodged and deposited in the hands of her ſaid royal highneſs, another in the hands of the ſaid archbiſhop of *Canterbury*, and one other in the hands of the lord chancellor or lord keeper of the great ſeal for the time being; and if his Maſtrey ſhall be willing to revoke or alter his nomination made as aforesaid, and ſhall, by three writings under his hand and ſeal, require the ſaid instruſments ſo deposited as aforesaid, to be delivered up to ſome person or persons thereby authorized to receive the ſame, then and in ſuch caſe, the persons with whom the ſaid instruſments ſhall be deposited as aforesaid, and every of them, and in caſe of the deaths of any of them, their executors and administrators reſpectively, and every other person in whose cuſtody any of the ſaid instruſments ſhall happen to be, ſhall deliver up the ſame accordingly; and in caſe the ſaid archbiſhop of *Canterbury*, or the lord chancellor or lord keeper ſhall die or be removed from their ſaid offices, before the re-delivery of ſuch instruſments as aforesaid, the person ſo removed, and the executors and administrators of the persons ſo dying, and every person in whose cuſtody ſuch instruſment ſhall happen to be, ſhall deliver the ſame with all convenient ſpeed, to the ſucceſſor or ſucceſſors of the person ſo dying or being removed; and after the demife of his Maſtrey, in caſe of ſuch minority as aforesaid, the ſaid three persons, their executors or administrators, and all other persons in whose cuſtody the ſaid instruſments ſhall then be, ſhall immediately bring the ſame before the privy council then existing; which it is hereby enacted, ſhall be forthwith on ſuch demife assembled, and ſuch instruſments ſhall be there opened and read, and preſently afterwards inrolled in the high court of *Chancery*.

IV. And be it further enacted by the authority aforesaid, That if any of the ſaid persons, with whom the ſaid instruſments ſhall be ſo deposited, or any of their executors or administrators, or any other person having the cuſtody thereof, ſhall open any of the ſaid instruſments in the life of his preſent Maſtrey, without his Maſtrey's order, or ſhall wilfully neglect or refuſe to produce and deliver the ſame to the privy council, every person ſo opening, neglecting or refuſing, ſhall incur the pains and penaltiſes

nalties of *Premunire* inflicted by the statute of *Premunire* made in the sixteenth year of the reign of King Richard the Second.

V. And be it further enacted by the authority aforesaid, That if all the said three instruments shall not be produced before the said privy council as aforesaid, then any one or more of the said instruments so produced, shall be effectual to give such authority as aforesaid, to the persons therein named, not exceeding four; and in case his Majesty shall not be pleased to name any such additional counsellors, then his said royal highness the duke of *Cumberland*, the said archbishop of *Canterbury*, and the said officers for the time being, shall be solely the council of regency, and be invested with all the powers intended to be vested by this act in the council of regency.

VI. Provided always, That if at the time of his Majesty's demise, or at any time during the regency of her said royal highness, there shall be no lord high treasurer of *Great Britain*, and the office of treasurer of the *Exchequer* shall be in commission, or if there shall be then no lord high admiral, and the office of lord high admiral shall be then in commission, then the first to be of the commissioner named in such respective commissions shall be of the said council of regency.

VII. And be it further enacted by the authority aforesaid, That the said council of regency shall, from time to time, meet and sit as her said royal highness shall be pleased to direct, and that any five of the said council, but not any less number, being so assembled, shall be sufficient to act as such council of regency, and all acts to be done by a major part of the council so assembled, shall be deemed to be acts of the council of regency, (excepting in such particular cases wherein it is otherwise provided by this act) and that his said royal highness *William duke of Cumberland* shall be chief or head of the said council.

VIII. And be it further enacted by the authority aforesaid, That her royal highness the princess dowager of *Wales*, before she shall act or enter upon her said office of regent, or within one calendar month after, shall take the following oath of office (that is to say)

I Augusta princess dowager of *Wales*, do solemnly promise and swear, That I will truly and faithfully execute the office of regent of the kingdom of *Great Britain*, according to an act of parliament made in the twenty-fourth year of the reign of his majesty King George the Second, intituled, An act to provide for the administration of the government, in case the crown should descend to any of the children of his late royal highness *Frederick prince of Wales*, being under the age of eighteen years, and for the care and guardianship of their persons; and that I will administer the government of this realm, and of all the dominions thereunto belonging, according to the laws, customs and statutes thereof; and will in all things, to the utmost of my power and ability, consult and maintain the safety, honour and dignity of his or her (as the case shall require)

quire) *Majesty, and the welfare of his or her* (as the case shall require) *people.*

So help me God.

Oath of office IX. And each of the members of the said council of regency, to be taken by and their successors, shall, before they shall respectively act in or each member enter upon their respective offices as members of the said council, of the council. take the following oath of office (that is to say)

I A. B. ~~do solemnly promise and swear, That I will truly and faithfully serve his or her~~ (as the case shall require) *Majesty, in the office of one of the council of regency, established by an act of parliament made in the twenty-fourth year of the reign of his majesty King George the Second, intituled, An act to provide for the administration of the government, in case the crown should descend to any of the children of his late royal highness Frederick prince of Wales, being under the age of eighteen years; and for the care and guardianship of their persons; and that I will duly and faithfully execute the said office, according to the true intent and meaning of the said act; and that in all matters and things which shall be moved, debated and considered in the council of regency, I will truly and faithfully declare my mind and opinion, according to my heart and conscience, and the best of my judgement; and will support, maintain, and defend the person, honour, crown and dignity of his or her* (as the case shall require) *Majesty, to the utmost of my power.*

So help me God.

To be taken before the privy council. Each of which oaths shall be taken before the privy council then in being, who are hereby required and impowered to administer the same, and to enter the same in the council books.

Her royal highness and the council to qualify themselves, as for offices of trust. X. And be it further enacted by the authority aforesaid, That her said royal highness, and every person who shall be of the council of regency by virtue of this act, and of the powers hereby given, shall be deemed and taken to be persons having and executing offices or places of trust within *England*, and take and subscribe such oaths, make and subscribe such declaration, and do all such acts as are required by the laws and statutes of this kingdom, to qualify persons to hold and continue in offices and places of trust, within such times, and in such manner, and under such pains, penalties, forfeitures and disabilities, as in and by the said laws and statutes are required.

Her royal highness may take the oaths, &c. before the privy council, and receive the sacrament in the royal chapel. XI. Provided nevertheless, and be it enacted by the authority aforesaid, That it shall be lawful for her said royal highness to take and subscribe the said oaths, and make and subscribe such declaration, in and before the privy council, and the certificate of her said royal highness's having received the sacrament of the Lord's supper, in any of the royal chapels, signed by the person administering the same, shall be registered in the said privy council, and her said royal highness's so taking and subscribing the said oaths, and making and subscribing the said declaration, and

and taking the said sacrament, shall be to all intents and purposes as effectual as if the same had been taken, made and subscribed in the manner required by law, for the qualification of persons to hold and continue in offices and places of trust.

XII. And be it further enacted by the authority aforesaid, That whosoever his present Majesty (whom God long preserve) shall happen to demise, leaving such successor as aforesaid, under the age of eighteen years, the privy council for the kingdom of *Great Britain* in being, at the time of such demise, shall, with all convenient speed, assemble, and cause such next successor intitled to the crown of *Great Britain*, by virtue of an act of the twelvth year of the reign of King William the Third, (intituled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject*) to be openly and solemnly proclaimed in the usual manner in *Great Britain* and *Ireland*; and that all and every member and members of the said privy council, wilfully neglecting or refusing to cause such proclamations to be made, shall be guilty of high treason, and suffer upon conviction thereof pains of death, and all other losses and forfeitures, as in cases of high treason.

Upon his Majesty's demise, in the minority of his successor, the privy council to cause such successor to be proclaimed, 12 W. 3. c. 2.

under penalty of high treason.

XIII. Provided always, and be it enacted by the authority aforesaid, That in the creation of all peerages of *Great Britain*, or *Ireland*, in the pardoning of all crimes of high treason, and in the gift, grant and disposition of all archbishopricks and bishopricks in *England* or *Ireland*, the offices of lord chancellor or lord keeper of the great seal of *Great Britain* or *Ireland*, of lord treasurer or treasurers of the *Exchequer*, or commissioners for executing the office of treasurer of the *Exchequer*, lord president of the council, lord privy seal, lord high admiral, or commissioners for executing the office of lord high admiral, the principal secretaries of state, master of the rolls in *Great Britain* and *Ireland*, and of all the judges of the courts of *King's Bench* and *Common Pleas*, and barons of the courts of *Exchequer* in *England* and *Ireland*, and of the judges of the court of session, court of justiciary, and barons of the court of *Exchequer* in *Scotland*, and in the giving instructions, orders and authorities for the making any treaties with any foreign powers; the consent of the said council of regency, or the major part of any five or more of them so assembled as aforesaid, shall be necessary to make the said creations, pardons, gifts, grants, dispositions, instructions, orders or authorities, good and effectual.

XIV. Provided also, and be it enacted by the authority aforesaid, That it shall not be lawful for her said royal highness to make war or peace, ratify any treaty with any foreign power, or to prorogue, adjourn or dissolve any parliament, without the consent of the major part of the whole council of regency, then in being, and in *Great Britain*, in case there shall then be an unequal number in *Great Britain*; and if the number then in *Great Britain* shall be an equal number, then without the consent of one half part of the said council; and that her said royal highness, either with or without the consent of the said council

The majority of five of the council of regency necessary in all creations, &c.

Her royal highness not to make war or peace, prorogue, or dissolve any parliament, without consent of the council, nor to give the royal assent to any act for altering the succession.

of regency, shall not give the royal assent to any bill or bills in parliament, for repealing, changing, or in any respect varying from the order and course of succession to the crown of this realm, as the same stands now established in the illustrious house of Hanover, by the said act of the twelfth year of the reign of King William the Third, intituled, *(An act for the further limitation of the crown, and better securing the rights and liberties of the subject or to any act for repealing or altering the act made in or altering in the thirteenth year of the reign of King Charles the Second, 13 Car. 2. c. 4. intituled, An act for the uniformity of publick prayers and administration of sacraments, and other rites and ceremonies; and for establishing the form of making, ordaining and consecrating bishops, priests, and deacons, in the church of England) or one act of the fifth year of the reign of Queen Anne, made in Scotland, (intituled, An act for securing the protestant religion and presbyterian church government.)*

Members of the council by reason of office, to be no longer of the council than they continue in office.

Officers appointed to be of the council, to continue in office unless removed.

XV. Provided also, and be it further enacted by the authority aforesaid, That the archbishop of Canterbury, or any other person appointed by this act to be of the said council of regency, in virtue or by reason of his dignity or office, shall continue no longer of the said council than he shall continue in such his said dignity or office, and his successor in such dignity or office shall become one of the said council; and that the lord chancellor or lord keeper of the great seal for the time being, the lord treasurer or first commissioner of the treasury for the time being, the lord president of the council for the time being, the lord privy seal for the time being, the lord high admiral or first commissioner of the admiralty for the time being, and the principal secretaries of state for the time being, so appointed to be of the said council of regency by this act, shall continue in their said respective offices, after such descent of the crown to any of the children of his said royal highness Frederick late prince of Wales, during the regency of her said royal highness, as well after as before the expiration of six months from the time of such descent, unless removed by her said royal highness, with the consent of a major part of the whole council of regency then in being, and in Great Britain, in case there shall then be an unequal number in Great Britain; and if the number then in Great Britain shall be an equal number, then with the consent of one half part of the said council, or upon the address of both houses of parliament, in which latter case her royal highness alone may remove any of the said officers against whom such address shall be presented.

Members of the council may be removed by consent of the majority, &c. or upon address of both houses of parliament.

XVI. Provided nevertheless, That the archbishop of Canterbury for the time being, and the lord chief justice of the court of King's Bench for the time being, notwithstanding their remaining in such dignity and office respectively, may be removed from being of the council of regency by her royal highness, with the consent of a major part of the council of regency then in being, and in Great Britain, in case there shall then be an unequal number in Great Britain; and if the number then in Great Britain

Britain shall be an equal number, then with the consent of one half part of the said council, or upon the address of both houses of parliament; and that any other of the members of the said council not so appointed in virtue or by reason of their dignities or offices, may be removed likewise by her royal highness, with the like consent, or upon the address of both houses of parliament; and within two calendar months after such descent of the crown as aforesaid, in case any vacancy or vacancies of any of the said offices shall happen then to be, and within the space of two calendar months after ~~every vacancy which shall happen by~~ ^{Vacancies of members of the council to be filled up within 2 months.} means of such removal, or by the death or resignation of any member of the said council of regency, her royal highness shall and is required, with the consent of the council of regency, or the major part of those present, not being less than five, to fill up such vacancy by the appointment of a new officer, where the vacancy happens by the death, removal or resignation of one of the members of the said council, so appointed in virtue or by reason of his dignity or office, or by the appointment of a new member of the said council, being a natural born subject of this realm, where the vacancy happens by the death or removal, or resignation of any member, not being one of the officers named in this act, or by the resignation or removal of the archbishop of *Canterbury*, or of the lord chief justice of the *King's Bench*, from being of the said council of regency.

XVII. Provided always, and be it enacted by the authority aforesaid, That nothing herein contained shall take away or pre- ^{Rights of the} ~~privy council~~ ^{privy council} judge the rights, authorities, powers and jurisdictions of the ~~privy council~~ ^{preserved}.

XVIII. And be it further enacted by the authority aforesaid, Upon descent That whosoever and as often as the crown shall descend to such of the crown minor successor as aforesaid, in case a parliament shall be then in being, which shall have met and sat, such parliament shall continue for three years, from the time of such descent, unless such successor to whom the crown shall descend as aforesaid, shall sooner attain his or her age of eighteen years, or such parliament shall be sooner dissolved by her said royal highness with the consent of a major part of the council of regency, then in being, and in *Great Britain*, in case there shall then be an unequal number in *Great Britain*, and if the number then in *Great Britain* shall be an equal number, then with the consent of one half part of the said council; and in case at the time of such descent, there shall be no parliament in being, which shall have met and sat, then the last preceding parliament shall immediately convene and sit at *Westminster*, and be a parliament to continue for the preceding three years as aforesaid, to all intents and purposes, as if the same had never been dissolved, unless such successor shall sooner attain his or her age of eighteen years, or such parliament

If no parliament in being, the preceding parliament to be fit for 3 years.

ment shall be sooner dissolved by her said royal highness, with such consent as last mentioned.

successor not to be married during minority, without consent of her royal highness and the council;

such marriage null, and every person concerned, &c. guilty of high treason.

In cases of equality of voices, her royal highness may decide.

Where consent of a majority is necessary, the members are to sign the same.

Clerk of the council to be appointed,

and take an oath of office.

Commissions, &c. to change the order, &c. of government, declared void,

and the persons concerned to incur a Premunire.

XIX. And be it further enacted by the authority aforesaid, That his royal highness *George William Frederick* prince of *Wales*, in case the crown shall descend or come to him before his age of eighteen, or any other of the children of his late royal highness *Frederick* prince of *Wales*, to whom the same shall descend before his or her age of eighteen years, shall not, during the regency of her said royal highness, be married to any person whatsoever, without the consent of her said royal highness, and of a major part of the said council of regency then in being, and in *Great Britain*, in case there shall then be an unequal number in *Great Britain*, and if the number then in *Great Britain* shall be an equal number, then without the consent of one half part of the said council; and every marriage so had without such consent, shall be null and void to all intents and purposes; and every person who shall be acting, aiding, abetting or concerned in obtaining, procuring or bringing about any such marriage, and the person who shall be so married to such King or Queen, under the age of eighteen years, shall be guilty of high treason, and suffer and forfeit as in cases of high treason.

XX. And be it further enacted by the authority aforesaid, That in all cases where the members of the council of regency shall be equally divided in their voices, her said royal highness shall and may decide and determine the question or matter concerning which they shall be so equally divided, if she shall be pleased to give her own opinion thereupon.

XXI. And be it further enacted by the authority aforesaid, That in all cases where the consent of a major or one half part of the said council of regency then in being, and in *Great Britain*, is by this act made necessary to the validity of any act, matter or thing, such consent shall be signed by the respective members giving such consent in the council books; and that a clerk or clerks of the council of regency, shall be appointed by her said royal highness, and such clerk or clerks shall provide books for entering the acts of such council, and shall enter the same truly and faithfully, and keep the said books, for which he or they shall be answerable, and such clerk or clerks, before he or they enter upon the execution of their said office, shall take an oath before such council, for the due execution of such office or place respectively.

XXII. And be it further enacted by the authority aforesaid, That all commissions, letters patent, orders, matters and things to be made, passed, had or done by the said regent, either with or without the consent of the said council of regency, in order unlawfully to set aside, change or vary the order and method of government, and administration of government settled by this act, during such minorities as aforesaid, shall be absolutely null and void to all intents and purposes, and every person advising, concurring, promoting or assisting therein, shall incur the penalties of *Premunire*, inflicted by the said statute of *Premunire*.

XXIII. And

XXIII. And be it declared and enacted by the authority aforesaid, That an act of parliament made in the twenty-eighth year of the reign of King Henry the Eighth, intituled, *An act giving authority to such as shall succeed to the crown of this realm when they come to the age of twenty-four years, to make frustrate such acts as shall be made afore in their time*; and one other act made in the and 1 Ed. 6. first year of the reign of King Edward the Sixth, intituled, *An c. 11. determinact for the repeal of a certain statute made in the eight and twentieth year of the reign of the late King, of most famous memory, Henry the Eighth, for revoking of acts of parliament*, are determined, and of no force or effect whatsoever.

C A P. XXV.

An act for laying out, making and keeping in repair, a road proper for the passage of troops and carriages from the city of Carlisle to the town of Newcastle upon Tyne.

WHEREAS the making and keeping a free and open communication between the city of Carlisle and the town of Newcastle upon Tyne, by a road proper for the passage of troops, horses and carriages, at all times in the year, would be of great use and service to the publick; and it hath been found by experience, that the want of such road, passage and communication, hath been attended with great inconvenience and danger to this kingdom: and whereas such road cannot be laid out, or the charge of making the same be defrayed, otherwise than at the expence of the publick, and by the authority of parliament; but it is apprehended that such publick road when finished, may be supported, and kept in repair, by proper tolls and duties to be raised and collected thereupon for that purpose: may it therefore please your most excellent Majesty, that it may be enacted, &c.

The new road shall extend from the west gate of Newcastle to East Denton, and by Chapel Houses to Haddon on the Wall, Harlow Hill, Port Gate, Chollerford Bridge, Walwick, Carrawburgh, Winfields, Clowgill, Brampton, High Crosby, Drawdikes and Stanwix, to the Scotch gate of Carlisle. Trustees to nominate officers, &c. Copies of the accounts and of all contracts, &c. to be delivered to each house of parliament. Surveyors may dig gravel in waste grounds, &c. without paying for the same; levelling the pits. Justices to determine differences. Trustees may purchase lands to be taken into the road, &c. Persons neglecting to treat for the sale of such lands, trustees may assess the recompence, by a jury. The recompence charged on the monies granted by parliament for making the road, 3,000l. to be paid out of the supplies for the year 1751, towards making the road; 1,000l. to the trustees of Cumberland, and 2,000l. to the trustees of Northumberland. Accounts of the monies to be laid before parliament. When the road shall be made, turnpikes and toll-houses are to be erected, and tolls to be taken. One third of the tolls only to be taken at any one toll-gate in Northumberland, and one half in Cumberland. Penalty on carriages with four wheels, drawn by more than four horses, or with fewer wheels, by more than three horses. Owners of collieries may lay waggon-ways across the road, and repair the same. Justices to determine the statutework to be done on the road. Persons aggrieved may appeal to the quarter-sessions. Trustees may lessen the tolls. Justices may appoint persons to inspect the road, who shall enquire of the application of the tolls, and certify

tify any misapplication. On death, &c. of trustees others to be chosen. Road to be measured, and mile-stones erected. Tolls to continue, until otherwise provided by parliament.

C A P. XXVI.

An act for cleansing and enlightening the open places, streets, and other passages; and regulating the nightly watch and bedels in the parish of Saint Matthew Bethnal Green, in the county of Middlesex.

C A P. XXVII.

An act to enable the present and future proprietors and inhabitants of the houses in Golden Square, in the parish of Saint James, Westminister, in the county of Middlesex, to make and levy a rate on themselves, for raising money sufficient for the better inclosing, paving, enlightening and adorning of the said square; and supporting and keeping of the same in repair for the future.

C A P. XXVIII.

An act for repairing the road from the top of Crickley Hill in the county of Gloucester, to Frogg-Mill, through the towns of Northleach, Burford and Witney, and parishes of Hanborough and Bladon, to Campsfield, in the parish of Kidlington, in the county of Oxford; and also the road from Witney, through Ensham, Cumner and Botley, to the city of Oxford. *Certain tolls granted for 21 years.*

C A P. XXIX.

An act for repairing the road leading from the town of Ludlow in the county of Salop, through Woofferton and Little Hereford, to a place called Monks Bridge in the said county; and also from the said town of Ludlow, to a place or house called the Maindenhead at Orleton in the county of Hereford. *Certain tolls granted for 21 years.*

C A P. XXX.

An act for repairing the high roads leading from Darlington in the county of Durham to West Auckland, and several other roads in the said county therein mentioned. *Certain tolls granted for 21 years.*

C A P. XXXI.

An act for explaining, amending and enforcing an act passed in the thirteenth year of his late Majesty's reign, intituled, An act for the better regulation of the linen and hempen manufactures in that part of Great Britain called Scotland; and for further regulating and encouraging the said manufactures.

3 Geo. 1. c. 26. **W**HEREAS by an act passed in the thirteenth year of the reign of his late majesty King George the First, (intituled, An act for the better regulation of the linen and hempen manufactures in that part of Great Britain called Scotland) certain rules and regulations were established for encouraging and improving of the said manufactures, and for preventing of frauds and abuses in the same: and whereas the said rules and regulations have been found useful and beneficial, and have been a means of improving the said manufactures, which might be still brought to greater perfection, and be further extended, if some parts of the said act were explained, amended and enforced, and further regulations established: may it therefore please your Majesty that it may be enacted; and be it

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 all and every person and persons who shall import, or cause to be imported, into any port or place in Scotland, any bad, mixed or damnified lintseed or hempseed, or any lintseed or hempseed which shall not be thoroughly cleaned, short lintseed, Importers of bad lintseed or hempseed, or any lintseed commonly called or known by the name of *Short Lintseed*, he and they shall, for every such offence, forfeit such lintseed or hempseed, ~~and shall also be subject and liable to a forfeit 3l. per. penalty, not exceeding three pounds sterling for every hogshead hoghead.~~ of such seed ; and so in proportion for any less quantity.

II. Provided always, and it is hereby enacted, That if all or any of such damnified lintseed or hempseed shall be only damaged, the lintseed being damnified by sea, the importer or importers, proprietor or proprietors thereof, shall not be liable or subject to the said forfeiture or penalty : in case he or they shall immediately, upon the landing of such seed, produce sufficient proof before some justice of the peace, or other magistrate, that such damage was occasioned as aforesaid, and give sufficient security giving security as soon as may be unto the trustees appointed, or to be appointed for its bed, in pursuance of the said act of the thirteenth year of his late imported Majesty's reign, that such seed shall not be sown, but shall be or made into made into oil, or exported under the penalty of five pounds for oil. every hogshead of such damnified seed ; and so in proportion for any less quantity.

III. Provided also, and be it enacted, That if any lintseed or hempseed of the growth of Scotland shall be bad, short, damnified or otherwise improper and unfit for sowing, the proprietor or proprietors thereof shall not be subject or liable to any penalty or forfeiture inflicted by the said former act, for the selling or exposing to sale any bad or damnified lintseed or hempseed, in case he shall, before he shall sell such seed, or expose the same to give security to the said trustees, that such seed shall not be sown, but made into oil, or exported, under the penalty of five pounds for every hogshead of such seed, and so made into oil, in proportion for any less quantity.

IV. And whereas a doubt hath arisen with relation to the exact measure by which all lintseed and hempseed is by the said act directed to be sold ; be it enacted, That all lintseed and hempseed shall be sold by the Linlithgow Barley Measure streaked, and that all such measures shall be first marked and stamped by the dean of guild of some royal borough, with the usual mark of such borough, and also with these words *Linlithgow Barley Measure* ; and if any person shall vend or sell any lintseed or hempseed by any measure that shall not be marked and stamped, in manner as aforesaid, such person shall forfeit for every such offence such measure, and also the sum of forty shillings sterling.

V. And be it further enacted by the authority aforesaid, That all and every person and persons who shall sell and deliver to any one buyer, at one time, ten pecks, or any larger quantity of one buyer, to Person selling ten pecks, to be sold by the Linlithgow barley measure streaked, &c.

give a certificate of the quantity, price, and growth, &c.

lintseed or hempseed, without delivering therewith a certificate subscribed by such person or persons, expressing the quantity and price of the seed, and if the same shall be of foreign production, the port from whence the same was imported, and the name of the country where it grew, and the year of its growth; and if such seed shall be of the produce of *Britain*, the year of its growth, and the name of the county where it grew; such person or persons shall forfeit a sum not exceeding five pounds, nor less than fifty shillings sterling, for every hogshead of such seed; and so proportionably for any less quantity.

Officers may enter warehouses for keeping lintseed, &c.

VI. And be it further enacted, That all stamp-masters, riding-officers, surveyors or other officers, acting under the directions and authority of the said trustees, may, with their assistants at all time by day, enter into any warehouse, or other place made use of for keeping lintseed or hempseed, and into any place where they shall have reason to suspect that lintseed or hempseed is kept, and may inspect and survey all lintseed and hempseed which shall be found in such places, and shall and may seize and carry off, or otherwise secure, all bad, short, dammified, or mixt lintseed or hempseed, and such as shall not be clean and good, and detain the same until it shall be legally tried, whether such lintseed or hempseed is by the said former or this present act prohibited to be imported or sold, or exposed to sale, or to be sown; and in case it shall be adjudged, that such seed is prohibited to be imported, sold or exposed to sale, the same shall be forfeited, and the proprietor or proprietors thereof shall be subject and liable to a penalty not exceeding three pounds sterling for every hogshead of such seed, and so in proportion for any less quantity; and in case it shall be adjudged that the seed so seized is prohibited to be sown, and the proprietor or proprietors thereof shall not make it appear that sufficient security hath been given to the said trustees, in manner as aforesaid, for the exporting or making of such seed into oil, or that application hath been made, and sufficient security tendered to the said trustees for that purpose, such seed shall be also forfeited, and the proprietor or proprietors thereof subject and liable to the penalty aforesaid.

Penalty if the seed shall be adjudged to be prohibited, &c.

VII. Provided always, That in all cases where it shall be proved, that application hath been only made for giving sufficient security as aforesaid, such seed so seized and detained shall not be delivered to the proprietor or proprietors thereof, until such security shall be actually entered into, and executed to the satisfaction of the said trustees.

Hemp and flax to be sold 16lb. to the stone.

VIII. And be it further enacted by the authority aforesaid, That all and every person and persons who shall sell or dispose of any hemp or flax, by any other weight than by the stone, consisting of sixteen pounds weight *avendupois*: and also all flax raisers and hecklers who shall not affix their names and places of abode, upon every mat or quantity of flax by them sold, shall respectively for each and every such offence, forfeit a sum not exceeding five pounds sterling.

Flax raisers and hecklers to affix their names upon every mat.

IX. And

IX. And be it further enacted by the authority aforesaid, That every person who shall sell or expose to sale, in one and the same mat or other package, flax or hem of different quality or fineness, shall forfeit a sum not exceeding five pounds sterling for every such mat or other package.

X. Provided always, That the said penalty shall not extend to any person selling a ton or any larger quantity of hemp or flax to any one person at one time.

XI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to work up and manufacture plain linen cloth, with flaxen and tow yarn mixed, by making with flaxen the woof of such cloth of one of the said yarns, and the warp of the other; but that the yarn which shall be used for the warp, shall be of the same quality and fineness throughout such warp be not warp, and that the yarn which shall be used for the woof, shall be of the same quality and fineness throughout such woof, under the penalty of a sum not exceeding forty shillings, nor less than ten shillings sterling, to be paid by the weaver; any thing woot. in the said former act, or this present act, to the contrary notwithstanding.

XII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to make use of yarns of different sorts, qualities and fineness, in the working up and manufacturing of striped, chequered and flowered linens, but so that each sort of such yarn shall be of equal quality and fineness, throughout each piece of such striped, chequered or flowered linens, under the penalty of a sum not exceeding forty shillings, nor less than ten shillings sterling, to be paid by the weaver; any thing in the said former act, or this present act, contained to the contrary notwithstanding.

XIII. And be it further enacted by the authority aforesaid, That all and every person and persons who shall make, sell or expose to sale, or shall buy one or more reel or reels, which shall not be of the standard and dimensions prescribed by the said former act, shall over and above the forfeiting of such reel or reels, forfeit a sum not exceeding forty shillings, nor less than ten shillings sterling, for every such reel; and that all and every person or persons who shall be convicted of false reeling and making up yarn, or exposing to sale, selling or buying yarn of the produce of Scotland, knowing the same to be reeled or made up contrary to the directions of the said act, shall, over and above the forfeiting of such yarn, forfeit a sum not exceeding ten nor less than two shillings sterling, for every spindle thereof and so proportionally for any less quantity.

XIV. Provided always, and be it enacted, That it shall and may be lawful to import, sell, and expose to sale, any foreign yarn, although such yarn shall not be reeled and made up, according to the directions of the said act or this act, any thing in the said act or this act contained to the contrary notwithstanding.

XV. And be it further enacted by the authority aforesaid, That every maker of heckles, wheels, reels, weaving-looms, and

to affix his
name, &c.

and weaving-reeds, shall mark or cause to be marked, with an iron brand, or some other proper instrument, in legible and durable characters, on every heckle, wheel, reel, weaving-loom and weaving-reed by him made, his christian name, surname and place of residence, as also upon each reed, the hundreds of such reed, under the penalty of forfeiting all such heckles, wheels, reels, weaving-looms and weaving-reeds; and also of a sum not exceeding twenty nor less than ten shillings sterling, for each of the said particulars.

Bleachers of
linen.

and masters of
lapping-pres-
ses, to give
security.

Trustees to
grant licences
upon security
given.

Penalty on
unlicensed
bleachers, &c.

Licensed
bleachers to
mark their
names, &c. on
every piece.

Penalty of
lapping up
cloth for sale,
wet, &c.

or not stamp-
ed.

XVI. And be it further enacted by the authority aforesaid, That all persons who shall practise the trade of whitening or bleaching of linen cloth in the piece, so as to bleach or whiten a quantity of cloth, which shall be of the value of five hundred pounds sterling, in the course of one year; and also all persons who shall keep any publick lapping-pres or lapping house, shall respectively first give sufficient security to the said trustees, to the extent of one hundred pounds sterling for every such bleacher, and of fifty pounds sterling for every keeper or master of such publick lapping-pres and lapping-house, for their faithful performance of the said trades; and also for making good any damage which may arise to their respective employers, by any neglect or want of skill in the exercise of either of such trades; and the said trustees are hereby required, upon their acceptance of such respective securities, to grant licences under their hands and seals to such persons, empowering them to exercise the said respective trades; and that no fee, reward or gratuity whatsoever, shall be demanded or taken, for or upon account of giving any such security, or of granting such licence: and that if any person or persons shall without such licence bleach or whiten a quantity of cloth, which shall be of the value of five hundred pound sterling, in the course of one year, or shall keep and use any publick lapping-pres or lapping-house, such person or persons shall respectively forfeit, *videlicet*; such bleacher or whitener, the sum of one hundred pounds sterling; and such master and keeper of a publick lapping-pres or lapping-house, the sum of fifty pounds sterling, for every year they shall carry on such respective trades without such licence.

XVII. And be it further enacted by the authority aforesaid, That all such licensed bleachers shall mark or stamp, or cause to be marked or stamped, in legible letters on each end of every piece of cloth by them bleached or whitened, their names and places of abode, with the addition of bleacher, under the penalty of a sum not exceeding twenty shillings for every piece of cloth which shall not be so marked.

XVIII. And be it further enacted, That if any person or persons shall fold or lap up any cloth for sale, when wet, or with any chalk, dust, flour or other material, which may be prejudicial to the fabrick or quality of such cloth, or shall lap up any piece of cloth for sale which is not duly stamped in manner prescribed by the said former act or this present act, he or they shall for every such offence, forfeit a sum not exceeding

forty shillings, nor less than ten shillings sterling, for every such piece of cloth.

XIX. Provided always, and it is hereby enacted, That in all cases where cloth shall through unavoidable accidents be damaged in the weaving or bleaching, by holes or rents made in the same, or not be of equal quality, fabrick and goodness throughout the piece, in such manner as the same is directed to be made, by the said former act or this present act, the stamp-master, or stamp-masters appointed or to be appointed by the said trustees, may cut such damaged or insufficient cloth into such pieces as he or they shall find to be sufficient and free of holes and rents, and affix his stamps to such cuttings, in the same form and manner as by the said act is directed, with regard to whole pieces, returning the damaged or insufficient cuttings to the owners for their use; but that if the said stamp-master or stamp-masters shall not be satisfied that the cloth received such damage, or was rendered insufficient, through unavoidable accidents as aforesaid, and shall have reason to believe that the same was occasioned by the negligence or ignorance of the weaver or bleacher, and that the cloth was presented to be stamped with a fraudulent intention to deceive the buyer, he shall and may seize and detain the same; and if upon trial to be had thereupon, it shall appear that such damage or insufficiency was occasioned by the negligence or ignorance of the weaver or bleacher of such cloth, and not by unavoidable accident, it shall be condemned and forfeited in such manner as is prescribed by the aforesaid act of his late Majesty, with respect to all insufficient and unmerchantable cloth which shall be offered to be stamped.

XX. And be it further enacted by the authority aforesaid, That when any unstamped cloth or unstatutable yarn shall be seized in pursuance of the powers contained in the said act, and it shall be alledged that such cloth or yarn is of foreign manufacture, the *Onus Probandi* shall lie upon the owner of such cloth or yarn, that the same was fairly imported from the place where it shall be alledged to have been manufactured, or from the next adjacent port, and that the duties for the same have been paid; and if the owner of such cloth or yarn shall fail in such proof, the cloth or yarn so seized shall be deemed and taken to be of the manufacture of *Scotland*, and be forfeited; and all linen cloth of the manufacture of *Ireland*, imported into, or exposed to sale in *Scotland*, which shall not have the seals or stamps of some stamp master appointed by the trustees for the linen manufacture in *Ireland*, affixed thereon, shall be forfeited, and shall be seized and tried in the same manner as is directed by the said act, with regard to such linen of the manufacture of *Scotland* as is exposed to sale without being stamped.

XXI. And be it further enacted by the authority aforesaid, That every maker and cutter of stamps or seals of any kind for stamping of cloth, shall upon some proper part of every stamp mark their or seal by him made, mark his name and place of abode, and names there-

on, and take an impression in a book, &c.

shall take an impression of every such seal or stamp in a book to be kept for that purpose, and shall enter in such book, the name and designation of the person by whom he was employed, and to what person and at what time such seal or stamp was delivered, under the penalty of fifty pounds sterling for each of the said offences.

Penalty of counterfeiting stamps.

XXII. And be it further enacted by the authority aforesaid, That if any person or persons shall counterfeit any seal or stamp made in pursuance of this act, or any seal or stamp of any stamp-master appointed by the trustees for the linen manufacture in *Ireland*, he, she or they so counterfeiting the same, and being thereof lawfully convicted before the court of *Justiciary* at *Edinburgh*, or in the circuits, shall suffer and incur the same pains and penalties as persons by the law of *Scotland*, convicted of forgery.

Makers of heckles, and weavers, free to exercise their trades in any city, &c.

XXIII. And be it further enacted by the authority aforesaid, That every maker of heckles, spinning-wheels, reels, weaving-loomes and weaving-reeds, and also every weaver or manufacturer of linen, flaxen or hempen cloth, or heckler or dresser of flax or hemp, shall and may, and is hereby authorized to exercise the said respective trades, within any city, town, corporation, burgh or place in *Scotland*, without any lett or hindrance from any person or persons whatsoever, and without being chargeable or charged with payment of any entry-money or other duty whatsoever, for or in respect of their following such trade or busines.

Penalty of obstructing officers.

XXIV. And be it further enacted by the authority aforesaid, That no person or persons shall by force or violence obstruct, hinder or impede any officer appointed or to be appointed by the said trustees in the due execution of his duty, under the penalty of forfeiting a sum not exceeding fifty pounds, nor less than five pounds sterling, for every such offence.

Offences how to be tried.

XXV. And it is hereby enacted, That all offences against this act (except only as to the counterfeiting of seals or stamps) shall and may be heard and determined by the justices of peace or magistrates of any burghs, or any one of them, within their respective jurisdictions, after the same form and manner, and with the same powers as are prescribed and mentioned in the aforesaid act, with regard to offences committed against that act, and that all offences against this and the aforesaid act, (except as aforesaid) shall and may be also heard and finally determined by any of his Majesty's sheriff or steward deputies, or their substitutes, subject only to an appeal to the lords of *Justiciary* or their circuit courts.

Penalties to be paid to the prosecutor.

XXVI. And it is hereby declared, That all penalties or forfeitures which shall be incurred for all the offences against this act, shall be paid and delivered to the informer or prosecutor, and be adjudged to be payable and deliverable to him.

Limitation of actions.

XXVII. Provided always, That all actions shall be commenced for offences against this act, and the said former act, within twelve months after the commission of such offence; and all actions to be commenced for the same shall cease and determine, and are hereby discharged from and after the expiration of eight

full months from the commencement of the suit ; and if any appeal, either from the magistrates or justices of the peace to the quarter sessions, or from the sheriff or steward deputes, or their substitutes, to the circuit court, shall not be determined at the expiration of eight months from the commencement of the action, the sentence appealed from shall take place, and be put in execution, as if no appeal had been entered against the said sentence.

XXVIII. And it is hereby enacted and declared by the authority aforesaid, That all sheriff and steward deputes, sheriff and steward substitutes, justices of peace, and magistrates of burghs, shall interpret and put this act, and the said former act ^{Act to be interpreted in} in execution, in the most beneficial manner for promoting the ^{beneficial man-} linen and hempen manufactures ; and if any of the said sheriffs or stewards, justices or magistrates, shall wilfully neglect or re-

fuse to execute the powers and authorities committed to them by this and the said former act, so as that such neglect or refusal shall tend to the discouragement or detriment of the said manufactures, such neglect or refusal shall be and be taken to be a point of dittay, and the person or persons so offending may be prosecuted before and punished by the lords of justiciary, in manner prescribed by the said former act.

^{Penalty on magistrates refusing to execute the powers.}

XXIX. And be it further enacted by the authority aforesaid, That the comptroller of the customs in *Scotland*, or his deputy, ^{Comptroller} shall, without fee or reward, in the month of *December* yearly, of the ^{year ending at} *Midsummer* preceding, of all flax-seed and hemp-seed, and of all flax and hemp, and also of all pot-ashes, and all linen, flaxen or hempen yarn, and linen cloth, imported into *Scotland*, distinguishing the several ports from whence, and at which the same were imported ; as also an account of all flax and hemp, and of all linen, flaxen or hempen yarn, and also of all pot-ashes shipped in and exported from *Scotland*, distinguishing the several ports from and to which the same shall be shipped, and of all linen cloth shipped in and exported from *Scotland*, distinguishing the several ports from and to which the same shall be shipped and exported, and distinguishing the several bounties paid upon the exportation of such cloth.

XXX. And be it further enacted by the authority aforesaid, ^{Contracts, &c.} That all contracts, securities and agreements entered into and entered into ^{taken by authority of the said trustees for promoting of the said} by the trustees, ^{linen and hempen manufactures, or any particular branch there-} of, may be entered into, and taken in the name of their secretary, for the time being, and his successors in office, for the use of the fund established by the said act for encouraging the linen manufacture in *Scotland* ; and all bonds obligations and other ^{Bonds, &c.} securities, for the faithful execution of any office, or for the performance of any other matter or thing relating to the said manufacture, shall and may be taken in the name of the said secretary for the time being, and his successors in office, for the use of the said fund ; and all diligences, suits, actions, and processes, may be issued and carried on in consequence of such ^{and suits, &c} ^{to be in the} ^{cretary's} ^{con-} name.

Anno vicesimo quarto GEORGII II. C. 32,--34. [1751.]
 contracts, securities and agreements, bonds and obligations, and prosecuted to a final issue, in the name and at the instance of the said secretary for the time being.

Commence-
ment of the
act.

XXXI. And be it further enacted, That this act, and all the authorities, powers, matters and things herein contained, shall commence and take place from the twenty fifth day of December one thousand seven hundred and fifty one.

C A P. XXXII.

An act for enlarging the term and powers granted by two acts of parliament, For repairing the road from Wendover to the town of Buckingham in the county of Bucks; and also for repairing and widening the road leading from the west end of the said town of Wendover to the end of a lane called Oak-Lane, next the great road called The Oxford road, lying between the town of Beaconsfield in the said county of Bucks, and Uxbridge in the county of Middlesex, and that part of the said great road which leads from the west end of the said town of Beaconsfield to the river Colne near Uxbridge aforesaid. *The act 7 Geo. 1. c. 24. and 15 Geo. 2. c. 5. continued for 21 years.*

C A P. XXXIII.

An act for enlarging the term and powers granted by an act of parliament passed in the fourth year of his present Majesty's reign, for repairing the roads leading from the most southern part of Butt Lane, in the parish of Lawton in the county palatine of Chester, to Lawton; and from thence to Henshall's Smithy upon Crange Green in the said county; and for making the said act more effectual. *The act 4 Geo. 2. c. 3. continued for 21 years.*

C A P. XXXIV.

An act for the better preservation of the game in that part of Great Britain called Scotland.

WHEREAS it is necessary that the laws now in force in Scotland, for regulating the times for killing the game, and for preventing the abuses of carriers, poachers and others carrying and selling the same, should be amended and made more effectual; be it therefore 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 no person in Scotland shall, upon any pretence whatsoever, kill or destroy any moor fowl, from the first day of January to the tenth day of July, or any partridge or heath fowl, from the first day of February to the twentieth day of August in any year.

Moor fowl,
partridge or
heath fowl,
not to be kill-
ed out of sea-
son.

Penalty on
person not
qualified to
kill game,
having any in
his custody.

II. And be it further enacted by the authority aforesaid, That no person whatsoever, not qualified to kill game in Scotland, shall have in his or her custody, or carry at any time of the year, upon any pretence whatsoever, any hares, partridges, pheasants, muir fowl, heath fowl, snipes or quails, without the leave or orders of a qualified person first obtained, for carrying such hares or other game, or for having the same in his or her custody.

Penalty of
transgressing
this act.

III. And be it further enacted by the authority aforesaid, That every person transgressing this act, shall for the first offence forfeit

forfeit and pay the sum of twenty shillings sterling; and for the second and every other subsequent offence, the sum of forty shillings sterling; which respective fines shall and may be levied by distress and sale of the goods of the offender; and in case of insolvency the party offending shall suffer imprisonment for the space of six weeks for the first offence, and for the space of three months for the second and every other subsequent offence.

IV. And be it further enacted by the authority aforesaid, Offences how That all offences against this act shall and may be enquired into to be tried. and determined, either by the oath or oaths of one or more credible witness or witnesses, or by the confession or oaths of the parties accused, before any two or more of his Majesty's justices of the peace, or before the sheriff of the county where the offence shall be committed, or where the offender shall be found; and that all prosecutions for offences against this act shall be carried on either at the instance of the fiscal of court, or of any other person who will inform or complain.

V. And be it further enacted by the authority aforesaid, Application of That one moiety of the forfeitures to be incurred for any offence the forfeitures against this act shall, when recovered, be paid to the informer or prosecutor, and the other moiety shall be applied for such publick services within the county where the offence shall be committed, as the justices of the peace or the sheriff respectively shall direct, before whom the offender shall be convicted.

VI. Provided always, That any persons aggrieved by the Persons ag- judgement of the said justices or sheriff respectively, shall have grieved may liberty to appeal to the next general or quarter session, in case ^{appeal.} such judgement was given by any justices of the peace as aforesaid, or to the lords justiciary in their next circuit court, or (where there are no circuit courts) to the court of justiciary at Edinburgh, in case the judgement complained of was given by the sheriff of any county; and that the determination of the said general or quarter session, or of the said circuit court, shall be final and conclusive to all parties.

C A P. XXXV.

An act for repairing the high roads in the county of Edinburgh, to and from the city of Edinburgh; and from Cramond Bridge to the town of Queen's Ferry in the county of Linlithgow. A private act, 12 Ann. st. 2. enlarged and continued for 21 years.

C A P. XXXVI.

An act for building a bridge over the river Ribble, between the townships of Preston and Penwortham, near a place called the Fish-house, in the county palatine of Lancaster.

C A P. XXXVII.

An act for dividing the parish of Saint Philip and Jacob in the county of Gloucester and in the city and county of Bristol; and for erecting a church in the new intended parish.

WH E R E A S the inhabitants of that part of the now or late forest or chase of Kingswood which lies in the parish of Saint Philip and Jacob in the county of Gloucester, within the diocese of Bristol, are very numerous, and at a great distance from the mother church in the city of Bristol, which said church is not large enough to contain all the inhabitants: and whereas it is now proposed, for the better accommodation of the said inhabitants, to erect a new church upon the said now or late forest or chase, to be consecrated and used for the publick worship of God, and the instruction of the inhabitants there in the christian religion, as it is now professed in the church of England, and established by the laws of this realm; and to promote so good a work, Thomas Chester, esquire, lord of the manor of that part of the said now or late forest or chase of Kingswood as lies in the said parish of Saint Philip and Jacob in the said county of Gloucester, hath proposed to grant a piece of ground commodiously situated in the centre of the new intended parish, for the site of a church and a church-yard, vicarage house and gardens, and for other purposes relative to the design; and the right reverend the lord bishop of Durham (late of Bristol) for promoting so good a design, is disposed and ready to give the sum of four hundred pounds, towards the endowment of the new intended vicarage, for the maintenance of a minister or vicar, who shall reside in the vicarage house, and in order to obtain the like sum of four hundred pounds to be added thereto, by the governors of the bounty of Queen Anne, for the augmentation of the maintenance of the poor clergy, for the further augmentation of the maintenance of such minister or vicar of the said new intended parish: and whereas several charitable and well-disposed persons, to encourage so pious an undertaking, have contributed, and are ready to contribute, towards the erecting and finishing such church, and an house for the minister or vicar to reside in, and for the better endowing the same, in case there shall be an overplus: and whereas the mayor, burgesses and commonalty of the city of Bristol, patrons of the vicarage of the said parish church of Saint Philip and Jacob, and the inhabitants of the said parish, are willing and desirous that a new church and house may be erected as aforesaid, and that a proper district round the intended church may be appointed, in order to separate the same from the said parish, and make it a distinct and separate parish: and whereas, for preventing the trouble of separating and dividing the same by commissioners, they the said inhabitants and parishioners of the parish of Saint Philip and Jacob aforesaid, have agreed among themselves on the district of and for the new intended church and parish, and settled the limits and bounds thereof; which district so limited and bounded, is, as herein after is mentioned and expressed; that is to say, From a bridge at the foot of Lawrence Hill

Hill called Lawrence Bridge, along the lane southward called Barton Hill Lane; thence in a direct line along the lane called Little Marsh Lane; thence along by a little stream of water, which runs from the said lane into King's Pill; and thence along by the said King's Pill to the river Avon; and along up the side of the river Avon, to the utmost extent and boundaries of the old parish on that side thereof; from Saint Lawrence Bridge aforesaid, westward, to a lane called Dod Lane; along this lane, northward, to the bridge called Gane Bridge, in the road leading from Bristol towards Gloucester; from thence along the said road directly to Coomb Brook; and thence to the utmost extent and boundaries of the old parish, eastward, quite to the river Avon as aforesaid: and whereas, for the like purpose aforesaid, they the said inhabitants and parishioners have also agreed among themselves, that the piece of ground so proposed to be granted by the said Thomas Chester as aforesaid, and which contains, by estimation, two acres one rood and six perches (be it more or less) and is situated at or near a certain place called Don John's Cross; and is bounded on the east side by the road leading from Bristol to Bath; on the west, partly by Don John's Cross, and partly by a garden, now or late in the tenure of Thomas Marsh; on the north, by a road leading from Bristol to Marshfield; and on the south, partly by a lane or waste ground, and partly by a small inclosure, late in the tenure of John Curtis; shall be for the site of the new intended church, and the church-yard or cemetery, to be belonging to the said parish, and a vicarage house, with a garden or gardens, and conveniences for the habitation of the minister or vicar for the time being, of the same church; therefore, may it please your Majesty (at the humble petition of sundry of the inhabitants of that part of the parish of Saint Philip and Jacob, which is situated in the county of Gloucester and diocese of Bristol) that it may be enacted, &c.

Money for the augmentation of the vicarage to be paid, when the church is built and consecrated. The district before described, erected into a distinct parish. The church to be called by the name of Saint George. William Cary appointed vicar. Corporation declared patrons of the vicarage. Workhouse to be for the joint use of both parishes, &c. Power given to the vestry to make church rates, &c. The church, &c. to be under the jurisdiction of the archbishop of Canterbury, bishop of Bristol, and archdeacon of Gloucester. Rights of the crown reserved.

C A P. XXXVIII.

An act for levying a duty of two pennies Scots, or a sixth part of a penny sterling, on every Scots pint of ale and beer which shall be brewed for sale, brought into, tapped or sold within the town of Greenock and baronies of Easter and Wester Greenock, and Finnart, and liberties thereof, in the county of Renfrew, for repairing the harbour of the said town, and for other purposes therein mentioned. A duty of excise granted to the town for 31 years.

C A P.

C A P. XXXIX.

An act for the better regulating the navigation of the river Avon, running through the counties of Warwick, Worcester and Gloucester; and for ascertaining the rates of water-carriage upon the said river.

W H E R E A S the river Avon hath for many years past been made navigable from the river Severn, through part of the counties of Gloucester and Worcester, to or beyond the borough of Stratford in the county of Warwick, for boats, barges, lighters and other vessels, for the better supplying the said several counties with pit coal, iron and other goods and commodities, for the publick good of the said counties, whereby the trade in those parts hath been very much enlarged and increased: and whereas frequent disputes have arisen between the owners and proprietors of the said navigation, and the persons navigating thereupon, touching the rates of tonnage of coal, and other goods and merchandize carried thereon; for remedy whereof, and for the ascertaining the rates of such tonnage for the future, and to the end and intent the said river Avon may for ever hereafter be continued and preserved navigable, for the encouragement of trade, and the benefit and advantage of the publick in general; and that the locks, weirs, bucks, winches, turnpikes, dams, floodgates and other engines, may for the future be kept in good and sufficient order and repair; and the rents and out-goings for lands cut away, and other rents, may be raised, and paid to the persons intitled to receive the same: may it please your Majesty that it may be enacted,

River Avon declared to be a free river. Rates of tonnage to be paid for goods carried on the river. No publick wharf to be kept, for unlading goods for sale, between Evesham and Harvington sluices. Royalties, &c. reserved. Owner answerable for damage done by his vessel. Rates to be paid by vessels passing through the sluice at Tewkesbury into the Severn, and through the sluice at Evesham, and at every weir. Proprietors of the navigation to keep the river cleansed, &c. Justices to determine differences concerning the navigation, &c. in a summary way.

C A P. XL.

An act for granting to his Majesty an additional duty upon spirituous liquors, and upon licences for retailing the same; and for repealing the act of the twentieth year of his present Majesty's reign, intituled, An act for granting a duty to his Majesty to be paid by distillers upon licences to be taken out by them for retailing spirituous liquors; and for the more effectually restraining the retailing of distilled spirituous liquors; and for allowing a drawback upon the exportation of British made spirits; and that the parish of Saint Mary le Bon, in the county of Middlesex, shall be under the inspection of the head office of excise.

W H E R E A S the immoderate drinking of distilled spirituous liquors by persons of the meanest and lowest sort, hath of late years

years increased, to the great detriment of the health and morals of the common people; and the same hath in great measure been owing to the number of persons who have obtained licences to retail the same, under pretence of being distillers, and of those who have presumed to retail the same without licence, more especially in the cities of London and Westminster, the borough of Southwark, and other places within the weekly bills of mortality, contrary to the good and wholesome laws heretofore made for preventing thereof: and whereas we your Majesty's dutiful and loyal subjects, the commons of Great Britain in parliament assembled, ever attentive to the preservation and health of your Majesty's subjects, have taken this great evil into our serious consideration, and proposed such laws and provisions as appear to us to be most likely to put a stop to the same; but it may so happen, that in consequence of the necessary regulations for that purpose, there may accrue a failure or deficiency in the respective funds to which the duties charged upon spirituous liquors and distillers licences, were appropriated and applicable: now, for the more effectual restraining such abuses, and to the end that such failure or deficiency may be made good, and that the publick faith, so essential to the well-being of this kingdom, may be supported, we do most humbly beseech 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 first day of July, one thousand seven hundred and fifty one, there shall be raised, levied, collected and paid unto his Majesty, his heirs and successors, quors. Additional duties on spirituous liquors.

For every gallon of low wines, or spirits of the first extraction, made or drawn from any sort of drink or wash, brewed or made from any sort of malt or corn, or from brewers wash or tilts, or any mixture with such brewers wash or tilts, to be paid by the distillers or makers thereof, three halfpence.

For every gallon of strong waters, or *Aqua Vitæ*, made for sale of the materials aforesaid, or any of them, to be paid by the distillers or makers thereof, four pence halfpenny.

For every gallon of low wines, or spirits of the first extraction, made or drawn from cyder, or any sort or kind of British materials, except those before-mentioned, or any mixture therewith, to be paid by the distillers or makers thereof, one penny three farthings.

For every gallon of spirits made for sale from cyder, or any sort or kind of British materials, except those before-mentioned, to be paid by the distillers or makers thereof, three pence halfpenny.

II. And,

II. And, for the better ascertaining, charging, collecting, raising, levying and securing the rates and duties by this act imposed on the said spirituous liquors, and preventing frauds therein, be it further enacted by the authority aforesaid, That such of the said rates and duties by this act granted, as are charged upon spirituous liquors made, extracted and manufactured in, or imported into *England, Wales, or the town of Berwick upon Tweed*, shall be under the receipt and management of the commissioners and officers of his Majesty's revenues of excise in *England* for the time being, and such of the said rates and duties as are imposed by this act upon spirituous liquors, made, extracted and manufactured in, or imported into *Scotland*, shall be under the receipt and management of the commissioners and officers of excise in *Scotland* for the time being; and the said respective commissioners of excise, or the major part of them, have hereby power, by commission under their respective hands and seals, to constitute and appoint under them such officers as shall be necessary in that behalf; and all monies arising by the said duties in *Great Britain*, or any part thereof (the necessary charges of raising and accounting for the same excepted) shall, from time to time, be paid into the receipt of his Majesty's exchequer at *Westminster*, distinctly and apart from all other branches of the publick revenues, subject and liable to the same uses and purposes respectively as the present duties on spirituous liquors and licences are now liable and appropriated unto.

Duties in
England to be
under the ma-
nagement of
the commissi-
oners of excise
in England,

and those in
Scotland, un-
der like offi-
cers there.

Monies arising
by the duties
to be paid into
the exchequer,
distinct from
other branches
of the revenue.

III. And whereas by an act of parliament made and passed in the twentieth year of his Majesty's reign, (intituled, An act for granting a duty to his Majesty to be paid by distillers upon licences taken out by them for retailing spirituous liquors) it is enacted, That from and after the twenty fourth day of June one thousand seven hundred and forty seven, it should be lawful to and for the several distillers within the cities of *London* and *Westminster*, *borough* of *Southwark*, or weekly bills of mortality, to take out licences from his Majesty's commissioners of excise for retailing spirituous liquors; and the said commissioners were thereby authorized and required to grant such licences to every distiller and distillers within the limits aforesaid, who should apply for the same, upon payment of five pounds for every such licence, which were to be renewed yearly, upon payment of the like sum of five pounds, under certain restrictions in the said recited act mentioned: and whereas the permitting distillers to take out licences for the retailing spirituous liquors, has greatly tended to increase the drinking of spirituous liquors, many of whom have wilfully permitted and suffered the same to be tipped and drank in their shops, contrary to the direction of the said act of the twentieth year of his present Majesty's reign; be it therefore enacted by the authority aforesaid, That from and after the twenty fourth day of June one thousand seven hundred and fifty one, the duty of five pounds payable by every distiller for a licence to sell spirituous liquors by retail, shall cease, determine and be no longer paid; and that no distiller shall have a licence, or be permitted to sell any spirituous liquors, mixed or unmixed, with

40 G. 2. c. 39.

The duty of
5l. payable by
distillers for
licences to re-
tail, repealed.

with any ingredients, by retail, after the said twenty fourth day of June one thousand seven hundred and fifty one.

IV. Provided always, That nothing herein contained shall Penalties of extend, or be construed to extend, to repeal or vacate the several the said act, to penalties and forfeitures imposed by the said act of the twentieth year of his said present Majesty's reign.

V. And be it further enacted by the authority aforesaid, That in lieu and stead of the said duty of five pounds, granted and directed to be raised by the said act made in the twentieth year of his said present Majesty's reign, and which is hereby repealed as aforesaid, there shall, from and after the twenty fifth day of March one thousand seven hundred and fifty two, be raised, levied, collected and paid unto his Majesty, his heirs and successors, an additional duty of twenty shillings *per annum* for every licence that shall be taken out by any person or persons for the retailing spirituous liquors, pursuant to the directions of the act of parliament made in the sixteenth year of his present Majesty's reign (intituled, *An act for repealing certain duties on spirituous liquors, and on licences for retailing the same; and for laying other duties on spirituous liquors, and on licences to retail the said liquors*) and of this act, or either of them; which said additional duty of twenty shillings shall from time to time be paid down in like manner, and at the same time, and be raised, levied, collected and paid by the same means and methods, and under the like penalties, as the duty upon licences to be granted by virtue of the said act made in the sixteenth year of his present Majesty's reign, is directed to be raised, levied, collected and paid.

After 25

March 1751,

duty of 20s. to be laid on licences to retail spirituous liquors.

16 Geo. 2. c. 8.

VI. And be it further enacted by the authority aforesaid, Powers, &c. That all and every the powers, authorities, directions, rules, given by any methods, penalties and forfeitures, clauses, matters and things which in and by an act made in the twelfth year of the reign of King Charles the Second (intituled, *An act for taking away the court of wards and liveries, and tenures in Capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*) or by any other law now in force relating to his Majesty's revenue of excise upon beer, ale or other liquors are provided, settled or established, for securing, enforcing, managing, raising, levying, collecting, mitigating or recovering, adjudging or ascertaining the duties or penalties thereby granted, and for preventing, detecting and punishing frauds relating thereto (not otherwise altered by this act) shall be exercised, practised, applied, used, imposed, levied, recovered and put in execution, for the securing, enforcing, managing, raising, levying, collecting, mitigating, adjudging, ascertaining, recovering and paying the duties and penalties hereby granted, and for preventing, detecting and punishing frauds relating thereto, as fully and effectually, to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties and forfeitures, clauses, matters and things were particularly repeated, and again enacted in the body of this present act.

VII. And whereas by an a^et made in the sixteenth year of his
 26 Geo. 2. c. 8. Majest^y's reign, it is enacted, That no licence ſhall be granted to any person or persons whatſoever for ſelling by retail any ſpirituouſ liquors or ſtrong waters whatſoever, except to ſuch persons only who ſhall keep taverns, victualling-houſes, inns, coffee-houſes or ale-houſes; and that if any ſuch licences ſhall be granted to any other persons than as aforesaid, the ſame are thereby declared void to all intents and purpoſes: and it is thereby alſo enacted, That if any person or persons ſhall preſume or offer to retail any of the ſaid ſpirituouſ liquors, without taking out ſuch licence as is therein mentioned, and renewing the ſame yearly, in manner therein mentioned, he, ſhe or they ſhall reſpectively forſeit and loſe the ſum of ten pounds for each offence; and in caſe ſuch perſon or persons ſhall reſufe or negle^{ct} to pay the ſaid ſum of ten pounds, the ſame being lawfully demanded, it ſhall and may be lawful for any one or more juſtice or juſtices of the peace of any county, riding, diuiſion, city or liberty, upon information upon oath being made before him or them, of ſuch reſuſal or negle^{ct}, by warrant un-der his or their hand and ſeal, or hands and ſeals, to commit ſuch perſon or persons to the house of correction for the county, riding, diuiſion, city or liberty wherein ſuch perſon or persons ſhall reſide, there to remain and be kept to hard labour for the ſpace of two months, to be reckoned from the day of the ſaid commitment; and the perſon or persons ſhall not be diſcharged, until, he, ſhe or they ſhall have paid the ſaid ſum of ten pounds, or until the full expiration of the ſaid two months; and that nothing in the ſaid a^et ſhall extend, or be conſtrued to enable any perſon or persons to ſell any ſpirituouſ liquors or ſtrong waters by retail, unless ſuch perſon or persons be firſt licens'd to ſell ale or ſpirituouſ liquors, by two or more of his Majest^y's juſtices of th^e peace for the county, riding, diuiſion, city or liberty wherein ſuch perſon or persons ſhall ſell the ſaid liquors, under the hands and ſeals of the ſaid juſtices: and whereas by one other a^et made in the ſeventeenth year
 17 Geo. 2. c. 17. of his Majest^y's reign, it is enacted, That in caſe where a licence ſhall have been granted for retailing ſpirituouſ liquors, to any perſon who ſhall, at the time of granting ſuch licence, keep a tavern, victualling-houſe, inn, coffee-houſe or ale-houſe, if ſuch perſon ſo licence^d, ſhall afterwards, during the time of continuing ſuch licence, exerciſe the trade of a diſtiller, grocer or chandler, or keep a brandy ſhop or ſhops for ſale of any ſpirituouſ liquors, the licence granted in every ſuch caſe ſhall be void; and ſuch perſons retailing ſpirituouſ liquors afterwards ſhall forſeit ten pounds for every ſuch offence, notwithstanding ſuch licence ſo obtained as aforesaid; and that no licence for retailing ſpirituouſ liquors ſhall authorize and impower any perſon, to whom the ſame may be granted, to ſell ſuch ſpirituouſ liquors in any other place, except in ſuch houses or places thereunto belonging, wherein he, ſhe or they ſhall inhabit and dwell, at the time of granting ſuch licence: and whereas it may be doubted, whether the ſaid penalty of ten pounds can be recovered within the limits of the head office of exciſe in London, before a juſtice or juſtices of peace: be it hereby declared and enacted, That the ſai^t ten pounds penalty may be recovered; and any perſon retailing diſtilled ſpirituouſ liquors without a licence, within the limits of the ſaid head office, may be con-

The penalty of
 10l on unli-
 censed retail-
 ers, may be
 recovered be-

convicted before any justice of the peace for the city, county or fore any justice where the offence hath been or shall be committed, as well as before the commissioners of excise; and that such penalty shall not in any case, either by the said commissioners or justices of the peace, be mitigated or reduced below the sum of five pounds.

VIII. And for the further restriction of such licences, and None to be li-
the granting thereof, be it enacted by the authority aforesaid, censed to re-
That no licence for the selling by retail of spirituous liquors tail, but such
shall be granted, within the ~~limits of the head office of excise in~~ as pay to
London, but to such as shall occupy a tenement or tenements of church and
the yearly value of ten pounds or upwards, and for which they poor.
shall accordingly be rated and pay in the parish rates; nor to any
person in any other part of the kingdom, where there are rates
to church and poor, but to such as shall be assessed and pay to
the church and poor in the several parishes and places in which
they shall be respectively licensed; and that no licence shall be
of any avail to any person not so qualified, or for any longer
time than the person so licensed shall be qualified as aforesaid,
but shall be absolutely void.

IX. And be it enacted by the authority aforesaid, That if any person not authorized by law, shall retail any spirituous liquors, unlicenced such person shall not only be subject to the penalties now in being tailers, for the for such offence of retailing spirituous liquors without licence, but first offence; all the distilled spirituous liquors that shall then, or at any time or times afterwards, within six calendar months after conviction for such offence, be found in the custody of such offender or in the house, lodgings, shop or warehouse where such offence shall be committed, or any court, yard, ground or place occupied therewith, whether then in the occupation of such offender or not, or in the occupation of any other person whomsoever, shall and may be seized, by warrant of the said commissioners, or of any justice or justices of the peace, within their respective jurisdictions; and the same shall, by virtue of such warrant, forthwith, on finding the same, be staved or otherwise destroyed; for which purpose any peace or parish officer, authorized by such warrant as aforesaid, shall have power at any time within the space of six months after conviction as aforesaid, to enter such places and break open doors, if not opened on demand; and if any person who hath been or hereafter shall be convicted of any second offence; such offence, shall, after such conviction, again offend in like manner, and shall thereof be lawfully convicted as aforesaid, then it shall and may be lawful to and for the commissioners or justices respectively, before whom such offender shall be convicted of such subsequent offence, as well to inflict the penalties by any former law to be inflicted for such offence, as also to commit such offender to the house of correction, there to be kept to hard labour, for any time not exceeding three months, and also (if they shall think fit) to order such offender to be whipt; and in case any person who shall have been convicted of third offence such subsequent offence as aforesaid, shall offend again in like manner,

and the offender to be transported.

Commissioners of excise, and justices, may grant warrants for offences.

Distiller, &c. selling, &c. liquor, to be unlawfully retailed, or to unlicensed retailers, to forfeit 10 l. and treble the value.

Application of the penalty.

Retailer discovering and convicting the distiller, intitled to his share of the penalty, and indemnified.

manner, such further offence shall be deemed felony; and the offender being indicted, and lawfully convicted thereof, shall suffer as in cases of felony, and may, by the justices of the peace of the county or place where such felony shall be committed, at their general or quarter sessions (who are hereby impowered to hear and determine such felony) be ordered to be transported to any of his Majesty's plantations, for any time not exceeding seven years.

X. And for the better discovery and punishment of such offenders as aforesaid, be it enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of excise, and justices of the peace, within their respective jurisdictions, or any one or more of such justices, upon oath made before him or them, of any offence committed against this act, or any other law in force for restraining or regulating the retailing of distilled spirituous liquors, to grant their warrant to any of the peace officers, or other parish officers, of the parish or place where such offence shall be sworn to have been committed, to enter and search the house, lodgings, shop, warehouse, cellars and other places where such offences shall be sworn to be committed, or in the occupation of the person sworn to be guilty thereof, and the officer or officers, person or persons, authorized by such warrant, shall and may enter such houses, lodgings, shops, warehouses and other places, and break open the doors thereof, in case they be not forthwith opened upon demand, and search for and seize all such distilled spirituous liquors as they shall there find, and detain the same until the matter of the said offence shall be heard and determined; and in case the offender be convicted of such offence, the liquors so found shall be forthwith staved and destroyed as aforesaid, and if such person shall not be convicted, then the same shall be restored.

XI. And be it enacted by the authority aforesaid, That if any distiller or other person shall knowingly sell or deliver, or cause to be sold and delivered by his servants or others, directly or indirectly, any quantity of distilled spirituous liquors to any person, to the end that the same may be unlawfully retailed, or unlicensed retailer of spirituous liquors, such distiller or other person shall forfeit and lose the sum of ten pounds, and also treble the value of all such spirituous liquors so sold or delivered; one moiety thereof to the King, his heirs and successors, and the other moiety to such person or persons as will sue for the same, in any of his Majesty's courts of record at Westminster, or in the court of Exchequer in Scotland, by action of debt, bill, plaint or information, wherein no esquit, privilege, protection, wager of law, or more than one imparlance shall be granted or allowed; and if any person guilty of retailing distilled spirituous liquors shall discover the distiller or other person who shall have knowingly supplied him with such liquors as aforesaid, and shall prosecute such distiller or other person for the same, without fraud or wilful delay, until he be convicted thereof, such prosecutor shall not only be intitled to his said share of

of the penalty, but ſhall alſo be indemnified againſt all penalties and forſeitures incurred by him before the commencement of ſuch his proſecution, for ſelling ſpirituouſ liquors without li- cence.

XII. And be it further enacted by the authority aforesaid, No debt under That from and after the ſaid first day of July one thouſand ſeven 20 s. for ſpiri- hundred and fifty one, no perſon or perſons whatſoever, ſhall thouſand liquors, be intitled unto or maintain any cauſe, action or ſuit for, or one time, re- recover either in law or equity, any ſum or ſums of money, coverable, &c. debt or demands whatſoever, for or on account of any ſpiri- tuous liquors, unleſs ſuch debt ſhall have really been and bona fide contracted at one time, to the amount of twenty ſhillings or upwards; nor ſhall any particular article or item in any ac- count or demand for diſtilled ſpirituouſ liquors be allowed or maintained, where the liquors delivered at one time, and men- tioned in ſuch article or item, ſhall not amount to the full va- lue of twenty ſhillings at the leaſt, and that without fraud or covin; and where no part of the liquors ſo ſold or delivered ſhall have been returned or agreed to be returned directly or in- directly; and in caſe any retailer of ſpirituouſ liquors, with or without a licence, ſhall take or receive any pawn or pledge from any perſon or perſons whatſoever, by way of ſecurity for the payment of any ſum or ſums of money owing by ſuch perſon or perſons for ſuch ſpirituouſ liquors or ſtrong waters, every ſuch perſon or perſons offending herein ſhall forſet and lose the ſum of forty ſhillings for each and every pawn or pledge ſo taken in or received by him or them, to be levied and recovered by war- rant under the hand and ſeal of one justice of the peace where the offence is committed; and that one moiety thereof ſhall be to the uſe of the poor of the paſh where ſuch offence is com- Application of mitted, and the other moiety to the informer or informers; and the perſon or perſons to whom any ſuch pawn or pledge Owner may doth or ſhall belong, ſhall have the ſame remedy for recovering recover his ſuch pawn, or the value thereof, as if it had never been pledged. pledge.

XIII. And be it further enacted by the authority aforesaid, That no licence ſhall be granted for the retailing of ſpirituouſ liquors within any gaol, paſon, house of correction, workhouse, or house of entertainment for any paſh poor, and that all li- cences granted or to be granted, contrary to this provision, ſhall be void and of no effect from and after the ſaid first day of July one thouſand ſeven hundred and fifty one; and if any gaoler, keeper or officer of any gaol, paſon or house of correction, or any governor, master or officer of any workhouse or house for the entertainment of any paſh poor, ſhall ſell, uſe, lend or give away, or knowingly permit or ſuffer any ſpirituouſ liquors or ſtrong waters to be ſold, uſed, lent or given away, in any ſuch gaols, paſons or houses of correction, or brought into the ſame; other than and except ſuch ſpirituouſ liquors or ſtrong waters as ſhall be preſcribed or given by the preſcription and direc- tion of a regular physician, ſurgeon or apothecary, and to be applied in purſuance of ſuch preſcription, from the ſhop of ſome regular keeper, &c. apothecary, ſuffering ſpirituouſ liquors to be uſed there, &c.

apotheccary, every such gaoler, keeper, governor, master or other officer, shall, for every such offence, forfeit and lose the sum of one hundred pounds ; one moiety thereof to his Majesty, and the other moiety thereof, with full costs of suit, to such person or persons as will sue for the same, in any of his Majesty's courts of record at *Westminster*, or in the court of *Exchequer* in *Scotland*, by action of debt, bill, plaint or information ; wherein no esoin, privilege, protection, wager of law, or more than one imparlance shall be granted or allowed ; and in case any such gaoler or other officer, being convicted thereof as aforesaid, shall again offend in like manner, and be thereof a second time lawfully convicted, such second offence shall be deemed a forfeiture of his office.

Justices, upon information that liquors are kept, &c. in such houses, may enter and search; or impower any constable so to do,

and seize and stave the same.

Persons carrying, liquors into such houses,

to be taken before a justice;

and on conviction, to be committed, or pay a sum not exceeding 20l. nor less than 10l.

XIV. And be it further enacted by the authority aforesaid, That from and after the said first day of *July* one thousand seven hundred and fifty one, it shall and may be lawful for his Majesty's justices of the peace, or any one of them, upon information upon oath That any such spirituous liquors or strong waters are kept and disposed of in any such gaol, prison, house of correction, workhouse or house of entertainment for parish poor, in *Great Britain*, to enter and search, or to authorize and impower any constable, headborough or other peace officer of the parish where any such places are situated, by warrant under his hand and seal to enter and search any such gaol, prison, house of correction, work-house or house of entertainment for parish poor ; and in case any such spirituous liquors or strong waters shall be found therein (except such as are directed to be used medicinally as aforesaid) it shall and may be lawful for such constable, headborough or overseer of the poor, to seize such spirituous liquors or strong waters, and to cause the same to be forthwith staved and destroyed.

XV. And be it enacted by the authority aforesaid, That no person shall carry or bring, or attempt or endeavour to carry or bring any distilled spirituous liquors (except to be used in the way of medicine as herein before mentioned) into any gaol, prison, house of correction, work-house or house of entertainment for parish poor ; and if any person or persons shall offend therein, it shall be lawful for the gaoler, keeper, master or chief officer of such gaol, prison, house of correction, work-house, or house of entertainment for parish poor, or his or their servants, to apprehend such person or persons, and to carry him, her or them before a justice of the peace of the county, division, city, town corporate or liberty, where such gaol, prison, house of correction, work-house or house of entertainment for parish poor is situate (who is hereby impowered to hear and determine such offence in a summary way, and to administer an oath to the witnesses) and if by the oath of one credible witness or otherwise, he shall convict such person or persons of such offence, he shall forthwith commit such offender or offenders to prison, or to the house of correction, there to be kept in custody for any time not exceeding three months, without bail or mainprize, unless such

such offenders respectively shall immediately pay down such sum or sums of money, not exceeding twenty pounds, and not less than ten pounds, as the justice shall impose upon such offenders severally, as their fines; to be paid, one moiety to the informer, Application and the other moiety to the use of the poor of such gaol, prison, or the forfeit-house of correction, work-house or house of entertainment for ture. parish poor.

XVI. And be it further enacted by the authority aforesaid, That every gaoler, keeper, master and chief officer of every gaol, prison, house of correction, work-house and house of entertainment for any parish poor, shall on or before the first day of *August* one thousand seven hundred and fifty one, procure one or more copy or copies of the three preceding clauses, to be A copy of the printed or fairly written, and hung up in one of the most pub- three preceding clauses, to lic places of his gaol, prison, house of correction, work-house be kept hung or house of entertainment for parish poor, and renew the same up in gaols, from time to time, so that it may be always kept fair and legible, &c. on pain of forfeiting the sum of forty shillings for every wilful under penalty default, to be levied by warrant of any justice of the peace of 40 s. the county, division, city, town corporate or liberty where such gaol, prison, house of correction, work-house or house of entertainment for parish poor, shall be situate, to be granted on conviction of such default, in a summary way, before such justice, by the oath of one or more credible witness or witnesses (which oath such justice is hereby empowered to administer) and it shall and may be lawful for every justice of the peace, to enter into any gaol, prison, house of correction, work-house or house of entertainment for parish poor, within the limits of his jurisdiction, and demand a sight of such copy so hung up as aforesaid; and if the same shall not be forthwith shewn to him so hung up be not fair, in some publick place, fair and legible as aforesaid, such justice may convict shall and may immediately convict such gaoler, keeper, master the gaoler, &c. or officer of such default, and so, from time to time, as often as he shall think fit; one moiety of the said penalty to be paid Application of to the informer, and the other moiety (or the whole if there be the penalty. no informer) to the use of the poor of such gaol, prison, house of correction, work-house or house of entertainment for parish poor.

XVII. And be it further enacted by the authority aforesaid, That all and every his Majesty's justices of the peace within the transit cities of *London* and *Westminster*, and borough of *Southwark*, or monthly, to within the limits of the head office of excise in *London*, shall the clerk of once in every month transmit to the clerk of the peace for the county where they act, a certificate of all persons convicted before them respectively, for any offences committed against this ^{the peace, a} ^{persons convicted,} or any former act or acts of parliament, relating to spirituous liquors or strong waters, or for licensing the retailers thereof; who is hereby authorized and required to keep and enter the same among the publick records of the court of the quarter-fessions of the counties respectively, where such conviction shall be so certified; which certificates shall be evidence upon any in-

formation directed by this or any other act relating to spirituous liquors.

8 & 9 W. 3.
c. 19.

XVIII. *And whereas by an act of parliament made and passed in the eighth and ninth years of the reign of his majesty King William the Third, intituled, An act for repealing a clause in a former act relating to party guiles, and for the better preventing frauds and abuses of brewers, and others chargeable with the duties of excise; it was (amongst other things) enacted, That no common distiller or maker of low wines, spirits or strong waters for sale or exportation, should at any time after the tenth day of April one thousand six hundred and ninety seven, erect or set up any tun, cask, washbatch, copper, still or other vessel for the brewing, making or keeping any worts, wash, low wines, spirits or strong waters, nor alter or enlarge any tun, cask, washbatch, copper, still or other vessel already erected or set up, nor should have or keep any private or concealed tun, cask, washbatch, copper, still or other vessel, nor any private or concealed warehouse, storehouse, cellar or other place for the brewing, making, laying or keeping any worts, wash, low wines, spirits or strong waters, without first giving notice thereof at the next office of excise, within the limits or jurisdiction whereof he or they did or should inhabit, upon pain of forfeiting for every tun, cask, washbatch, copper, still, warehouse, storehouse, cellar, or other place, so erected or set up, altered or enlarged, kept private or concealed, the sum of twenty pounds; and that all and every person or persons in whose occupation any house, out-house or other place whatsoever, was or should be, where any such private or concealed tun, cask, washbatch, copper, still, warehouse, storehouse or cellar should be discovered or found, should also forfeit and lose the sum of fifty pounds: and whereas the number of casks and other vessels used by distillers being very great, and the officers not being empowered to mark the same, so as to be enabled to distinguish the entered vessels from those that are not entered, it is impossible for the gauger to prove the particular vessel unentered, and consequently to convict the offender, agreeable to the intent and meaning of the aforesaid act: and whereas distillers at present are not confined to keep their after-runnings or feints from the second extraction in any particular vessels, which makes it impossible for the gauger to keep an exact stock of the said after-runnings or feints: and whereas some distillers taking the opportunity of the officers absence, do frequently charge their stills, either in the whole or in part, with wash privately brought in, and when the officers find the still so charged, the distillers alledge, by way of excuse, that such stills are charged with after-runnings or feints, which the officers are not able to disprove, by reason of their not having an exact account of the said after-runnings or feints; in which cases the revenue is greatly defrauded by the distillers obtaining relief of the duty wherewith they are charged, upon their complaints of an overcharge: therefore to remedy such defects, and the better to prevent such frauds; be it enacted by the authority aforesaid, That from and after the said first day of July one thousand seven hundred and fifty one, every distiller or maker of low wines or spirits for sale or exportation, shall within ten days after the said first day of July one thousand*

Distiller to
make entry of
all vessels for
distillation,
&c.

seven

seven hundred and fifty one, and all persons who shall after the said first day of July one thousand seven hundred and fifty one, become distillers or makers of low wines or spirits for sale or exportation, shall ten days before he, she or they distil or make any spirituous liquors, make a true and particular entry in writing, at the next office of excise, within the limits whereof his, her or their workhouse, stillhouse, storehouse, warehouse or other place used for distilling or keeping wash, low wines or spirits, is or shall be situate, of all ~~and every~~ ^{the} still, copper, tun, washbatch, cask or other vessel which he, she or they shall make use of for the brewing, distilling, working, making, laying or keeping any ^{Vessels for} worts, wash, low wines, spirits or strong waters, and also of the brewing or casks or vessels which every such distiller or maker of low wines keeping the or spirits for sale or exportation as aforesaid, shall make use of, ^{after runnings} for the brewing, holding or keeping of the after-runnings or ^{or feints of} feints from the second extraction, which shall from time to time ^{tradition, not} be drawn from every such still, (which said last-mentioned casks to exceed two; or vessels shall not at any one time exceed two in number, at any such distillers or makers of low wines or spirits for sale or exportation) and also of all such new utensils as such distillers or makers of low wines or spirits for sale or exportation shall make use of for the purposes aforesaid, on pain that every such ^{Penalty.} distiller or maker of low wines or spirits for sale or exportation, shall forfeit and lose for every such still, copper, tun, washbatch, cask or other vessel herein before mentioned, which shall be made use of and not entered as aforesaid, the sum of fifty pounds; and every such distiller or maker of low wines or spirits for sale ^{Distiller to} or exportation as aforesaid, is hereby required to shew to the ^{shew the} gauger or officer of excise, who surveys his, her or their work- ^{gauger every} house, stillhouse, storehouse, warehouse or other place used for distilling or keeping wash, low wines or spirits, every such still, copper, tun, washbatch, cask or other vessel so entered, and he the said officer is hereby required to mark the same with a particular, distinct and durable mark; and every still, copper, tun, washbatch, cask, and any vessel which shall at any time or times be used by any such distiller or maker of low wines and spirits for sale or exportation, for any of the purposes aforesaid, without being so shewn or marked, shall be deemed a vessel or utensil of which no entry has been made; and if any person or persons whatsoever, shall at any time or times hereafter, after such still, copper, tun, washbatch, cask or other vessel, shall have been so marked by such officer as aforesaid, rub out or deface any such mark so fixed upon any such still, copper, tun, washbatch, cask or other vessel by such officer as aforesaid, he, she or they so offending, shall for every such offence forfeit and lose the sum of twenty pounds.

XIX. And in order to enable the gauger the better to detect such frauds, by having proper proof to lay before the respective courts where such and other offences against the laws relating to these duties shall be heard and determined; be it further enacted, That from and after the said first day of July one thousand seven hundred and fifty one, the gauger may take a sand sample of low

and seven hundred and fifty-one, it shall and may be lawful for any gauger or officer of excise at any time or times to take a sample of such low wines or spirits, and of feints and spent wash, paying for such spirits or low wines, after the rate of ten shillings per gallon; and for the said feints and spent wash, after the rate of one shilling per gallon; and in case any such distiller or maker of low wines or spirits for sale or exportation, or any workman or servant belonging to him, her or them shall refuse to permit such gauger or officer to take such samples as aforesaid, or shall any ways hinder or obstruct him or them in taking such samples, such distiller or maker of low wines or spirits for sale or exportation, shall for every such offence respectively forfeit and lose the sum of fifty pounds.

XX. And whereas distillers and makers of low wines or spirits for sale or exportation, very frequently take in wash, when privately prepared, and charge their stills in the officers absence, and by these means run great quantities of wash, low wines and spirits; the better to prevent such frauds for the future, be it further enacted, That from and after the said first day of July one thousand seven hundred and fifty-one, every distiller or maker of low wines or spirits for sale or exportation, within the limits of the weekly bills of mortality, shall, twenty-four hours at least, and in other parts of Great Britain, forty-eight hours at least, before he, she or they receive any quantity of wine, cyder, sugar, water or any kind of fermented wash whatsoever, into his, her or their custody, give notice to the gauger or officer of excise, who surveys his, her or their workhouse, of the particular quantity of such wine, cyder, sugar, water or any kind of fermented wash, and the species thereof, and of the time when he, she or they shall intend to receive the same into his, her or their custody, on pain of forfeiting and losing for every offence in not giving such notice, the sum of fifty pounds.

under penalty
of 50l.

XXI. And, for the encouragement of the exportation of spirits, drawn or made in Great Britain, from the materials aforesaid, or any of them; be it enacted by the authority aforesaid, That from and after the said first day of July one thousand seven hundred and fifty-one, there shall be a drawback or allowance of the several and respective duties charged by this act, on such spirits so drawn or made in Great Britain, which shall be exported to parts beyond the seas; and upon oath being made before any two or more of the commissioners of excise, or justices of the peace for the county or place from whence any such spirits are intended to be exported, that the duties of the same are duly entered and paid, and that the same are exported for merchandise to be spent beyond the seas; and upon producing a certificate under the hands of the officers of excise for the port or place where such spirits were shipped, of the quantities so shipped, and that the same were shipped in the presence of such officers; the distiller or distillers, or other person or persons exporting the same, shall be allowed or paid back by the commissioners of excise, or their collector, for the port or place where such

Drawback of
the duties al-
lowed on ex-
portation of
spirits made
in Great Bri-
tain.

such spirits shall be shipped off, the several duties charged there-upon by this act accordingly.

XXII. And be it further enacted by the authority aforesaid, That from and after the said first day of *July* one thousand seven hundred and fifty-one, no person or persons whatsoever, being a common brewer of ale or beer, or innkeeper, distiller or other seller of or dealer in any kind of spirituous liquors, or who are or shall be interested in any of the said trades or businesses, shall, during such time as he or they shall be such common brewer, innkeeper, distiller or other seller of or dealer in spirituous liquors, or interested in any of the said trades or businesses, be capable or have any power to act, or shall be directly or indirectly concerned in acting as a justice of the peace, in any matter or thing whatsoever, which shall any ways concern the execution of the powers or authorities given or granted by any act or acts of parliament, in any wise relating to distillers or makers of low wines, spirits or strong waters for sale, or to the duty or duties imposed upon low wines, spirits or strong waters, or any other kind of spirituous liquors whatsoever, or to the granting licences to the retailers of spirituous liquors.

XXIII. And whereas it has been doubted whether the several powers, authorities, directions, rules, methods, penalties, punishments and forfeitures, clauses, matters and things, which were provided, settled, directed, established or imposed by any act or acts of parliament made since the sixth year of his present Majesty's reign, relating to the selling spirituous liquors without licence, might be lawfully exercised, imposed, inflicted and recovered against any person for retailing spirituous liquors, in less quantity than two gallons, in regard the quantity of spirituous liquors which might be lawfully sold without licence, without subjecting the seller thereof to be deemed a retailer of spirituous liquors, is different in the said act of the sixteenth year of his present Majesty's reign, from that in the seventeenth year of his said

^{16 Geo. 2. c. 8.}

Majesty's reign, (intituled, An act for granting to his Majesty

^{17 Geo. 2. c. 17.}

the surplus or remainder of the monies arisen or to arise by the duties on spirituous liquors, granted by an act of the last session of parliament; and for explaining and amending the said act, in relation to the retailers of such liquors; and for establishing an agreement with the united company of merchants of *England*, trading to the *East Indies*;) now in order to put an end to such The powers doubts, be it enacted and declared, That all and every the pow- and penalties, ers, authorities, directions, rules, methods, penalties, punish- &c. provided ments and forfeitures, clauses, matters and things, provided, by any acts settled, directed, established or imposed, by any act or acts of parliament made since the sixth year of his present Majesty's reign, relating to the selling spirituous liquors without licence, selling spirituous liquors, (except the forfeiture or penalty of one hundred pounds imposed by an act of the ninth year of his present Majesty's reign, Exception intituled, An act for laying a duty upon the retailers of spirituous liquors; and for licensing the retailers thereof,) may for the future, and from the time of the commencement of the said act of parliament, made in the seventeenth year of his present Majesty's

reign, might have been lawfully exercised, practised, applied, used, imposed, inflicted, levied and recovered, in regard to all to be in force. and every person and persons that have offended, or shall offend against the said acts of the sixteenth and seventeenth years of his said Majesty's reign, or this act, or any or either of them, in like manner as they might have been, in relation to persons offending against the said several and respective acts, or any of them, made since the sixth year of his said present Majesty's reign.

9 Geo. 2. c. 23. • XXIV. *And whereas by a clause in an act of parliament passed in the ninth year of his present Majesty, (intituled, An act for laying a duty upon the retailers of spirituous liquors, and for licensing the retailers thereof) it is enacted, That nothing in the same act contained should extend to enable any person to sell any spirituous liquors or strong waters by retail, unless such person be first licensed by two or more justices of the peace for the county or place where such person should sell the said liquors, under the hands and seals of the said justices; for which licence or licences the sum of two shillings and six pence, and no more, should be paid to the clerks of such justices, and no fee or sum of money, or other reward whatsoever, to the clerk or clerks of the peace for entering the same, or on any other account, on pain of forfeiting five pounds, in case any of the said justices clerks, or any clerk of the peace, should ask or receive any fee, other than as above, on account of such licences: and whereas by another clause in an act of parliament passed in the sixteenth year of the reign*

16 Geo. 2. c. 8. *of his present Majesty (intituled, An act for repealing certain duties on spirituous liquors, and on licences for retailing the same; and for laying other duties on spirituous liquors, and on licences to retail the said liquors) the said first-recited act is in part repealed; and some doubts having arisen, whether the said first-recited clause, limiting the fees for licences to two shillings and six pence each, be repealed or not, the clerks of justices of the peace, in many parts of this kingdom, have taken larger fees for such licences, contrary to the intention of the said act: and whereas no particular method is prescribed in the same act for the recovery of the before-mentioned penalty of five pounds: now to put an end to all doubts concerning the said first-recited clause, and the method of suing for and recovering the said penalty therein contained, be it declared and enacted by the authority aforesaid, That the said recited clause in the aforesaid act of the ninth year of his present Majesty's reign, restraining or intending to restrain the clerks of justices of the peace for asking or receiving more than two shillings and six pence for each licence therein mentioned, is now and shall, from henceforth, be and remain in full force.*

The clause in 9 Geo. 2. restraining the fees of justices clerks for licences, to be in force.

Penalties how to be recovered.

XXV. And be it further enacted by the authority aforesaid, That all penalties and forfeitures by the said first-recited clause imposed, shall or may be sued for, levied and recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at Westminster, or by indictment at the assizes, or at the general or quarter sessions of the peace of the county or place where such offence shall be committed, for the use of the

the person or persons who shall sue or prosecute for the same; in which suits no escom, wager of law, or more than one imparlance shall be allowed.

XXVI. Provided nevertheless, That nothing in this act contained shall extend to charge with any of the duties directed to be paid, levied or received as aforesaid, any spirits made or distilled from malt, and retailed and consumed within that part of Great Britain called Scotland, which spirits are commonly called and known by the name of *Aqua Vitæ*, in that part of the kingdom, or to subject the makers, sellers and retailers thereof, within that part of the kingdom, to take such licences as are herein before directed.

XXVII. And whereas by an act of parliament made and passed 12 Car. 2. c. 24. in the twelfth year of the reign of his late Majesty King Charles the second, (intituled, An act for taking away the court of wards and liveries, and tenures in Capite, and by knights service, and purveyance; and for settling a revenue upon his Majesty in lieu thereof) it is amongst other things enacted, That all parts of the cities of London and Westminster, and the borough of Southwark, and the several suburbs thereof, and parishes within the weekly bills of mortality, shall be under the immediate care, inspection and management of the head office of excise in London: and whereas since the passing of the said act, the parish of saint Mary le Bon in the county of Middlesex, is greatly increased in buildings and inhabitants, and is contiguous to the parishes within the said bills of mortality; be it therefore further enacted by the authority aforesaid, That the The parish of Saint Mary le Bon to be under the inspection of the head office of excise. parish of saint Mary le Bon shall, from and after the said first day of July one thousand seven hundred and fifty-one, be deemed and taken, and is hereby declared to be under the immediate care, inspection and management of the said head office of excise; any law, custom or usage to the contrary thereof in any wise notwithstanding.

XXVIII. And it is further enacted by the authority aforesaid, Persons assembling to rescue offenders, or to beat informers, &c. That if any persons, to the number of five or more, shall from and after the said first day of July one thousand seven hundred and fifty-one, in a tumultuous and riotous manner assemble themselves to rescue any offenders against this or any other act, relating to spirituous liquors or strong waters, or for licensing the retailers thereof, or to assault, beat or wound any person or persons who shall have given or be about to give any information against, or shall have discovered or given evidence against, or shall seize or bring to justice any person or persons offending against this or any of the said former acts, or forceably to oppose the execution of any of the powers given by this act, that then, all and every person or persons so assembling, their aiders and abettors, being thereof lawfully convicted, shall be, and be to be guilty of adjudged to be guilty of felony; and every such felon shall be felony, subject and liable to the like pains and penalties as in cases of felony; and the courts by and before whom he, she or they shall be convicted, shall have full power and authority of transporting such felon and felons for the space of seven years, to any of his and transport- ed for 7 years,

his Majesty's colonies and plantations in *America*, upon the like terms and conditions as are given, directed and enacted by an act made in the fourth year of the reign of his late majesty King George the First (intituled, *An act for the further preventing robbery, burglary and other felonies; and for the more effectual transportation of felons, and unlawful exporters of wool;*) and by an act made in the sixth year of the reign of his said late majesty King George the First (intituled, *An act for the further preventing robbery, burglary and other felonies; and for the more effectual transportation of felons, and unlawful exporters of wool;*)

6 Geo. 1. c. 25. *of 1750. libtool.com.cn*

Penalties how to be recovered.

XXIX. And be it further enacted and declared by the authority aforesaid, That all fines, penalties and forfeitures imposed by this or any other act relating to the duties of excise, or other duties under the management of the commissioners of excise, shall be sued for, levied, recovered or mitigated by such ways, means and methods as any fine, penalty or forfeiture is or may be recovered or mitigated by any law or laws of excise (not otherwise directed by this act) or by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, or in the court of *Exchequer in Scotland*; and that one moiety of every such fine, penalty or forfeiture shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall discover, inform or sue for the same.

Limitation of actions.

XXX. And it is hereby enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued or prosecuted for any thing by him or them done or executed in pursuance of or by colour of this act, or of any matter or thing in this act contained, such action or prosecution shall be commenced within the space of three months next after the offence shall be committed, and shall be laid in the proper county; and such person or persons shall and may plead the general issue, and give the special matter in evidence for his and their defence; and if upon trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his suit or prosecution, or if judgment be given for the defendant or defendants, upon demurrer or otherwise; then such defendant or defendants shall have treble costs to him or them awarded against the plaintiff or plaintiffs.

General issue.

XXXI. And be it further enacted by the authority aforesaid, That all persons sued or prosecuted for any thing done in or relating to the execution of this present act, shall be intituled to all the privileges and benefits for their legal defence that are provided or enacted in or by an act of parliament made in the eleventh year of his Majesty's reign (intituled, *An act for the enforcing the execution of an act made in the ninth year of his Majesty's reign, intituled, An act for laying a duty on the retailers of spirituous liquors, and for licensing the retailers thereof*) for persons employed in the execution of the said act.

Treble costs.

Persons sued, intituled to the benefit of

11 Geo. 2. c. 26.

Where the penalty on conviction of unlawful retail-

XXXII. And for the encouragement of those who shall discover offences committed against this act, be it enacted by the authority aforesaid, That from and after the said first day of

July

July one thouſand ſeven hundred and fifty one, where any per- ers, ſhall not ſon or perſons ſhall be lawfully convicted of any offence in un- be paid with- lawfully retailing diſtilled ſpirituouſe liquors, and the pecuniary in 1 month, penalty hereby, or by any other act of parliament inflicted for ſuch offence, ſhall not be paid, and cannot be levied by the ſpace of one month next enſuing the time of ſuch conviction, it ſhall and may be lawful for the commissioners of excife in Eng- the commis- land and Scotland reſpectively, to cauſe ſuch reward as they ſhall think fit, not exceeding five pounds each, to be paid to the ſe- veral and reſpective perſons who ſhall appear to them to be inti- tled thereto as informers, out of any monies in their hands ar- riving by any penalties or forfeitures for the like offences as aforesaid.

C A P. XLI.

An act for the more effectual ſecuring the duties upon to- bacco.

WHEREAS, notwithstanding the laws heretofore made re- lating to the importation of tobacco into Great Britain from his Maſteſty's plantations in America, and for ſecuring the duties due and payable thereon upon the importation thereof into Great Britain, and alſo with regard to the exportation of tobacco from Great Britain to foreign parts, many great frauds and abuses are frequently contrived, committed and carried on by ſeveral ill-deſigning perſons concerned in the diſtinct branches of buſineſſ and trade in tobacco, to the great prejudice of his Maſteſty's revenue, and to the great losſ and diſcouragement of the fair traders, ſo that it is become neceſſary that ſome further provision ſhould be made for the more effectual preventing the ſame for the future; be it therefore enacted by the King's moſt exceilent Maſteſty, 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 Veffels taking from and after the twenty fifth day of March one thouſand ſeven hundred and fifty two, when any ſhip or vessel whatſoever ſhall have taken in tobacco at any port or place whatſoever, within his Maſteſty's plantations in America, in order to convey the ſame from thence into Great Britain (except ſuch tobacco as ſhall be water-born before the ſaid twenty fifth day of March one thou- ſeven hundred and fifty two) the collector or comptroller, or other chief officer, or any two of them, employed in the man- agement of the customs, at ſuch port or other place, where ſuch ship or vessel ſhall have taken in tobacco, ſhall, at and upon the clearing of every ſuch ſhip or vessel by the proper officer or officers of the customs appointed for that purpose, deliver to the master, commander or other perſon taking charge of any ſuch ſhip or vessel, a maniſt with the number and age of the packages, &c. of Great Britain, officer of the customs to give the master a ma- nifest with the number and age of the packages, &c.

and transmit a duplicate to the commissioners of the customs,

under penalty of 200 l.

Master to deliver to the collector in Great Britain the manifest,

under penalty of 100 l.

Land-waiter not to permit tobacco to be landed till he has entered the manifest, &c. of the several packages, under penalty of 5 l.

age, together with the marks and numbers set on each and every hogshead, cask, chest, or other package thereof, with the care of each particular hogshead, cask, chest or other package in which such tobacco shall be contained; and also shall, at and upon the clearing of every such ship or vessel as aforesaid, immediately transmit a duplicate of such manifest or content to the respective commissioners of the customs in *Great Britain*: and any collector, comptroller or other chief officer or officers of the customs at any port or place in his Majesty's plantations in *America*, who shall, at and upon the clearing of any ship or vessel having tobacco loaden on board her as aforesaid, neglect or refuse to deliver to the master, commander or other person taking charge of such ship or vessel, such manifest or content as is herein before specified and directed; or who shall not, at and upon the clearing any such ship or vessel, immediately transmit a duplicate of such manifest or content to the said respective commissioners of the customs in *Great Britain*, shall forfeit and lose the sum of two hundred pounds, to be recovered in any of his Majesty's courts of record at *Westminster*, or in the court of admiralty in his Majesty's plantations where such offence shall be committed.

II. And be it further enacted by the authority aforesaid, That every master, commander or other person or persons taking charge of any ship or vessel having tobacco loaden on board as aforesaid, at any port or place whatsoever in any of his Majesty's plantations in *America* as aforesaid, shall, upon his arrival at his port of discharge in *Great Britain*, and at the time that he makes his report of his ship at the custom-house, deliver to the collector of the customs at the said port (who is hereby required and directed to deliver the same to the land-waiters appointed for the delivery of such ship or vessel) the manifest or content of the lading of his ship or vessel which he received from the collector, comptroller or other chief officer of the customs at the port or other place in the plantations where he took in his lading; and if any master, commander or other person or persons taking charge of any such ship or vessel, shall neglect or refuse to deliver such manifest or content to the collector of the customs, at the time he makes his report of his ship at the custom-house at the port of his discharge, he and they shall forfeit and lose the sum of one hundred pounds.

III. And be it further enacted by the authority aforesaid, That the land-waiters appointed for the delivery of every ship or vessel arriving at any port or place in *Great Britain* from any of his Majesty's plantations in *America*, having tobacco on board her, shall not suffer any part of the tobacco on board any ship or vessel to be landed, until they have from, and agreeable to the manifest delivered to them by the collector, entered into their respective books (given them by the directions of the commissioners of his Majesty's customs for keeping accounts of goods by them delivered or suffered to be delivered from on board such ships) the said several and respective manifests, marks, numbers, weights,

weights, tares and contents of the ſeveral hogſheads, casks, cheſts and other packages, under the penalty of the forſeiture of fifty pounds; and the ſaid land-waiters are hereby authorized and required, upon the landing of any ſuch tobacco, to cauſe ſuch landing mark to be fixed and ſet upon every hogſhead, cask, cheſt or other package whatſoever containing the ſame, as ſhall be directed by the reſpective commissioners of the cuſtoms aforſaid; and the ſaid land-waiters are hereby alſo required to enter every ſuch landing mark in their ſeveral books aforſaid, on pain of forſeiting the ſum of fifty pounds.

IV. And be it further enacted by the authority aforſaid, That from and after the twenty ninth day of *September* one thouſand or drawbaſk seven hundred and fifty one no debenture ſhall be made forth for any tobacco imported into *Great Britain* after the ſaid twenty ninth day of *September* one thouſand seven hundred and fifty one, or any drawbaſk be paid or allowed for the ſame, when ex- ported or entered outwards for exportation to any part or parts beyond the ſeas, unleſs the ſame and every part thereof be ſhipped and exported from the very ſame port or place at which ſuch identical tobacco was at first originally imported into *Great Britain*, and no other; and alſo unleſs the ſame identical tobacco, if unmanufactured, and every part thereof, be ſhipped and exported in the original package, with the ſame marks, in and with which it was at first imported into *Great Britain*, and no other, without any alteration whatſoever being made in the package (except ſuch as ſhall be occaſioned by neceſſary cooper- age for the repair of the ſaid package) or any other tobacco being put therein, or any part of the tobacco being removed or taken out of the package in which it was at first imported (ex- cept only ten pounds weight of tobacco, which ſhall be allowed to be taken out of each hogſhead, cask, cheſt or other package after the ſame is weighed at the importation, as is now the practice; and if any perſon or perſons whatſoever ſhall enter any tobacco for exportation at any other port or place than that at which the ſame identical tobacco was imported, or in any other cask or package than the ſame in which the ſame unmanufactured tobacco was originally imported, or without the ſame marks, all ſuch tobacco ſhall be forſeited, and no drawbaſk thereupon ſhall be paid, or if any ſhall be paid, the ſame ſhall be repaid, and the perſon who entered, or caused the ſame to be entered, ſhall forfeit the ſum of two hundred pounds; and whoeuer ſhall knowingly export beyond the ſeas any hogſhead or other package of tobacco, out of which more than ten pounds weight of tobacco has been taken for ſamples, he, ſhe and they ſo offend- ing ſhall forfeit and loſe the ſum of twenty pounds for every ſuch hogſhead or other package of tobacco ſo exported.

V. Provided nevertheless, and it is hereby declared and en- acted, That when any unmanufactured tobacco is imported in hogſheads or casks into *Great Britain* from any of his Maſteſty's plantations in *America*, if upon the landing and examination thereof it ſhall appear, that the tobacco contained in any of ſuch landing,

hogsheads or casks is ſo much damaged, that by cutting off the damaged part thereof (for which no duty is paid) the ſound tobacco remaining in any of ſuch hogsheads (for which duty is to be paid) is under the weight of four hundred and fifty pounds, then and in ſuch case it ſhall and may be lawful for the importer or importers thereof, in the presence of the land-waiters appointed to deliver the ſhip in which the ſame was imported, to cause all ſuch ſound tobacco to be put together in one or more of the fame hogsheads out of which the damaged tobacco was

what is found may be put into the fame hogsheads, and the land-waiter is to enter the fame in his books, &c. taken; and the ſaid land-waiters, or other proper officers, are hereby directed and required to enter into their respective books the true and exact weight of all ſuch ſound tobacco put into each and every ſuch hogshead, with the ſeveral and reſpective marks and numbers ſet on each and every ſuch hogshead; and also to note and ſpecify in their books, that ſuch hogsheads were packed and refilled in their presence; and all and every ſuch hogsheads of unmanufactured tobacco ſhall and may be exported from the fame ports, and no other, at which they were originally imported; and debentures ſhall be made out, and the drawback be paid for the tobacco therein contained (provided the quantity of the tobacco in each ſuch hogshead amounts to four hundred and twenty five pounds weight or more) in the fame manner and form, to all intents and purpoſes, as if the package of ſuch tobacco had not been altered; any thing herein before contained to the contrary thereof in any wife notwithstanding.

and debentures and drawback may be allowed for the fame, &c.

Exporter to endorse on the cocquet, the marks, numbers, and weight of the tobacco when first imported, &c.

VI. And be it further enacted by the authority aforesaid, That from and after the ſaid twenty-ninth day of *September* one thousand seven hundred and fifty one, all and every person and perſons who ſhall enter any unmanufactured tobacco outwards, except unmanufactured tobacco imported before the ſaid twenty ninth day of *September* one thousand seven hundred and fifty one, at any port or place in *Great Britain*, in order to be ſhipped and exported in any ſhip or vessel whatſoever to any part or parts beyond the ſeas, ſhall, before the fame or any part thereof is laden on board any ſhip or vessel to be exported, endorse upon the cocquet and bill (to be delivered to the ſearcher or ſearchers belonging to the customs, and appointed to examine tobacco ſhipped for exportation) in a fair, diſtinct and legible manner, the plantation or manifest mark and number, which was upon each and every hogshead, cask, cheſt or other package of ſuch tobacco, at the time when the fame was first imported into *Great Britain*; and also the landing mark and number which was placed and ſet upon each and every hogshead, cask, cheſt or other package thereof, when the fame was first landed in *Great Britain*, together with the exact weight that each and every hogshead, cask, cheſt or other package, with the tobacco therein contained, was of at the time of its being landed in *Great Britain*; and also the particular mark and number ſet upon each hogshead, cask, cheſt or other package thereof by the exporter or exporters thereof at the time the fame ſhall

be

be brought to the water-side to be shipped for exportation, together with the then weight which each particular hoghead, cask, chest or other package, and the tobacco therein contained, shall be of at the time it is so entered for exportation; and the searcher shall not admit any cocquet unless marked as aforesaid; and all and every exporter and exporters of tobacco shall also, from and after the said twenty ninth day of *September* one thousand seven hundred and fifty one, write off, and they are hereby required and directed to write off the weight of each hoghead, cask, chest or other package of unmanufactured tobacco by him, her or them exported from any port of *Great Britain* to any part or parts beyond the seas, from the identical and particular entry made of each and every such hoghead, chest or other package of such unmanufactured tobacco, at the time when it was first imported into *Great Britain*; and if any person or persons whatsoever, who after the said twenty ninth day of *September* one thousand seven hundred and fifty one, shall enter outwards for exportation to any part or parts beyond the seas from any port or ports in *Great Britain*, any unmanufactured tobacco, shall neglect or refuse to endorse upon the cocquet and bill for the said tobacco delivered to the searchers, in a fair, distinct and legible manner, all and each and every of the several and respective marks, numbers and weights herein beforementioned and described, and in the manner and form the same is hereby required and directed to be done, or who shall neglect or refuse to write off the weight of each hoghead, cask, chest or other package of unmanufactured tobacco by him, her or them exported, from the identical entry made thereof at the time when the same was first imported into *Great Britain*, agreeable to the directions herein before given for that purpose; all and each and every such person and persons offending in each or either of these cases shall forfeit and lose the sum of five pounds for every hogshead, cask, chest or other package of such unmanufactured tobacco for each and every such offence or offences, to be sued for, recovered, levied and divided in the manner herein after directed; any law, statute or usage to the contrary in any wise notwithstanding; and no drawback or detraction for or on account of the exportation thereof shall be made out, granted or paid.

VII. And it is hereby further enacted by the authority aforesaid, That all and every person and persons who, from and after the said twenty ninth day of *September* one thousand seven hundred and fifty one, shall import any tobacco into *Great Britain* from any of his Majesty's plantations in *America*, and who shall in any wise manufacture the same, or any part thereof, upon his, her or their own account or accounts, or cause or procure the same, or any part thereof, to be manufactured for his, her or their own account or accounts, by any other person or persons, shall (before the same, or any part thereof, be manufactured by the importer or importers to any other person or persons to be manufactured for the account of such importer or ship's name, and to write off the weight of each hoghead, &c. exported from the entry made at importation, under penalty of 5 l. for each hogshead, and no drawback or detraction to be granted, to deliver to the officers at the port of importation, the marks, numbers, and weights, &c. of the hogheads and the ship's name, im- &c.

importers) deliver, and they are hereby directed and required to deliver, to the collector or other chief officer of the customs at the port or place where such tobacco was imported, an account in writing, containing the plantation or manifest mark and number of every hogshead, cask, chest, or other package of tobacco intended to be manufactured, with the name of the ship or ships in which the same was imported, and the time when, and also the landing mark and number set on each hogshead, cask, chest, or other package, at the time of their importation into *Great Britain*; and also the exact weight which all, and each, and every of such hogsheads, casks, chests, or other packages, and the tobacco therein contained, were of at the time of their being first landed in *Great Britain*, and the exact weight the same were of at the time of delivery thereof to be manufactured; which account shall be signed by such importer or importers, or one of his, her or their known servants or agents, and also by such person or persons to whom such tobacco is delivered to be manufactured; or one of his, her or their known servants or agents, with their several and respective names and places of abode; and such importer and importers shall, at the time of their delivering in such accounts as aforesaid, write off from the entries made at the time and times the tobacco contained in such account was imported, and against each and every particular ship in which the same was imported, the weight of each particular hogshead, cask, chest, or other package, contained in such account of tobacco intended to be manufactured as aforesaid, in the very same manner and form as if the same tobacco had been delivered for exportation; and in case any importer or importers of tobacco shall neglect to give in such account as aforesaid, at the time, and in such manner and form in all respects, to all intents and purposes, as is herein before directed and required; or in case such account shall, at the time the same is given in, or at any time afterwards, appear to be false and fraudulent in any respect whatsoever, he, she or they knowingly offending in any or either of the cases aforesaid, shall forfeit and lose the sum of thirty pounds for every hogshead or other package of tobacco, an account of which is omitted to be given as before directed, or of which a wrong account shall knowingly be given; and the person or persons to whom such tobacco shall have been delivered to be manufactured, neglecting by him, her or themselves, or by his, her or their known servant or agent, to sign such account as aforesaid, or knowingly signing any fraudulent account, shall also forfeit and lose the sum of thirty pounds for every such hogshead or other package of tobacco, of which no account, or for which a fraudulent account is knowingly given.

Penalty of

neglect, or
giving a false
account.

Importer
within 14
days after the
delivery of
tobacco to the
purchaser,

VIII. And it is hereby further enacted by the authority aforesaid, That all and every person and persons who, from and after the said twenty ninth day of *September* one thousand seven hundred and fifty one, shall import any tobacco into *Great Britain* from any of his Majesty's plantations in *America*, and who sell

sell or deliver the same, or any part thereof, to any person or persons whatsoever, shall, within fourteen days after the delivery thereof out of his custody, to the purchaser or purchasers thereof, or their order, give and deliver to the collector or other chief officer of the customs at the port or place where such tobacco was imported, an account in writing, containing the count of the plantation or manifest mark and number of every hoghead, marks, num-cask, chest or other package of tobacco, so sold or delivered, with the name of the ship or ships in which the same was im- ported, and times when, and also the landing mark and number set on each hogshead, cask, chest or other package, at the time of their importation into *Great Britain*, with the exact name, &c. weight which all, and each, and every such hogheads, casks, chests or other packages, and the tobacco, therein contained were of, at the time of their being first landed in *Great Britain*; and also the exact weight thereof, at the time of their sale or delivery to the purchaser or purchasers thereof; which account shall be signed by such importer or importers, or one of his, her or their known servants or agents, and also by such persons to whom such tobacco is sold or delivered, or one of his, her or their known servants or agents, with their several and respective names and places of abode; and such importer and importers shall, at the time of their delivering in such accounts as aforesaid, write off from the entries made at the time and times the tobacco contained in such account was imported, and against each and every particular ship in which the same was imported, the weight of each particular hoghead, cask, chest or other package of tobacco contained in such account, in the same manner and form as if the said tobacco had been delivered for exportation; and in case any importer or importers of tobacco shall neglect to give in such account as aforesaid, at the time, and in such manner and form in all respects, and to all intents and purposes, as herein before directed and required, or in case such account shall at the time the same is given in, or at any time afterwards, appear to be false or fraudulent in any respect whatsoever, he, she or they knowingly offending in any or either of the cases aforesaid, shall forfeit and lose the sum of thirty pounds for every hogshead or other package of tobacco, an account of which is omitted to be given as before directed, or of which a wrong account shall be knowingly given; and the person or persons to whom, or to whose order such tobacco shall have been sold or delivered, neglecting by him, her or themselves, or his, her or their known servant or agent, to sign such account as aforesaid, or knowingly signing any fraudulent account, shall also forfeit and lose the sum of thirty pounds for every such hogshead or other package of tobacco, of which no account, or for which a fraudulent account is known to be given.

IX. And be it further enacted by the authority aforesaid, That from and after the twenty ninth day of September one thousand seven hundred and fifty one, no tobacco or tobacco above 24 lb. stalks, exceeding twenty four pounds weight, nor any snuff exceeding 10 lb. nor snuff above 10 lb.

to be carried by land from any port of importation, unless in manner herein directed.

ceeding ten pounds weight, shall be in any form or manner whatsoever removed, carried, or conveyed by land from any port or place of importation in *Great Britain*, to any other port or place within this kingdom, unless in the manner herein after directed; that is to say, if it is unmanufactured tobacco, which is to be carried by land as aforesaid, the same shall not be conveyed, removed, or pass without a certificate being first had and obtained from the collector and comptroller, or other chief officers at the port or place where such tobacco was imported, together with the importer's oath thereto (in case such importer shall apply for the same) that the duties thereof were paid or secured at the importation, and by whom, and the time when, and in what ship or vessel, ships or vessels, the same and every part thereof was imported; and in case the person applying for the same, be a purchaser from the importer, then on oath of such purchaser, attesting the marks and numbers of the identical hogshead or hogsheads so purchased, or out of which the said tobacco was taken, and from whom purchased, and the time when; and if it is tobacco stalks or snuff, or other manufactured tobacco which is to be carried by land as aforesaid, the same shall not be conveyed, removed, or pass without a certificate, and oath of the importer (in case the importer applies for the same) being first had and obtained as aforesaid, that such stalks were stripped or separated, or such snuff or other manufactured tobacco was made from one or more hogshead or hogsheads of tobacco, for which the duties were by him paid or secured, at the time of importation; and in case the person applying for such certificate be a purchaser, such purchaser shall make oath, that such stalks were stripped or separated, or such snuff or other manufactured tobacco, was made from one or more hogshead or hogsheads of tobacco, which had been delivered and received according to the directions of this act; which said several certificates such officer and officers are hereby required and directed to grant, and after writing the same off their books, to deliver to all and every person or persons, who shall apply to him or them for the same, without any fee or reward whatsoever for such certificates or oaths, on pain of forfeiting the sum of ten pounds for every such offence.

Officer to grant certificates

on penalty of 10l.

Before removing such tobacco, the proprietor to insert on the back of the certificate, the package, marks, numbers, weight, and species,

X. And it is hereby enacted, That before any such tobacco, tobacco stalks or snuff for which such certificate is granted, shall be removed or carried by land as aforesaid, the proprietor, factor or agent thereof shall describe and insert on the back of such certificate, in a fair and legible manner, the names of each particular package in which such goods are contained, together with the particular marks and numbers set on each package, and also the true and exact weight of each particular species of goods contained in each particular package, and the place from whence the same are to be delivered, and to which they are to be carried and conveyed, and by whom, and the name of the person to whom the goods are consigned; and such proprietor, factor or agent shall subscribe his, her or their name or names, and

and make oath to the truth thereof; and the certificate so granted and to make
ed shall express the number of days it shall continue in force, ^{oath thereof;} certificate
and shall accompany the goods to such place to which they are ^{accompany} to
be carried and conveyed, and upon its coming to such place, the goods,
the person or persons receiving the same, or to whom the goods
belong, shall cause such certificate to be delivered to the chief ^{and to be de-}
officer of the customs, if any such there be; and in case there be ^{livered to the} officer where
no officer of the customs, then to the officer of the excise of the ^{the goods are} division
whereunto such goods are carried and conveyed; and ^{conveyed, &c.}
such officer is hereby ~~directed~~ ^{new} to examine the same with the
goods, and if they agree therewith, the goods may be taken a- ^{and an ac-}
way and disposed of by the person or persons to whom of right ^{count to be} they belong or appertain, and such officer is thereupon to enter transmitted to
such certificate distinctly in a book to be kept by him for that ^{the officer ap-}
purpose; and the officer of customs or excise receiving such ^{pointed by} certificate shall from time to time transmit an account of the ^{the treasury.}
same to the officer to be appointed by the high treasurer or
commissioners of the treasury for keeping such accounts.

XI. And be it further enacted, That the officers of the cu- ^{Officer grant-}
stoms who shall grant such original certificates at the port or ^{ing certifi-}
place of importation, shall once in every month transmit du- ^{cates, to trans-}
plicates thereof to the person to be appointed by the high trea- ^{mit duplicates}
surer or commissioners of the treasury for keeping the accounts ^{monthly to}
herein after mentioned. ^{the officer ap-}
^{pointed by}
^{the treasury.}

XII. And be it further enacted by the authority aforesaid, ^{Tobacco or}
That if any tobacco or tobacco stalks exceeding twenty four ^{snuff, abovea-}
pounds weight, or any snuff exceeding ten pounds weight, ^{certain} found
shall, from and after the said twenty ninth day of *September* one weight, found
thousand seven hundred and fifty one, be found removing by removing
land from the port or place of importation, without having one without a cer-
or other of the certificates herein before directed, all such to- ^{ificate, to be}
bacco, tobacco stalks and snuff, and the casks, chests, cases or ^{forfeited, with}
other package containing the same, together with the horses, carriages;
cattle, carts, waggons and all other carriages whatsoever, em- ^{the horses and}
ployed or in any wise made use of in the removing or carriage ^{carriages;}
or conveyance of such tobacco, tobacco stalks and snuff, or any ^{and the car-}
or either of them, shall be forfeited and lost, and shall and may ^{rier to be}
be sued for and prosecuted by any officer or officers of the cu- ^{and the car-}
stoms or excise in the manner herein after directed; and the committed. ^{rier to be}
carrier or other person employed or entrusted in the removing,
carrying, or conveying such goods, or any of them, shall, be-
sides the loss of his cattle and carriages, also be committed to
the county gaol for the space of one month, by any justice of ^{Penalty of}
the peace for the county where the offence is committed, or the counterfeit.
offender shall be found; and if any person or persons whatso- ^{a certifi-}
ever shall counterfeit, forge, eraze, or in any wise alter any such ^{cate.}
certificate or duplicate thereof, as herein before is mentioned
and described, or shall cause or procure the same, or either of
them to be counterfeited, forged, erazed, or altered in any re-
spect, he, she, or they so offending shall forfeit and pay the
sum of fifty pounds for every such offence, to be sued for, re-
covered,

No tobacco,
&c. to be
shipped coast-
wise, until
entry made,

and if unma-
nufactured, to
be in the ori-
ginal package,

with a certifi-
cate of the
duties being
paid;

and if ma-
nufactured,
with a certifi-
cate that the
duties were
paid for the
tobacco of
which the
same was ma-
nufactured.

Officers to
grant such
certificates
gratis, under
penalty of 10l.

and the pro-
prietor to in-
sert on the
back of the
certificate the
packages,
marks, num-
bers, weight
and species.

XIII. And it is hereby further enacted by the authority aforesaid, That from and after the said twenty ninth day of September one thousand seven hundred and fifty one, no tobacco, tobacco stalks or snuffs shall be shipped or laden on board any ship or vessel whatsoever, to be carried by water from any port or place whatsoever in *Great Britain*, to any other port or place whatsoever in *Great Britain*, until the same, and every part thereof, be first entered at the custom-house at the port where or nearest to the place where such goods shall be shipped and laden; and if it is tobacco unmanufactured which is to be carried by water as aforesaid, the same shall not be shipped or laden on board any ship or vessel whatsoever, to be carried by water as aforesaid, but in the original package in which it was imported, preserving the same marks and numbers, nor without a certificate being first had and obtained from the collector and comptroller or other chief officer of the customs at the port or place where such tobacco was imported in *Great Britain*, that the duties thereof were paid or secured at the importation, and by whom, and the time when, and in what ship or vessel, ships or vessels, the same and every part thereof was imported; and if it is tobacco stalks or snuff, or other manufactured tobacco, which is to be carried by water as aforesaid, the same shall not be shipped or laden on board any ship or vessel whatsoever to be carried by water as aforesaid, without a certificate being first had and obtained from the collector and comptroller or other chief officer of the customs at the port or place where the tobacco was imported in *Great Britain*, from which such stalks were stripped or separated, or such snuff was made or manufactured, that the duties were paid or secured for such tobacco at the importation thereof; which said several certificates such officer or officers are hereby required and directed to grant and deliver to all and every person and persons being the importer or importers of such tobacco, or their known agents or servants, who shall apply to him or them for the same, without any fee or reward whatsoever, on pain of forfeiting the sum of ten pounds for every such offence.

XIV. And it is hereby further enacted, That before any such tobacco, tobacco stalks or snuff for which such certificate is granted, shall be shipped or laden on board any ship or vessel whatsoever in *Great Britain*, to be carried by water as aforesaid, the proprietor or proprietors thereof shall describe and insert on the back of such certificate, in a fair and legible manner, the names of each particular package in which such goods are contained, together with the particular marks and numbers set on each package, and also the true and exact weight of each particular species of such goods contained in each particular package, and the place or places from whence the same were brought, and to which they are to be carried and conveyed by water as aforesaid.

XV. And

XV. And it is hereby further enacted, That such certificate as aforesaid shall, by the proprietor or proprietors of such tobacco, tobacco stalks and snuff, before the same be shipped or laden on board any ship or vessel for the purposes aforesaid, be delivered to the master or other person or persons taking charge of any ship or vessel, ships or vessels on board which such tobacco, tobacco stalks or snuff shall be shipped or laden, in order to be removed and carried by water as aforesaid; which certificate the master or other person or persons taking charge of any such ship or vessel, ships or vessels on board which any such tobacco, tobacco stalks or snuff shall be laden as aforesaid, shall immediately after his or their arrival in any port or place in *Great Britain* with such goods on board, deliver to the collector or other chief officer at such port or place, who is hereby directed and required to cause such goods to be examined by the said certificate, to see that they agree therewith; and if upon such examination it shall be found that such goods agree with the certificate in all respects, then such certificate shall be transmitted by him within the space of one month after he receives the same, to the person appointed by the high treasurer or commissioners of the treasury for the time being, for keeping the accounts herein after mentioned; and the same goods shall be discharged by the officer who examines them, and shall and may be taken away and disposed of by such person or persons to whom they are consigned, or to whom they of right belong or appertain.

XVI. And it is hereby further enacted, That if any tobacco, tobacco stalks or snuff shall, from and after the said twenty ninth day of *September* one thousand seven hundred and fifty one, be found laden on board any ship or vessel whatsoever, at any port or place in *Great Britain*, without such certificate as aforesaid being first had and obtained, or without such certificate being on board any such ship or vessel with the goods to which the same belongs; or if upon examination it shall appear that such certificate is forged or counterfeited, or that it does not agree in all respects with the goods to which the same belongs; then, and in any or either of such cases, all such tobacco, tobacco stalks, and snuff, and the casks, chests, cases, or other packages containing the same, shall be forfeited and lost, and shall and may be seized and prosecuted by any officer or officers of the customs, in the manner herein after directed; and the master or other person or persons taking charge of any such ship or vessel, ships or vessels, shall forfeit and lose six pence per pound weight for every species of the goods aforesaid; and if any person or persons whatsoever shall counterfeit, forge, eraze, or in any wise alter any such certificate as is herein last before-mentioned and described, or shall cause or procure the same to be counterfeited, forged, erazed, or altered in any respect, he, she or they so offending, shall forfeit and lose the sum of one hundred pounds, to be sued for, recovered, levied, and divided, in the manner as herein after is expressed.

Certificate to be delivered to the master of the vessel,

and by him to the chief officer of the port,

and to be transmitted to the officer appointed by the treasury.

and the master to pay 6d. per lb.

Penalty of counterfeiting such certificate.

Land-waiters
books for
entry and
discharge of
tobacco, to be
transmitted
monthly to
the officers
appointed by
the treasury,

with copies of
the entries for
exportation,
&c.

and accounts
of tobacco
manufactured
by the im-
porter, &c.

or sold by
him.

Officer ap-
pointed by
the treasury
to make
entries of the
accounts,

and where any
thing shall ap-
pear to be
done against
this act, im-
mediately to
transmit to

XVII. And be it further enacted by the authority aforesaid, That from and after the said twenty ninth day of September one thousand seven hundred and fifty one, the collector and comptroller, or other chief officer or officers of the customs in the port of London, and also at every port or place in Great Britain, where any tobacco shall be imported, after the said twenty ninth day of September one thousand seven hundred and fifty one, from any of his Majesty's plantations in America, do once in every calendar month transmit or deliver to such person as shall be deputed and appointed by the high treasurer, or commissioners of the treasury for the time being, to receive the same, one of the land-waiters books, in which his account is entered and kept of the landing and discharging of tobacco imported in any ship or vessel at such port or place, from any of his Majesty's plantations in America; and also true and exact copies of every entry of tobacco for exportation, and of the several and respective indentures relating thereto, which are delivered to the searcher or searchers, or any other officer or officers, at such port or place where any such tobacco is entered and shipped for exportation to foreign parts; and also true and exact copies of every account which, pursuant to the directions herein before given, shall be delivered to any officer or officers of the customs at such port or place, of tobacco intended to be manufactured by the importer or importers thereof, on his, her or their own account, or which shall be delivered by the importer or importers thereof to any other person or persons whatsoever to be manufactured for the account of such importer or importers; and also true and exact copies of every account which, pursuant to the directions herein before given, shall be delivered to any officer or officers at such port or place by the importer or importers of tobacco sold by them to any other person or persons whatsoever: which said several accounts are to be kept by the said person who shall be deputed as aforesaid by the high treasurer or commissioners of the treasury for the time being, who is to keep proper books, and enter therein the said several and respective accounts so transmitted or delivered to him; which several entries shall be made, and an account thereof kept, in such manner and form, that the marks and numbers on every hogshead, cask or other package of tobacco, with the weights thereof, at the importation thereof, may be compared and checked with the marks, numbers, and weights, at the exportation thereof, or when sold or delivered for home consumption, or to be manufactured, to the intent that the identity of all such tobacco imported, exported, sold, or delivered to be manufactured, may be thereby known and ascertained; and when any thing shall appear to him to be done or practised at any port or place, contrary to the directions and intentions of this act, he shall immediately transmit an account thereof in writing to the commissioners of the customs for the time being, at London, or at Edinburgh respectively, under whose management the same shall happen,

happen, and a copy of such representations made by him to the commissioners of the customs, either at *London* or *Edinburgh*, shall be by him, once in every six months, laid before the commissioners of his Majesty's treasury, or the high treasurer for the time being; and if any collector, or other chief officer or officers of the customs, at any port or place of *Great Britain*, shall and to the neglect or refuse to transmit and deliver one of the land-waiters books, and a true copy of every entry of tobacco for exportation, and of the several indorsements relating thereto, herein before-mentioned and described, and also true copies of all or any or either of the accounts herein before-mentioned and described, within the time and times herein before limited and appointed for that purpose, he and they so neglecting or refusing shall forfeit fifty pounds for every such neglect or refusal, to be sued for, recovered, levied and divided in the manner herein after expressed.

XVIII. And be it further enacted by the authority aforesaid, That all and every person and persons whatsoever who shall import to port any tobacco into *Great Britain* from any of his Majesty's plantations in *America*, shall within the space of twenty one calendar months, to be reckoned and computed from the said twenty fifth day of *March* one thousand seven hundred and fifty two, transmit and deliver to the collector or other chief officer of the customs at the port or place where any such tobacco is imported, a true account in writing under his hand, and their respective hands, of all such tobacco which he shall, at the time of giving in such account, have in his custody, power or possession; which account shall contain the number of hogheads, casks, chests, cases or other packages in which such tobacco is contained, together with all, and each, and every of the several and respective marks, numbers and weights set upon all and each and every such hoghead, cask, chest, case or other package, and the particular warehouses, storehouses, cellars, or other places where the same are then lodged and lie; and all and every such person or persons shall, from and after the expiration of the aforesaid term of twenty one months, transmit and deliver annually, and every year, between the first and twenty fourth days of *June* in each year, to such collector or other chief officer of the customs, at the port or place where any such tobacco is imported, a true account in writing under his and their respective hands, of all such tobacco which he shall, at the time of giving in such account, have in his custody, power or possession which has been entered in *Great Britain* eighteen months, or more, at the time of giving in such account; which account shall also contain the number of hogheads, casks, chests or other packages in which such tobacco is contained, and also all, and each, and every of the several and respective marks, numbers, and weights set upon all, and each and every such hoghead, cask, chest or other package, and the particular warehouses, storehouses, cellars or other places where the same are then lodged and lie; and every such collector or other chief officer

the goods to be examined thereby, and the accounts to be transmitted to the officer appointed by the treasury.

Penalty.

Penalty of altering or defacing the marks set up on the package.

Penalty of importing tobacco otherwise than in cask, chest or case of 450 lb. weight, at the least.

Unmanufactured tobacco not to be exported but in casks, &c. of 425 lb. weight, or more.

ficer is upon receipt of such accounts, forthwith to cause the several and respective goods contained in such accounts to be examined thereby, and then to transmit such accounts to the person appointed by the high treasurer or commissioners of the treasury, for keeping the accounts herein before mentioned; and if any importer or importers of tobacco shall neglect to give in such account and accounts as aforesaid, at the time and times, and in such manner and form in all respects, as is herein before limited, directed and appointed, or if such account or accounts shall, upon examination, appear to be false or fraudulent in any respect whatsoever, he, she or they so offending in both or either of these cases, shall forfeit and lose the sum of fifty pounds for each and every such offence.

XIX. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall at any time or times hereafter, in order to defeat any of the purposes or intents of this act, eraze, cut out, burn out, blot out or in any wise whatsoever alter, change or deface any mark or number, marks or numbers whatsoever, which was burnt in, or set upon any hogshead, cask, chest, case or other package whatsoever of tobacco, in the plantations in *America*, or which was burnt in or set thereon in *Great Britain*, upon the importation or landing thereof, or which was burnt in or set thereon in *Great Britain*, upon the exportation thereof from thence to foreign parts, he, she and they so offending shall forfeit and lose the sum of twenty pounds for each hogshead, cask, chest, case or other package whatsoever of tobacco, the mark whereof shall be so altered or defaced as aforesaid, to be sued for, recovered, levied and divided as is herein after directed.

XX. 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 fifty two, no tobacco shall be brought or imported into the kingdom of *Great Britain* otherwise than in cask, chest or case only, each cask, chest or case whereof shall contain four hundred and fifty pounds weight of neat tobacco at the least, under the penalty of the forfeiture of all such tobacco as shall be imported contrary to this act, together with the casks, chests, cases or other package containing the same.

XXI. 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 fifty two, no tobacco unmanufactured shall be loaden or laid on board in any ship or vessel whatsoever in any port or place in *Great Britain*, to the intent to be exported to foreign parts, but in casks, chests or cases only, containing four hundred and twenty five pounds weight or more of tobacco in each cask, chest or case, under the penalty of the forfeiture of such tobacco, and of the cask, chest or case containing the same; except casks or other packages containing samples of tobacco shipped and exported at the same time and place, and with the same hogsheads or casks out of which such samples were taken;

taken; and the same goods and package shall and may be seized and prosecuted by any officer or officers of the customs in such manner and form as herein after is expressed.

XXII. And be it further enacted by the authority aforesaid, No tobacco, That from and after the said twenty ninth day of *September* one stalks or snuff, thousand seven hundred and fifty one, no tobacco or tobacco stalks exceeding twenty four pounds weight, nor any snuff exceeding ten pounds weight (which shall have been removed or carried coastwise, or by water, from the port or place of importation in *Great Britain*, to any other port or place within this kingdom) shall afterwards be removed or carried from thence by land to any other place whatsoever, without a certificate being first had and obtained from the collector and comptroller, or the chief officers of the customs at the port or place to which such goods were carried coastwise, or by water, as aforesaid, that it appears to them by the entries of the certificate or certificates in their books which came with the goods from the port or place of importation, that the duties thereof were paid or secured at the said port or place of importation; and also in what ship or vessel, ships or vessels, such goods and every part thereof came or were brought coastwise, or by water, as aforesaid, and the time when; and also that the person or persons who shall apply to them for the same, had made oath to the truth thereof; which said certificate such officers are hereby required and directed, after writing the same off in their books, to grant and deliver to every person and persons who shall apply to them for the same, and shall immediately transmit a duplicate of such certificate to the person appointed by the lord high treasurer, or the commissioners of the treasury, for the time being, for keeping the accounts herein after mentioned; and that before any such tobacco, tobacco stalks or snuff for which such certificate is granted, shall be removed or carried by land as aforesaid, the proprietor thereof, or his factor or agent, shall describe and insert on the back of such certificate, in a fair and legible manner, the names of each particular package in which such goods are contained, together with the particular marks and numbers set on each package, and also the true and exact weight of each particular species of such goods contained in each particular package, and the place and places from whence the same were brought, and to which they are to be carried and conveyed, and the name of the person to whom the same shall be sent, to which such proprietor, factor or agent shall subscribe his, her or their name or names, and make oath to the truth thereof; and make and if any tobacco, tobacco stalks or snuff, exceeding the respective quantities before mentioned, shall, from and after the said twenty ninth day of *September* one thousand seven hundred and fifty one, be found removing by land from the port or place of its importation, without such certificate therewith as is herein before directed to be granted by the proper officers; or if upon examination it shall appear that such certificate is forged or counterfeited, all such tobacco, tobacco stalks and snuff, and the casks, above a certain weight, carried coastwise, to be moved by land, without a certificate of the duties being paid.

Officers to grant such certificate, and to transmit a duplicate to the officer appointed by the treasury.

Proprietor to insert on the back of the certificate, the packages, &c.

Penalty of removing tobacco without certificate, &c.

caſks, cheſts, caſes or other package containing the ſame, together with the horſes, cattle, carts, waggonſ, and all other carriagēs whatſoever employed, or in any wife made uſe of in the removing, or carriage or conveyaſce of ſuſh tobacco, tobacco ſtakſ and ſnuff, or any or either of them, ſhall be forfeiſed and loſt, and ſhall and may be feiſed and proſecuted by any officer or officers of the cuſtoms, in the manner herein after diſtriect; and the carrier or other perſon employed or intruſted in the removing, carrying or conveying ſuſh goods, or any of them, ſhall, beſides the loſe of his cattle and carriagēs, alſo forfeiſ and loſe the ſum of ten pounds, and be committed to the county gaol for one month, by any juſtice of the peace for the county where the oſſenee is committed or the oſſender ſhall be found; and if any perſon or perſons whatſoever ſhall counterfeiſ, forge, craze or in any wife alter any ſuſh certificates or duſticate thereof, as are diſtriect by this aet, or ſhall cauſe or proceſe the ſame or either of them to be counterfeiſed, crazeſ or altered in any reſpect, he, ſhe or they ſo offendiſg ſhall forfeiſ and loſe the ſum of one hundred pounds for every oſſenee, to be ſued for, recovered, levied and diſtriect in the manner as herein after is expreſſed.

No tobacco, ſtakſ or ſnuff, above a cer-
tain weight, to be carried by land, un-
leſs the ſpecies be marked with large
letters on the package.

Penalty.

No drawback to be allowed for tobacco mixed with rubbish, &c. Penalty of enteriſg ſuſh for exportation, or any other thing for tobacco.

No tobacco to be ſhipped for exportation (except to

XXIII. And be it further enacted by the authority aforesaid, That from and after the ſaid twenty ninth day of September one thousand ſeven hundred and fifty one, no tobacco or tobacco ſtakſ exceeding the quantity of twenty four pounds weight, nor any ſnuff exceeding ten pounds weight, ſhall be conveyed or carried by land from any place in Great Britain to any other place in Great Britain, in any hogſhead, caſk, cheſt or package, unleſs ſuſh hogſhead, caſk, cheſt or package be ſtamped or marked on the outside, with the reſpective words, tobacco, tobacco ſtakſ or ſnuff, in large letters, not leſs than there inches in length, under the penalty and forfeiſure of all ſuſh tobacco, tobacco ſtakſ or ſnuff, with the package thereof, and one ſhil-ling for every pound weight thereof, to be paid by the owner of ſuſh tobacco, tobacco ſtakſ or ſnuff.

XXIV. And be it further enacted by the authority aforesaid, That no drawback ſhall be allowed for any tobacco which is mixed with rubbiſh or dirt, or any other matter or thing whatſoever; and all and every perſon or perſons who ſhall enter or ſhip for exportation, or cauſe to be entered or ſhipped for exportation, any tobacco mixed with rubbiſh or with dirt, or any other matter or thing whatſoever, or who ſhall enter any thing as tobacco for exportation, and which upon examination by the proper officers, ſhall appear not to be tobacco, ſhall forfeiſ all ſuſh goods, and the caſks, and other package in which they are contained, and alſo the ſum of fifty pounds of lawful mo-ney of Great Britain, for each and every hogſhead or other package thereof.

XXV. And be it further enacted by the authority aforesaid, That from and after the ſaid twenty ninth day of September one thousand ſeven hundred and fifty one, no tobacco either ma-
nufac-tured

manufactured or unmanufactured shall be entered or shipped for Ireland) unless exportation to any parts beyond the seas (Ireland only excepted) in vessels of 70 tons, or upwards, be of the burthen of seventy tons or upwards; and if any officer or officers of the customs shall apprehend, or have reason to believe, that any such ship or vessel bound to foreign parts, and having tobacco on board her, shall not be of the burthen of seventy tons or upwards, it shall and may be lawful for such officer or officers to stop and detain such ship or vessel, and the admeasured, whole cargo laden on board her, of tobacco, and all other goods, until he or they shall cause such ship or vessel to be admeasured, according to the admeasurement prescribed by an act passed in the sixth year of the reign of his late majesty King George the First, (intituled, *An act for preventing frauds and abuses in excise, customs, stamp duties, post office, and house money;*) and if it shall appear by such admeasurement, that any such ship or vessel is of the burthen of seventy tons or upwards, the officer or officers so stopping and detaining her and her cargo, shall not be subject or liable to any action for damages occasioned by such stoppage and detention; and if the master or commander of any ship or vessel outward bound to foreign parts, having tobacco on board her, shall enter and clear out such ship or vessel in the collectors book at the custom house, as of the burthen of seventy tons or upwards, and such ship or vessel shall not be of so great burthen, according to the admeasurement prescribed by the aforesaid act, he shall forfeit and lose the sum of one hundred pounds for every such offence.

XXVI. And be it further enacted by the authority aforesaid, That from and after the said twenty ninth day of September one thousand seven hundred and fifty one, where any ship or vessel 70 tons, with whatsoever under the burthen of seventy tons coming or arriving from foreign parts, or having cleared outwards in Great Britain above a certain weight, for foreign parts, and having on board one hundred pounds being found at weight of tobacco, or any tobacco stalks, or stems stript from the leaf, or fifty pounds weight of snuff, shall be found at anchor, or hovering near or hovering within the limits of any of the ports of this kingdom, or within two leagues of the shore, or shall be discovered to have been within the limits of any port, and not proceeding on her voyage, wind and weather permitting, (unless in case of unavoidable necessity and distress of weather, of which necessity and distress the master, purser or other person having or taking the charge or command of such ship or vessel, shall give notice to, and make proof of, before the collector or other chief officer of the customs of such port as aforesaid, immediately after the arrival of such ship or vessel into the said port,) all such tobacco and tobacco stalks, or stems stript from the leaf, and snuff, together with the hogheads, bags, boxes, casks, or other package whatsoever, containing the same goods, or the value thereof, shall be forfeited and lost, (whether bulk shall then have been broken or not,) and the master or other person taking charge of every such ship or vessel shall forfeit and lose the sum of

Penalty on
vesselſ above
70 tons found
at anchor, or
hovering as
aforeſaid.

All tobacco,
&c. which ſhall
be condemned,
to be
burnt,

and the al-
lowance pay-
able to the of-
ficer who ſhall
ſeize the ſame,
to be paid out
of the customs,

after the rate
of 6d. per
pound for to-
bacco or ſnuff,

and 1d. per
pound for
ſtalks or da-
maged toba-
co.

Officer to cer-
tify to the
commissioners
the quantity
burnt,

and they are
to grant an
order for pay-
ment of the
reward.

of one hundred pounds; and the ſame goods and package ſhall and may be ſeized and prosecuted, or the value thereof be ſued for by any officer or officers of the customs, in ſuch manner and form as herein after is expreſſed, any law, ſtatute or usage to the contrary notwithstanding; and if any ſhip or vessel whatſoever above the burthen of seventy tons, having ſuch goods on board as aforesaid, either homeward bound or outward bound, ſhall be found at anchor, or hovering as aforesaid, and no notice of diſtress be given as aforesaid, the master or other person taking charge of every ſuch ſhip or vessel ſhall forfeit and lose the ſum of one hundred pounds.

XXVII. And be it enacted by the authority aforesaid, That from and after the ſaid twenty ninth day of September one thouſand ſeven hundred and fifty one, all tobacco, tobacco ſtalks and ſnuff which ſhall be ſeized and condemned, ſhall be burnt and deſtroyed in the preſence of the collector and comptroller of the customs for the port where ſuch tobacco ſhall happen to be at the time of ſuch condemnation, or in the preſence of ſuch officer as ſhall be appointed by them for that purpose; and if there ſhall be no ſuch officer of the customs at the place where ſuch tobacco ſhall be at the time of the condemnation thereof, then in the preſence of the collector or ſupervisor of excife of the diſtrict in which ſuch place is ſituate; and that all rewards or allowances to which the officer or officers who ſhall ſeize and prosecute the ſame, are intitled to by law, ſhall be paid by the receivers general of the customs at London or Edinburgh reſpectively, or by the reſpective collector in the out-ports where ſuch tobacco, tobacco ſtalks or ſnuff was ſeized, and burnt or deſtroyed, to ſuch officer or officers, out of any of the duties or revenues arising from the customs applicable to incidents; that is to ſay, if it is tobacco or tobacco ſnuff, ſo burnt and deſtroyed, the ſame ſhall be paid at and after the ſame rate and proportion, as if the ſaid tobacco or tobacco ſnuff had been ſold on condemnation for ſix pence per pound; and if it is tobacco ſtalks, or damaged tobacco, then the officer ſo ſeizing ſhall have and be intitled unto one penny per pound, for every pound's weight of tobacco ſtalks or damaged tobacco ſo condemned and burnt, in lieu of all other allowances.

XXVIII. Provided always, That the officers of customs or excife reſpectively, in whose preſence the ſame ſhall be burnt, ſhall certify to the commissioners of the customs, in ſuch part of the united kingdom where the ſame ſhall be burnt, the exact quantity ſo burnt, whereupon the ſaid commissioners ſhall grant their order for the payment of the ſaid rewards or allowances in manner above mentioned; and if the ſame ſhall have been burnt in the preſence of ſuch officer of excife, then the ſaid commissioners ſhall order the ſame to be paid by the receivers general of the customs, in either part of the united kingdom, as the ſame ſhall happen.

XXIX. And whereas ſome doubts have arifen, whether the bonds which are given to the crown for the payment of the ſeveral and reſpective

specie^{ve} duties on tobacco, within eighteen months as the law directs, ought on the expiration of the said eighteen months to be put in suit, and whether any interest shall accrue thereon to the crown, from and after the expiration of the said eighteen months until the said bonds shall be vacated by a proper debenture to be made out for that purpose, inasmuch as the exporter upon the exportation of the tobacco within the time limited by law, which is three years, is to be paid or allowed, to draw back the whole duty or the security vacated on the bond or bonds given on the importation of the same tobacco; now to clear up and remove all such doubts for the future; be it declared and enacted by the authority aforesaid, and it is hereby declared and enacted, That all bonds which have been given, and are now subsisting at the time of making this act, for the several and respective duties on tobacco, or which shall hereafter be given for the payment of the said duties, are and shall be deemed and taken to be due and payable immediately upon the day mentioned in the condition of the said bond for payment thereof; and that such interest shall be paid to the crown, on all such bonds as is directed by an act of parliament made in the fourth year of her late majesty Queen Anne, (intituled *An act for continuing an additional subsidy of tonnage and poundage, and certain duties upon coals, culm and cinders, and additional duties of excise; and for settling and establishing a fund thereby, and by other ways and means for payment of annuities to be sold for raising a further supply to her Majesty for the service of the year one thousand seven hundred and six, and other uses therein mentioned*) which interest shall be computed from the day the bond becomes due, to the day whereon it shall be paid off in money, or the day the searcher certifies upon the debenture, that the tobacco was shipt for exportation, notwithstanding such tobacco doth or shall remain unexported, and the three years (being the time limited for the allowance of the drawback on exportation) shall not be expired, and no such security shall hereafter be vacated, until all such interest shall be paid thereon; any law, usage or custom to the contrary notwithstanding.

XXX. And be it further declared and enacted by the authority aforesaid, That it shall and may be lawful to and for the Chancellor and under treasurer of his Majesty's court of Exchequer, the lord chief baron, and other barons of the said court of the degree of the coif, or any or either of them, to grant his or their *Fiat* for the issuing of process of immediate extent against any person or persons who has or have, or shall have given his or their bond to the crown, for duties on tobacco, although the day mentioned in the condition of the said bond for payment be not come, upon an affidavit laid before him, by one of the securities, or executor or administrator of such security, that the person bound to the crown in such bond is decayed in his circumstances, and that the crown's debt is in danger of being lost, unless some more speedy method than the usual way of proceeding be forthwith had for recovery thereof; and if the crown recovers the money due on such bond, before the day of payment upon affidavit that the debt is in danger.

Crown recovering thereon, the obligor shall to be allowed

the usual discounts, shall become due, the obligor is to be allowed out of the money so recovered the usual discounts.

XXXI. *And whereas by an act made in the twenty first year of 21 Geo. 2. c. 2. his present Majesty's reign, (intituled, An act for granting to his Majesty a subsidy of poundage upon all goods and merchandizes to be imported into this kingdom; and for raising a certain sum of money by annuities, and a lottery, to be charged on the said subsidy; and for repealing so much of an act made in the twentieth year of his present Majesty's reign, as enacts, that prize goods and merchandizes may be exported, without paying any duty of custom or excise for the same) it is provided, That the importers of tobacco shall, upon paying down the subsidy thereby granted, have the same allowance with respect to the said subsidy, as they are intituled to by any law now in force upon tobacco imported; but no allowance is given by the said act to the importers of tobacco, when the said subsidy is bonded, which has been found detrimental to trade; be it therefore enacted by the authority aforesaid, That the importers of tobacco shall, from and after the first of June one thousand seven hundred and fifty one, have the same allowances and discounts on giving bonds for the said subsidy, or paying the same before they become due, as they are now intituled to by any law now in force upon bonds given for tobacco imported; and that if any importer of tobacco who hath already given security, or shall before the said first of June one thousand seven hundred and fifty one, give security for the said subsidy, shall be desirous to discharge his bond or bonds, or any part thereof in ready money, before the expiration of eighteen months from the date thereof, he shall be abated upon such bond or bonds so much as the discount at the rate of seven per centum per annum shall amount to in proportion to the time unexpired.*

XXXII. *And whereas by an act of parliament made in the twelfth year of the reign of her late majesty Queen Anne, (intituled, An act for the encouraging the tobacco trade) it was enacted, That any person importing tobacco, that shoulde pay down in ready money the subsidy of one penny per pound, due and payable by the act of the twelfth year of the reign of his late majesty King Charles the Second, or by any act or acts continuing the same, and shoulde then desire to have the said tobacco put into warehouses under the queen's and merchants locks for the security of the remainder of the duties, the merchant or his servants shoulde have free access into the said warehouse at all seasonable times, which said act was to continue in force for five years, and to the end of the then next session of parliament: and whereas by an act of parliament passed in the fifth year of the reign of his late majesty King George the First, (intituled, An act for continuing an act made in the twelfth year of the reign of her late majesty Queen Anne, (intituled, An act for encouraging the tobacco trade) it is declared, That the putting of tobacco into warehouses had been found beneficial to the tobacco trade; and therefore enacted, That the said recited act of the twelfth year of the reign of her late majesty Queen Anne should continue in force during such time as the respective duties on tobacco should respectively continue in force: and whereas*

doubts

21 Ann. st. 2.
c. 8.

5 Geo. 1. c. 7.

*doubts have arisen, whether the ſaid reiſed aet of the twelfth year of The recited
the reign of her ſaid late maieſty Queen Anne is now in force; for
obviating whereof, be it further enacted by the authority afore-
ſaid, That the ſaid aet, ſo far as the ſame relates to the putting tobacco
into warehous-es, and every article, rule, clause, matter
and thing therein contained, ſhall be and continue, and are here-
by declared to be in full force.*

XXXIII. And be it further enacted by the authority afore-
ſaid, That one moiety of the ſeveral penalties and forfeitures in the penalties
this aet before mentioned, ſhall be to the uſe of his Maieſty, his
heirs and ſucceſſors, and the other moiety to the uſe of ſuch per-
ſon and perſons as ſhall inform, prosecute or ſue for the ſame;
and that all the ſame penalties and forfeitures ſhall and may be
prosecuted and ſued for, and the cauſes and controversies arifing
thereupon, tried, heard and determined in any of his Maieſty's
courts of record at *Westminſter*, (if the offence ſhall be committed
in *England*, or if the offender or offendres be in *England* at
the time of commencing the prosecution) or in the court of *Ex-
chequer* at *Edinburgh*, (if the offence ſhall be committed in *Scot-
land*, or if the offender or offendres be in *Scotland* at the time of
the commencing the prosecution) at the election of the commi-
ſioners of his Maieſty's customs in that part of the ſaid united
kingdom where the offence or offences ſhall be committed,
wherein no eſſoin, protection, wager of law, or more than one
imparlance ſhall be allowed; any law, uſage or custom to the
contrary notwithstanding.

XXXIV. And be it further enacted by the authority aforeſaid, *Limitation of
actions.*
That if any action or ſuit ſhall be commenced againſt any per-
ſon or perſons for any thing done in puruance of this aet, the
defendant or defendants in ſuch action or ſuit may plead the ge- *General iſſue.*
neral iſſue, and give this aet, and the ſpecial matter in evidence,
at any trial to be had thereupon; and that the ſame was done in
puruance of and by authority of this aet; and if it ſhall appear
ſo to have been done, then the jury ſhall find for the defendant
or defendants; and if the plaintiff ſhall be nonsuited, or diſcon-
tinue his action, after the defendant or defendants ſhall have
appeared, or if judgment ſhall be given upon any verdict or de-
murrer againſt the plaintiff, the defendant or defendants ſhall
and may recover treble costs, and have the like remedy for the Treble costs.
ſame as defendants have in other caſes by law.

C A P. XLII.

*An aet to explain and amend an aet paſſed in the laſt ſeſſion
of parliament, intituled, An aet for the more eaſy and
ſpeedy recovery of ſmall debts within the city and li-
berty of *Westminſter*, and that part of the duchy of
Lancaster, which adjoineth thereto; and for making the
ſaid aet more effectual.*

WEREAS ſeveral doubts have arifен in the execution of aet Geo. 2. c. 27.
an aet paſſed in the twenty third year of his preſent Maieſty's
reign,

reign, intituled, An act for the more easy and speedy recovery of small debts within the city and liberty of Westminster, and that part of the dutchy of Lancaster which adjoineth thereto; and the said act has, in many respects, been found insufficient to answer the purposes thereby intended: and whereas doubts have arisen, whether attorneys and solicitors are subject to the processes of the said court: therefore, for explaining, amending, and making the said act more effectual, 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 all persons admitted as attorneys or solicitors shall be, and they are hereby declared to be subject to all the processes of the said court of requests for the city and liberty of Westminster, and that part of the dutchy of Lancaster which adjoineth thereto; any thing in the said act to the contrary in any wise notwithstanding.

Attorneys and solicitors subject to the processes of the court.

II. And whereas the commissioners nominated and appointed to put the said act in execution, are directed by the said act to meet in three different divisions, one day in each week: and whereas divers mistakes and inconveniences have happened, for want of knowing the particular bounds and limits of the several divisions or districts: for remedy thereof, be it enacted by the authority aforesaid, That from and after the twenty fourth day of June one thousand seven hundred and fifty one, so much of the said act as relates to the dividing the said city and liberty of Westminster, and that part of the dutchy of Lancaster which adjoineth thereto, into three districts or divisions, shall be, and is hereby, repealed.

So much of the recited act as relates to the dividing the city and liberty of Westminster, &c. into 3 divisions, repealed.

Court to be held in two divisions.

III. And be it further enacted by the authority aforesaid, That the commissioners nominated and appointed, or to be nominated and appointed, by virtue of the said act, are hereby authorized and required to assemble, sit and hold the said court in and for the said city and liberty, and that part of the dutchy of Lancaster which adjoineth thereto, in two divisions only; videlicet, the several parishes of Saint Margaret, Saint John the evangelist, Saint Martin in the Fields, Saint Paul Covent Garden, Saint Clement Danes, Saint Mary le Strand, and that part of the dutchy of Lancaster which adjoineth to the said liberty of Westminster, to be one of the said divisions; and the several parishes of Saint George Hanover Square, Saint James, and Saint Anne, to be the other division, in such manner as is herein after-mentioned and declared; videlicet, the commissioners for the said several parishes of Saint Margaret, Saint John the evangelist, Saint Martin in the Fields, Saint Paul Covent Garden, Saint Clement Danes, Saint Mary le Strand, and that part of the dutchy of Lancaster which adjoineth to the said liberty of Westminster, on every Thursday in every week, or oftener, if necessary, in some convenient part of the said division; and the said commissioners for the parishes of Saint George Hanover Square, Saint James, and Saint Anne, and every Tuesday in every week, or oftener, if necessary, in some convenient part of the said division, for the putting

Days of sitting of the court for each division.

putting in execution the several powers and authorities granted by this and the said former act.

IV. And whereas the erecting or hiring, fitting up and maintaining two convenient court-houses for the purposes aforesaid, will be attended with very great expence to the officers appointed to put the said act of the last session of parliament in execution: and whereas by the said act the said officers are obliged to pay an annual allowance to the counsel of the Marshalsea Court; which expences and allowances, and other necessary charges attending the execution of the said act, have rendered, and will continue to render, the profits arising to the said officers of the court very inconsiderable: therefore, to enable the said officers to defray such expences, and in order to provide some compensation for their trouble, be it enacted by the authority aforesaid, That from and after the said twenty fourth day of June, instead of the fees limited by the said former act, owing to be the several fees hereafter limited, and no other fee or fees, shall taken in lieu be taken for the respective services of the high bailiff of the city of those limited and liberty of Westminster for the time being, and the clerks of the said court; that is to say,

For issuing out every summons, to the clerk or clerks four pence.

For the service of such summons, to the high bailiff four pence.

For every hearing, to the clerk or clerks six pence, to the high bailiff three pence.

For an execution, to the clerk or clerks one shilling, to the high bailiff one shilling and six pence.

For paying money into court, to the clerk or clerks seven pence.

For acknowledging satisfaction in full, to the clerk or clerks six pence.

For every search, to the clerk or clerks two pence.

For calling the defendant before the court, to the clerk or clerks two pence, to the high bailiff two pence.

For every order upon hearing, and the entry thereof, to the clerk or clerks four pence.

For the service of every such order, to the high bailiff two pence.

For a nonsuit on the plaintiff's not appearing, to the clerk or clerks four pence.

A table of which fees shall be hung up by the clerks of the said court, or one of them, in some publick and conspicuous place to be hung up of the two court-houses where the said commissioners shall meet in each court-house for the purposes aforesaid, to the end that all persons may at all times see and read the same.

V. And whereas by the said act of the last session of parliament four clerks are appointed for the said three divisions, which divisions are by this act reduced to two; be it enacted by the authority aforesaid, That upon the death, resignation or removal of any one of the said four clerks, the remaining three clerks shall continue to act; and upon the death, resignation or removal of any one of the said three clerks, then the remaining two shall in like manner proceed to act; and shall continue to carry into execu-

tion all the powers and authorities by the said former and this present act vested in the said clerks; nor shall the commissioners proceed to choose another clerk in the place or stead of any one so dying, resigning or being removed, until the number of the said clerks shall be reduced to one; at which time, or so soon after as the same shall be publickly known, the commissioners appointed to put the said former and this present act in execution shall proceed to elect another clerk, to be joined with the surviving ~~or remaining~~ clerk, according to the directions for that purpose in the said former act, so as such number of clerks shall not at any time afterwards exceed the number of two.

Clerks not to act as justices in any matters relative to the jurisdiction of the court.

VI. And be it further enacted by the authority aforesaid, That no clerk or clerks of the said court shall act as a justice or justices of the peace in any matter or thing whatsoever relative to the proceedings of the said court, or any matter which may arise in relation to the jurisdiction of the same: but nothing in this or the said former act contained shall prevent or exclude any clerk of the said court from acting as a justice of the peace in any matter not relative to the business or jurisdiction of the said court.

Persons residing within the limits, subject to the jurisdiction though not resident therein.

VII. And whereas doubts have arisen, whether any person or persons residing within the city and liberty of Westminster, or that part of the dutchy of Lancaster adjoining thereto, and who are indebted to persons who did not reside within the limits aforesaid, are subject to the jurisdiction of the said court: for remedy thereof, be it declared and enacted by the authority aforesaid, That all persons inhabiting within the limits aforesaid shall be, and are hereby declared to be, subject to the process and jurisdiction of the said court, although the plaintiff suing out such process shall not inhabit or reside within the said city and liberty of Westminster, and that part of the dutchy of Lancaster which adjoineth thereto.

C A P. XLIII.

An act for the more effectual preservation of the turnpike roads in that part of Great Britain called England; and for the disposition of penalties given by acts of parliament relating to the highways, in that part of Great Britain called England, and for enforcing the recovery thereof; and for the more effectual preventing of mischiefs occasioned by the drivers riding upon carts, drays, Carrs and waggons, in the city of London, and within ten miles thereof.

WHEREAS great sums of money have been expended in amending and repairing the turnpike roads of this kingdom, yet the said roads cannot be kept in sufficient repair, and are in many places become ruinous, by the great and excessive weights which the number of horses now allowed by law to draw waggons and other carriages enable carriers and other persons using the said roads to carry upon the same: for remedy whereof, be it enacted by the King's most

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 first day of July one thousand seven hundred and fifty two, it shall and may be lawful for all trustees or commissioners appointed, or hereafter to be appointed, by any act or acts of parliament, for the repair of any highway or highways in that part of Great Britain called England, in their respective districts, or any five of them, or any person or persons empowered by them, or any five of them, to demand, receive and take, and they are hereby required to demand, receive and take, at all the gates and bars they have erected, or shall erect, for the receiving and collecting any toll or duty, the sum of twenty shillings for every waggon or other carriage drawn by six horses, before such waggon or other carriage shall be permitted to pass through any such toll-gate or toll-bar, over and above the tolls or duties already granted, or hereafter to be granted; which said additional toll or duty hereby granted and made payable, shall and may be levied and recovered upon any person who shall after demand made thereof refuse or neglect to pay the same, in such manner as any other toll or duty payable at the same turnpike-gate or bar is by law to be levied and recovered; and the money arising from such additional duty shall be applied to the repair of the highway where the same shall be collected.

II. And be it further enacted by the authority aforesaid, That if any person or persons shall take off, or cause to be taken off, any horse or horses from any waggon or other carriage, at or before the same shall come to any of the said gates or turnpikes, with intent to avoid paying the said additional toll or duty, each and every person so offending, and being convicted thereof before the said trustees, or any five or more of them, or one or more justice or justices of the peace for the county, riding or division, where the offence shall be committed, upon the oath of one or more credible witness or witnesses, which oath the said trustees, or any five or more of them, or the said justice or justices, are hereby empowered to administer, shall forfeit and pay to the informer the sum of five pounds; which sum, in case the same be not forthwith paid, shall be levied by distress and sale of the offender's goods, by warrant under the hand and seal, or hands and seals of the said trustees, or any five or more of them, or the said justice or justices, rendering the overplus to the owner (if any be) on demand, after deducting the reasonable charges of making such distress and sale, to be settled by the said trustees, or any five or more of them, or by the said justice or justices.

III. And be it enacted and declared by the authority aforesaid, That every person who shall drive any waggon or other carriage upon any part of any turnpike road with more horses than such waggon or other carriage shall on the same day pass through any turnpike-bar or gate with, shall be deemed and adjudged the same day,

cur the penal- to have taken off the said horses with intent to avoid paying the ty. said additional toll or duty.

Penalty of driving waggons out of the turnpike roads to avoid the tolls,

to be levied according to
5 Geo. I. c. 12.

Carriages ex-
empted.

14 Geo. 2. c. 42.

Trustees to
erect engines
for weighing
carriages.

IV. Provided always, and be it further enacted by the authority aforesaid, That from and after the first day of September one thousand seven hundred and fifty one, no wagon, cart or other carriage, travelling for hire upon any of the said turnpike roads, shall be drove or turned out of the same into any of the roads adjacent, not being turnpike roads, in order to avoid, and thereby avoiding paying the tolls and duties appointed by this or any former act or acts to be paid at any gate or turnpike erected for the collecting and receiving the same, upon pain of forfeiting and losing any one of the horses drawing such wagon, cart or carriage, (not being the thill or shaft horse) with all his geers and accoutrements, to the sole use and benefit of any person or persons who shall seize or distrain the same; and the person or persons making such seizure or distress shall proceed in like manner, and be intitled to the like remedies, as is directed and given in cases of seizure of horses, by an act of parliament made in the fifth year of the reign of his late majesty King George the First, intituled, *An act for making more effectual the several acts passed for repairing and amending the highways of this kingdom.*

V. Provided always, That nothing in this act shall be deemed or construed to extend to any coach, berlin, chariot, chaise, calash or hearse, or to any wagon, wain, cart, or other carriage, employed only about husbandry, or in carrying only of hay, straw, corn unthrashed, or chalk, or any stone, block of marble, or piece of timber, nor to caravans, or the covered carriages of noblemen and gentlemen for their private use, or such timber, ammunition or artillery, as shall be for his Majesty's service.

VI. And whereas an act of parliament was made in the fourteenth year of the reign of his present Majesty, intituled, An act for the preservation of the publick roads, in that part of Great Britain called England, which hath proved insufficient for the purpose, by reason that few of the cranes, machines or engines, therein mentioned for the weighing of carriages, have been erected; and to avoid such as have been erected, the owners and drivers of waggons, and other carriages, with excessive weights, have in several places left the turnpike road, and gone through other roads and by-lanes, which have been repaired at a great expence by the inhabitants of the several parishes and places where the same lie, and thereby such roads and by-lanes have been greatly damaged and made ruinous, to the great prejudice and expence of such inhabitants, and the income of the toll hath been also much lessened: for remedy whereof, and rendering the said act more effectual for the purposes thereby intended, be it further enacted by the authority aforesaid, That on or before the twenty fifth day of March one thousand seven hundred and fifty two, all commissioners or trustees already appointed by any act or acts of parliament for the repairs of any highway or highways in that part of Great Britain called England, or any five or more of them, shall, and they are hereby required, at one or more gate or gates, bar or bars, or at some other convenient

place or places within their respective districts, to order and cause to be built and erected a crane, machine or engine proper for the weighing of carts, waggons or other carriages for the carrying of any goods or merchandize whatsoever, and order and cause all and every such carts and waggons or other carriages (except such as by this act are excepted) which shall pass through any such gate or bar to be weighed, together with the loading thereof, and shall receive and take such toll and additional duty of twenty shillings the hundred, as is by the said act authorized and directed to be received and taken, and shall apply the same for the purposes in the said act mentioned.

VII. Provided always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend to oblige the trustees of any turnpike road beyond thirty miles distance from London, or where the tolls and duties granted to such trustees do not amount to the annual sum of one hundred and fifty pounds within thirty miles distance from London, to erect any engine or machine for the weighing waggons or carriages; not obliging to any thing in this act to the contrary notwithstanding.

VIII. And whereas an act passed in the first year of the reign of King George the First has not been found sufficient to prevent the mischiefs that frequently happen by the negligence of carters, draymen, carmen and waggoneers riding on their carriages in the city of London, or within ten miles thereof; now, in order more effectually to prevent such mischiefs for the future, and for the more speedy and easy conviction and punishing offenders against the said act, be it therefore enacted, That if any carter, drayman, carman, waggoner or other driver shall, after the twenty fourth day of June one thousand seven hundred and fifty one, ride upon such cart, dray, cart or waggon in the city of London, or within ten miles thereof, not having some other person or persons on foot to guide or conduct the same, every such person, being thereof convicted according to the tenor of the aforesaid act, shall forfeit and pay the sum of ten shillings, in case such driver shall not be the owner of such carriage; and in case the offender be the owner of such carriage, then any sum not exceeding twenty shillings: which penalties shall be recovered, levied and applied, as by the said former act is directed concerning the ten shillings penalty aforesaid.

IX. And be it enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, though not a peace officer, to stop and apprehend such offender, and to carry him, as soon as conveniently may be, before any justice of the peace for the county, city or place where such offence is committed; and in case any person or persons shall resist, abuse or prevent any person endeavouring to apprehend any such offender, or when he is apprehended, shall rescue or endeavour to rescue him, such person so offending shall for every such offence incur the penalty of twenty shillings, to be recovered and applied as aforesaid.

X. Provided always, and be it further enacted by the authority

Waggons
drawing up
ſteep hills,
may use as
many horses
as the juſtices
at ſeſſions
ſhall direct.

riaty aforesaid, That nothing in this or any former act contained, shall extend, or be conſtrued to extend to reſtrain or hinder any owner or owners of any wagon or other carriage, or his or their ſervants, uſing or drawing with as many horses or beaſts as thiſſhall be neceſſary for the drawing ſuch waggons or other carriages up any ſuch ſteep hills, as the juſtices of the peace of the reſpective counties, ridings, diſtiuitions and places where ſuch ſteep hills do lie, ſhall at their quarter-ſeſſions from time to time order and direct; which ſaid order and direction ſhall be kept by the reſpective clerks of the peace among the records of the ſeſſions, to which all persons, at reaſonable times, ſhall have recourse without fee or reward.

XI. And whereas ſeveral acts have been made, as well for repairing and amending divers publick roads in that part of Great Britain called England, as for punishing offences done or committed upon or to the highways, the good intentions whereof have not been anſwered for want of a due execution of the ſaid laws; for remedy whereof, and as a further encouragement to informers, be it enacted by the authority aforesaid, That all penalties and forfeiutes impoſed by this or any former act, ſhall, from and after the tenth day of September in the year one thouſand ſeven hundred and fifty one, be wholly given to and vested in the informer or person who ſhall ſue for the ſame; any law or ſtatuſe to the contrary notwithstanding: and every ſuch informer or proſecutor ſhall and may from thenceforth ſue for and recover ſuch forfeiutes or penalties by this or any of the ſaid acts impoſed, in the ſame manner as the ſame are ſeverally and reſpectively directed to be ſued for and recovered, or by action of law, to be brought by ſuch informer or proſecutor in any of his Maſteſty's courts of record at Westminſter, in manner following; that is to ſay, where any person ſhall for any ſuch offence be liable to pay any pecuniary penalty, it ſhall be lawful to ſue for the ſame by action of debt; in which it ſhall be ſufficient to declare, that the defendant is indebted to the plaintiff in the ſum of being forfeiuted by an act, intituled,

Penalties veſt-
ed in the in-
former.

Method of
recovery.

Double costs.

Limitation of
actions.

and where the penalty or forfeiute is of any horse or horses, gelding or geldings, mare or mares, or other goods, by an action of trover againſt the perfon liable to ſuch penalty or forfeiute, in which the value of ſuch horse or horses, gelding or geldings, mare or mares, or other goods as is or are liable to the forfeiute, ſhall be given in damages, without any feizure or demand thereof; and the plaintiff, if he recover in any ſuch action, ſhall have double costs; provided that there ſhall not be more than one recovery for the ſame offence: and that no action ſhall be brought, by virtue of this act, in any of his Maſteſty's ſaid courts of record, unless the ſame be brought before the end of ſix calendar months after the offence committed,

C A P. XLIV.

An act for the rendering justices of the peace more safe in the execution of their office; and for indemnifying constables and others acting in obedience to their warrants.

WHEREAS justices of the peace are discouraged in the execution of their office by vexatious actions brought against them for or by reason of small and involuntary errors in their proceedings: and whereas it is necessary that they should be (as far as is consistent with justice, and the safety and liberty of the subjects over whom their authority extends) rendered safe in the execution of the said office and trust: and whereas it is also necessary that the subjects should be protected from all wilful and oppressive abuse of the several laws and statutes committed to the care and execution of the said justices of the peace; 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 twenty fourth day of June one thousand seven hundred and fifty No writ to be one, no writ shall be sued out against, nor any copy of any sued against process, at the suit of a subject, shall be served on any justice of what he shall the peace for any thing by him done in the execution of his do in the ex- office, until notice in writing of such intended writ or process ution of his shall have been delivered to him, or left at the usual place of office, 'till no his abode, by the attorney or agent for the party who intends him. tice given to sue or cause the same to be sued out or served, at least one calendar month before the suing out or serving the same; in which notice shall be clearly and explicitly contained the cause of action which such party hath or claimeth to have against such justice of the peace; on the back of which notice shall be indorsed the name of such attorney or agent, together with the place of his abode, who shall be intitled to have the fee of twenty shillings for the preparing and serving such notice, and no more.

II. And be it further enacted, That it shall and may be law- he may tender ful to and for such justice of the peace, at any time, within one amends; calendar month after such notice given as aforesaid, to tender amends to the party complaining, or to his or her agent or attorney; and in case the same is not accepted, to plead such ten- and plead the der in bar to any action to be brought against him, grounded same in bar, &c. on such writ or process, together with the plea of Not guilty, and any other plea with the leave of the court; and if upon issue joined thereon the jury shall find the amends so tendered to have been sufficient, then they shall give a verdict for the defendant; and in such case, or in case the plaintiff shall become nonsuit, or shall discontinue his or her action, or in case judgment shall be given for such defendant or defendants upon demurrer, such justice shall be intitled to the like costs as he would have been intitled unto, in case he had pleaded the general issue

only; and if upon issue so joined the jury shall find that no amends were tendered, or that the same were not sufficient, and also against the defendant or defendants on such other plea or pleas, then they shall give a verdict for the plaintiff, and such damages as they shall think proper, which he or she shall recover, together with his or her costs of suit.

Plaintiff not to recover with-out proof of such notice.

III. And be it further enacted, That no such plaintiff shall recover any verdict against such justice in any case where the action shall be grounded on any act of the defendant, as justice of the peace, unless it is proved upon the trial of such action, that such notice was given as aforesaid; but in default thereof such justice shall recover a verdict and costs as aforesaid.

Justice may pay into court before issue joined, such sum as he shall think fit.

IV. And be it further enacted by the authority aforesaid, That in case such justice shall neglect to tender any amends, or shall have tendered insufficient amends, before the action brought, it shall and may be lawful for him, by leave of the court where such action shall depend, at any time before issue joined to pay into court such sum of money as he shall see fit; whereupon such proceedings, orders and judgments shall be had, made and given in and by such court, as in other actions where the defendant is allowed to pay money into court.

Evidence not to be given of any cause, but such as is contained in the notice.

V. And be it further enacted, That no evidence shall be permitted to be given by the plaintiff on the trial of any such action as aforesaid, of any cause of action, except such as is contained in the notice hereby directed to be given.

Action not to be brought against any constable acting in obedience to justices warrant, till demand made of the copy of the warrant and refusal thereof &c. (* or) So in the Record.

VI. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June one thousand seven hundred and fifty one, no action shall be brought against any constable, headborough or other officer, or against any person or persons acting by his order and in his aid, for any thing done in obedience to any warrant under the hand * or seal of any justice of the peace, until demand hath been made or left at the usual place of his abode, by the party or parties intending to bring such action, or by his, her or their attorney or agent, in writing, signed by the party demanding the same, of the perusal and copy of such warrant, and the same hath been refused or neglected for the space of six days after such demand; and in case after such demand and compliance therewith, by shewing the said warrant to, and permitting a copy to be taken thereof by the party demanding the same, any action shall be brought against such constable, headborough or other officer, or against such person or persons acting in his aid for any such cause as aforesaid, without making the justice or justices who signed or sealed the said warrant, defendant or defendants, that on producing and proving such warrant at the trial of such action, the jury shall give their verdict for the defendant or defendants, notwithstanding any defect of jurisdiction in such justice or justices; and if such action be brought jointly against such justice or justices, and also against such constable, headborough or other officer, or person or persons acting in his or their aid as aforesaid, then on proof of such warrant the jury shall find

find for such constable, headborough or other officer, and for such person and persons so acting as aforesaid, notwithstanding such defect of jurisdiction as aforesaid; and if the verdict shall be given against the justice or justices, that in such case the plaintiff or plaintiffs shall recover his, her, or their costs against him or them, to be taxed in such manner by the proper officer, as to include such costs as such plaintiff or plaintiffs are liable to pay to such defendant or defendants for whom such verdict shall be found as aforesaid.

VII. Provided always, That where the plaintiff in any such action against any justice of the peace shall obtain a verdict, in case the judge before whom the cause shall be tried, shall in open court certify on the back of the record, that the injury for which such action was brought, was wilfully and maliciously committed, the plaintiff shall be intitled to have and receive double costs of suit.

Where the judge shall certify the cause of action was wilfully committed, plaintiff to recover double costs.

Limitation of actions.

VIII. Provided also, and be it enacted by the authority aforesaid, That no action shall be brought against any justice of the peace for any thing done in the execution of his office, or against any constable, headborough or other officer, or person acting as aforesaid, unless commenced within six calendar months after the act committed.

CAP. XLV.

An act for the more effectual preventing of robberies and thefts upon any navigable rivers, ports of entry or discharge, wharfs, and keys adjacent.

WHEREAS divers wicked and ill-disposed persons are encouraged to commit robberies and thefts upon navigable rivers, ports of entry and discharge, wharfs and keys adjacent, by the privilege, as the law now is, of being admitted to the benefit of their clergy; therefore, for the more effectual preventing such felonies for the future, 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 all and every person or persons that shall, at any time from and after the twenty fourth day of June, one thousand seven hundred and fifty one, feloniously steal any goods, wares or merchandize, of the value of forty shillings, in any ship, barge, lighter, boat or other vessel, or craft, upon any navigable river, or in any port of entry or discharge, or in any creek belonging to any navigable river, port of entry or discharge, within the kingdom of Great Britain; or shall feloniously steal any goods, wares or merchandize, of the value of forty shillings, upon any wharf or key adjacent to any navigable river, port of entry or discharge, or shall be present, aiding and assisting in the committing any of the offences aforesaid, being thereof convicted or attainted, or being indicted thereof shall of malice stand mute, or will not directly answer to the indictment; or shall peremptorily challenge above

Persons convicted of theft of 40s. value on board any vessel,

or on any wharf,

or assisting therein, &c.

excluded from the benefit of the clergy.

C A P. XLVI.

An act for repealing the duties now payable upon foreign linen yarns, and for granting other duties in lieu thereof.

WHEREAS the support and encouragement of the British manufactures of striped and chequered linen, and of linen mixed with cotton, is of great importance to the trade and navigation of this kingdom: and whereas the exports of the said manufactures have of late years considerably decreased: and whereas the reducing of the duties now payable upon foreign linen yarns, would greatly tend to the encouragement and support of the said manufactures, by putting them upon a more equal footing with the manufactures of other nations, and thereby enable the British manufactures to regain and enlarge their export trade: may it therefore 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 from and after the twenty fifth day of *March* one thousand seven hundred and fifty two, all the rates, duties, subsidies, and impositions, which are now payable by virtue of several acts of parliament upon the importation of raw foreign linen yarns, known by the name of *Dutch yarn* and *French yarn*, and of *Spruce* or *Muscovia* *yarn*; and also upon the importation of whitened or bleached foreign linen yarns, known by the name of *Unwrought inkle* and *Short spinnel*; and also upon the importation of all other raw and whitened or bleached foreign linen yarn, shall cease and determine, and be no longer paid.

The present
duties upon
Dutch,
French, and
Spruce yarns,

and un-
wrought inkle
and short
spinnel, and
other foreign
yarn import-
ed, repealed.

Duties grant-
ed in lieu
thereof.

II. And be it further enacted by the authority aforesaid, That in lieu of the said rates, duties, subsidies and impositions by this act repealed as aforesaid, there shall, from and after the said twenty fifth day of *March* one thousand seven hundred and fifty two, be granted and paid to his Majesty, his heirs and successors, the respective duties following, upon the importation of foreign linen yarns into this kingdom (that is to say)

For every pound weight of *French*, *Dutch*, *Muscovia*, or *Spruce* raw linen yarn, the sum of one penny.

And for every pound weight of whitened or bleached linen yarn, known by the name of *Unwrought inkle* or *Short spinnel*, of the manufacture of any part or place not belonging to the crown of *Great Britain*, the sum of three pence.

And also the said duty of one penny for every pound weight of all other raw linen yarn.

And the said duty of three pence for every pound weight of all other whitened or bleached linen yarn respectively, of the manufacture of any part or place not belonging to the crown of *Great Britain*.

III. And

III. And be it further enacted by the authority aforesaid, Duties how to be levied, &c.
That the duties hereby granted shall be raised, levied, and collected, by the respective officers of his Majesty's customs in this kingdom, under the management and direction of the respective commissioners of the customs for the time being; and that the said duties shall be collected, raised and levied, in the same manner, and with the same authorities and powers, and under the like regulations, restrictions, penalties and forfeitures, as the rates, duties, subsidies and impositions, hereby repealed as aforesaid, are now raised, collected and levied, as fully and effectually, to all intents and purposes, as if the provisions and clauses, directions, matters and things, relating to the raising, collecting and levying of the said rates, duties, subsidies, and impositions, were herein particularly inserted and re-enacted.

IV. And be it further enacted by the authority aforesaid, to be paid in-
That all the monies arising by the said duties hereby granted, to the exchequer shall be paid into the exchequer separate and apart from all the other branches of the publick revenues, and shall be subject and liable to the same uses and purposes respectively, as the duties hereby repealed and taken off are now liable and appropriated unto.

C A P. XLVII.

An act for granting to his Majesty the sum of six hundred thousand pounds out of the sinking fund, for the service of the year one thousand seven hundred and fifty one; and for allowances to the poor widows of commission and warrant officers of the royal navy; and for the further appropriating the supplies granted this session of parliament; and for making forth duplicates of exchequer bills, lottery tickets, certificates, orders of loan, or annuity orders, payable at the exchequer in lieu of such as shall be lost, burnt or destroyed; and also for making forth new orders of loan or annuity orders, in lieu of such as shall become defaced, obliterated or otherwise incumbered with assignments or endorsements thereon.

MOST gracious Sovereign, we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirous to raise the necessary supplies which we have cheerfully granted to your Majesty in this session of parliament, for the service of the year one thousand seven hundred and fifty one, in the easiest manner we are able, for the benefit of your Majesty's subjects, and also to use such ways and means therein as that your Majesty may have the better and more speedy effect of the said supplies, have resolved to give and grant unto your Majesty the sum of six hundred thousand pounds out of the surplusses, exceties and overplus monies, commonly called the *sinking fund*; and to that end and purpose do most humbly beseech your Majesty that it may be enacted, and be it

en-

600,000.
granted out
of the sinking
fund, towards
the supply for
the current
year.

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 by or out of such monies as now are or shall from time to time be and remain in the receipt of the exchequer, of the said ſurpluſſes, excesses or overplus monies, commonly called the *sinking fund*, (after paying or reserving ſufficient to pay all ſuch ſum and ſums of money as have been directed by any former act or acts of parliament to be paid out of the ſame), there shall and may be issued and applied, a ſum not exceeding the ſaid ſum of ſix hundred thouſand pounds, for and towards the supply granted to his Maſteſty for the ſervice of the ſaid year one thouſand ſeven hundred and fifty one; and the commissioners of his Maſteſty's treaſury, or any three or more of them now being, or the high treaſurer, or any three or more of the commissioners of the treaſury for the time being, are hereby auſthorized and impoſed to iſſue and apply the ſame accordingly.

Clause of loan
at 3l. per cent.

II. And it is hereby enacted by the authority aforesaid, That in case the ſaid commissioners of his Maſteſty's treaſury, or any three or more of them now being, or the high treaſurer, or any three or more of the commissioners of the treaſury for the time being, ſhall think it adiſeable to raise the ſaid ſum of ſix hundred thouſand pounds, or any part thereof, by loans or exchequer bills, in manner herein after mentioned, that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance or lend to his Maſteſty, at the receipt of his Maſteſty's exchequer, any ſum or ſums of money not exceeding the ſaid ſum of ſix hundred thouſand pounds, upon the credit of the ſaid ſurpluſſes, excesses or overplus monies, commonly called the *sinking fund*, and to have and receive for the forbearance of the money lent, interest after a rate not exceeding three pounds *per centum per annum*, ſo as ſuch loans be allowed to be made by the ſaid commissioners of the treaſury, or any three or more of them now being, or the high treaſurer, or any three or more of the commissioners of the treaſury for the time being, who are hereby auſthorized to iſſue their warrants for that purpose as fast as ſuch loans shall be wanted for the publick ſervice; and moreover, that no money to be lent upon the ſecurity of this act, ſhall be rated or aſſeſed to any tax or aſſeſment whatſoever.

Tallies and
orders for
repayment.

III. And be it further enacted, That all and every person and persons who ſhall lend any money upon the credit of this act as aforesaid, and pay the ſame into the receipt of the exchequer, ſhall immediately have a talley of loan ſtruck for the ſame, and an order for his, her or their repayment, bearing the ſame date with his, her or their talley, in or upon which order ſhall be also contained a warrant for payment of interest for the forbearance thereof, not exceeding the ſaid rate of three pounds *per centum per annum*; and to be paid every three months, until the repayment of the principal; and all ſuch orders for repayment of money ſo to be lent, ſhall be registered in course, according to the

to carry 3l.
per cent. in-
terest.
The orders to
be registered,

the dates respectively, and that all and every person and persons shall be paid in course, according as their orders shall stand registered in the said register books, so as the person or persons, natives or foreigners, his, her or their executors, administrators or assigns who shall have his, her or their order or orders first entered in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the said surplusses, excesses or overplus monies; and he, she or they who shall have his, her or their order or orders next entered, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in of or for the said surplusses, excesses or overplus monies, commonly called the *sinking fund* as aforesaid, shall be in the same order liable to the satisfaction of the said respective persons, and body or bodies politick or corporate, their executors, administrators, successors or assigns respectively, without any undue preference of one before another, and not otherwise, and shall not be diverted or divertible to any other use, intent or purpose whatsoever, (other than such uses and purposes as are appointed by any other act or acts of parliament in that behalf as aforesaid) and that no fee, reward or gratuity directly or indirectly shall be demanded or taken of any of his Majesty's subjects for providing or making of any such books or registers, or any entries, views or searches, in or for payment of money lent, or the interest thereof as aforesaid, by any of his Majesty's officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved by the party offending, with full costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also; and if any undue preference of one before another shall be made, either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt, with full costs of suit, to the party grieved, and shall be forejudged of his place or office; and if any such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages and costs, and shall be for ever after incapable of his office or place, and in case the auditor of the receipt shall not direct the said orders of loan, or the clerk of the pells record, or the teller make payment upon such orders, according to each person's due place and order as before directed, then he or they shall be adjudged to forfeit, and the respective deputies and clerks therein offending, to be liable to such action, debt, damages and costs in such manner as aforesaid; all which said penalties, forfeitures, damages and costs to be incurred by any the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no effoin, protection, privilege, wager of law, injunction or order of restraint shall be in any wise granted or allowed.

No undue preference where tallies are dated the same day.

Nor if subsequent orders be paid before such as were not demanded in course.

Orders assignable *toties quo-
ties*.

No fee for entry.

The assign-
ment not to be voided.

Commission-
ers of the
treasury may
make new ex-
chequer bills
for raising the
said 600,000.

IV. Provided always, and it is declared, That if it shall happen that several tallies of loan, or orders for payment as aforesaid, bear date or be brought the same day to the auditor of the receipt, to be registered, then it shall be interpreted no undue preference which of those be entered first, so as he enters them all the same day.

V. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders to persons that come and demand their monies and bring their orders, before other persons that did not come to take their monies and bring their orders in course, so as there be so much money reserved as will satisfy precedent orders which shall not be otherwise disposed of, but kept for them, interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

VI. And be it further enacted, That all and every person and persons to whom any money shall be due for loans, to be registered by virtue of this act, after order entered in the book of register as aforesaid, his, her or their executors, administrators or assigns, by proper words of assignment to be indorsed and written upon his, her or their order, may assign and transfer his, her or their right, title, interest and benefit of such order, or any part thereof, to any other, which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the book of registry aforesaid, for orders (which the officers shall upon request, without fee or charge, accordingly make) shall intitle such assignee, his, her or their executors, administrators, successors and assigns to the benefit thereof, and payment thereon, and such assignee may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons who have or hath made such assignment, to make void, release or discharge the same, or any the monies thereby due, or any part thereof.

VII. And, to the end there may be no want or failure of a certain sum, not to exceed in the whole the said sum of six hundred thousand pounds, to be raised either by such loans as aforesaid, or by issuing exchequer bills, as is herein after mentioned, or by both or either of those ways or means, for the publick service; be it further enacted by the authority aforesaid, That in case the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall judge it more adviseable, to raise the said sum of six hundred thousand pounds, or any part thereof, by exchequer bills, instead of such loans as aforesaid, that then they respectively are hereby authorized and impowered, at any time or times, to prepare and make, or cause to be prepared and made at the exchequer, any number of new exchequer bills, for any sum or sums of money not exceeding in the whole the said sum of six hundred thousand pounds, together with such loans as aforesaid, in the

the same or like manner, form or order, and according to the same or like rules and directions as in and by a certain act of parliament, (For continuing and granting to his Majesty certain duties upon malt, mut, cyder and perry for the service of the year one thousand seven hundred and fifty one,) are enacted and prescribed concerning the exchequer bills to be made in pursuance of the said act.

VIII. And be it further enacted by the authority aforesaid, That all and every the clauses, provisos, powers, privileges, quer bills to be subject to the regulations in the malt act. advantages, penalties, forfeitures and disabilities contained in the said last-mentioned act, relating to the loans or exchequer bills, authorized to be made by the same act (except such clauses as do charge the same on the rates and duties granted by the same act) shall be applied and extended to the exchequer bills to be made in pursuance of this act, as fully and effectually to all intents and purposes as if the said exchequer bills had been originally authorized by the said last mentioned act, or as if the said several clauses or provisoies had been particularly repeated and re-enacted in the body of this present act.

X. And be it enacted by the authority aforesaid, That all Exchequer bills, &c. to be repaid out of the sinking fund. the exchequer bills as shall be made in pursuance of this act, and the interest, *Præmium*, rate and charges incident to or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the growing produce of the said surplusses, excesses and overplus monies, commonly called the *Sinking Fund*, (except such monies of the said *Sinking Fund*, as are appropriated to any particular use or uses by any former or other act or acts of parliament in that behalf;) and such monies of the said *Sinking Fynd* shall and may be issued and applied as fast as the same can be regularly stated and ascertained for and towards the paying off, cancelling and discharging such exchequer bills, interest, *Præmium*, rate, or charges, until the whole of them shall be paid off, cancelled and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

X. And be it further enacted by the authority aforesaid, That from and after the twenty fourth day of June one thousand seven hundred and fifty one, there shall be allowed upon the books of every ship of war in sea pay, one other seaman in every hundred men that the complement of such ship of war shall consist of, for such time only as the number of men employed in the service of the royal navy shall not exceed twenty thousand; and that the produce of the wages of each such seaman, and his wages and the value of his victuals, shall be given and applied to the relief of the poor widows of commission and warrant officers of the royal navy, according to such rules, orders and regulations as his Majesty hath established or appointed, or shall establish or appoint for that purpose, over and above the one seaman allowed them by an act of the sixth year of his present Majesty's reign; and the principal officers and commissioners of the navy

1 Man extra. ordinary in every 100. to be allowed on the books of ships of war in sea pay,

his victuals, to be applied in relief of the widows of commission and warrant officers.

Geo. 2. c. 15.

royal now and for the time being, and all other persons herein concerned, shall and are hereby authorized and empowered to give allowance on such ships books, of the said one other man in every hundred men, borne thereupon accordingly.

Appropriation of the monies of the malt act, &c.

XI. Provided always, and it is hereby further enacted by the authority aforesaid, That all the monies coming into the exchequer either by loans or exchequer bills, upon one act of this session of parliament (intituled, *An act for continuing and granting to his Majesty certain duties upon malt, rum, cyder and perry, for the service of the year one thousand seven hundred and fifty one*), and so much money, if any such be, of the duties thereby granted as shall arise or remain after all the loans or exchequer bills made or to be made on the same act, and all the interest, *Præmium, rate and charges* thereupon, and the charges thereby allowable for raising the said duties shall be satisfied, or monies sufficient shall be reserved in the exchequer to satisfy and discharge the same; and also all the monies coming into the exchequer either by loans or exchequer bills, upon one other act of this session of parliament (intituled, *An act for granting an aid to his Majesty by a land-tax to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty one*) and so much monies, if any such be of the tax thereby granted, as shall arise or remain after the loans or exchequer bills made or to be made on the same act, and all the interest, *Præmium, rate and charges* thereupon, and the charges thereby allowable for raising the said land tax shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and also all the monies coming into the exchequer by contributions for annuities and a lottery, after the rate of three pounds per centum per annum, granted by one other act of this present session of parliament (intituled, *An act for granting to his Majesty the sum of two millions one hundred thousand pounds, to be raised by annuities and a lottery, and charged on the sinking fund, redeemable by parliament*) and also all the monies coming into the exchequer by exchequer bills to be made forth in pursuance of one other act of this present session of parliament (intituled, *An act for enabling his Majesty to raise the several sums of money therein mentioned by exchequer bills, to be charged on the sinking fund; and for empowering the commissioners of the treasury to pay off the old and new unsubscribed South-Sea annuities out of the supply granted to his Majesty for the service of the year one thousand seven hundred and fifty one; and for enabling the bank of England to hold general courts, and courts of directors, in the manner therein directed; and for giving certain persons liberty to subscribe bank and South-Sea annuities omitted to be subscribed pursuant to two acts of the last session of parliament*) and also the sum of six hundred thousand pounds, by this act granted, shall be further appropriated and are hereby appropriated for and towards the several uses and purposes herein after expressed; that is to say,

XII. It is hereby enacted and declared by the authority aforesaid, That out of all or any of the aids or supplies provided as aforesaid,

Land tax,

Lottery act,

and sinking fund,

and the 600,000 l. granted by this act.

1,046,559 l. 9 s. 10 d. to

ſoreſaid, there ſhall and may be iſſued and applied any ſum or ſums of money not exceeding one million forty six thouſand five hundred and fifty nine pounds ſeven ſhillings and ten pence, for or towards the naval ſervices herein after more particularly e{x}preſſed; that is to ſay, for or towards defraying the ordinary of his Ma{t}eſty's navy, and for half-pay to ſea officers, and for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards ſea ſervices, in the office of ordnance, performed and to be performed, and for or towards the buildings, re-buildings and repairs of his Ma{t}eſty's ſhips for the year one thouſand ſeven hundred and fifty one, and for or towards paying off and discharging ſuch part of the debt of the navy as is due upon the head of ſeamens wages.

XIII. And it is hereby alſo enacted by the authority aſoreſaid, That out of all or any the aids or ſupplies aſoreſaid, there ſhall wards the and may be iſſued and applied any ſum or ſums of money not exceeding ten thouſand pounds upon account, towards the ſupport of Greenwich hospital of the royal hospital at Greenwich, for the better maintenance of the ſeamen of the ſaid hospital, worn out and become decrepit in the ſervice of their country.

XIV. And it is hereby alſo enacted, That out of all or any the aids or ſupplies aſoreſaid, there ſhall and may be iſſued and applied any ſum or ſums of money not exceeding one hundred and ten thouſand eight hundred and fifty pounds three ſhillings and one penny, for or towards defraying the charge of the office of ordnance for land ſervice for the year one thouſand ſeven hundred and fifty one, performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land ſervice, not provided for by parliament.

XV. And it is hereby likewiſe enacted, That out of all or any the aids or ſupplies provided as aſoreſaid, there ſhall and may be iſſued and applied any ſum or ſums of money not exceeding one million seventy seven thouſand three hundred and forty five pounds nineteen ſhillings and one halfpenny, for and towards maintaining his Ma{t}eſty's land forces, and other ſervices herein after more particularly e{x}preſſed; that is to ſay, any ſum or ſums of money not exceeding six hundred and twelve ſhillings and six pence, for defraying the charge of eighteen thouſand eleven hundred and fifty seven effective men, including commission and non-commission officers, and one thouſand eight hundred and fifteen invalids, for guards, garrisons and other his Ma{t}eſty's land forces in Great Britain, Guernſey and Jersey, for the ſervice of the year one thouſand ſeven hundred and fifty one; and any ſum or ſums of money not exceeding two hundred and thirty six thouſand four hundred and twenty pounds eighteen ſhillings and six pence halfpenny, for maintaining his Ma{t}eſty's garrisons, forces and garrisons in the plantations, Minorca and Gibraltar, and for provisions for the garrisons in Nova Scotia, Newfoundland, Gibraltar and Providence, for the year one thouſand ſeven hundred and five.

Newfoundland and Providence.
62,567 l. 2 s.
6 d. to out pensioners of Chelsea hospital;
64,000 l. to the reduced officers;

3,310 l. to the reduced officers widows, &c.

4,747 l. 15 s.
40 d. to the two troops of horse guards, and regiment of horse reduced, &c.

36,000 l. for general and staff officers;

30,000 l. to the elector of Bavaria;

47,984 l. 14 s.
3 d. towards expences of the land forces in 1750.

57,582 l. 19 s.
3 d. 2 q. for charges of transporting, &c. to Nova Scotia a number of reduced officers and men;

hundred and fifty one; and any sum or sums of money not exceeding sixty two thousand five hundred and fifty seven pounds two shillings and six pence, upon account for out-pensioners of *Chelsea* hospital, for the year one thousand seven hundred and fifty one; and any sum or sums of money not exceeding sixty four thousand pounds, upon account of the reduced officers of his Majesty's land forces and marines for the year one thousand seven hundred and fifty one, subject to such rules to be observed in the application of the said half-pay, as are hereafter prescribed concerning the same; and any sum or sums of money not exceeding three thousand three hundred and ten pounds, for paying of pensions to the widows of such reduced officers of his Majesty's land forces and marines as died upon the establishment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December* one thousand seven hundred and sixteen, for the year one thousand seven hundred and fifty one; which said sum of three thousand three hundred and ten pounds shall be issued to such person or persons as his Majesty shall, by warrant or warrants under his Majesty's royal sign manual, direct and appoint to receive the same, to be by him or them paid over to such widows of half-pay officers, or their assigns, according to such establishments, lists or other directions, and with and subject to such conditions, qualifications and other allowances for the same as his Majesty, by such and the like warrant or warrants, shall be graciously pleased to direct and appoint; and any sum or sums of money not exceeding four thousand seven hundred and forty seven pounds fifteen shillings and ten pence, for defraying the charge for allowances to the several officers and private gentlemen of the two troops of horse guards, and regiment of horse reduced, and to the superannuated gentlemen of the four troops of horse guards for the year one thousand seven hundred and fifty one; and any sum or sums of money not exceeding sixteen thousand pounds, for the pay of the general and staff officers of his Majesty's land forces for the year one thousand seven hundred and fifty one; and any sum or sums of money not exceeding thirty thousand pounds, to enable his Majesty to make good his engagements with the elector of *Bavaria*, pursuant to treaty; and any sum or sums of money not exceeding forty seven thousand nine hundred and eighty four pounds fourteen shillings and three pence, for defraying the extraordinary expences of his Majesty's land forces and other services incurred in the year one thousand seven hundred and fifty, and not provided for by parliament.

XVI. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding fifty seven thousand five hundred and eighty two pounds nineteen shillings and three pence halfpenny, upon account, for defraying the charges incurred by transporting to his Majesty's colony of *Nova Scotia* and supporting and maintaining there a number of reduced officers and private men dismissed his Majesty's land and sea service, and other his Majesty's

jeſty's ſubjeſts, ſettled in the ſaid colony in the year one thou- 53,927 l. 14s. fand seven hundred and forty nine, and by ſupporting, main- 4d. for ſup- taining and enlarging the ſettlement of his Maſteſty's ſaid colony porting the ſaid colony for in the year one thouſand ſeven hundred and fifty, and not pro- the year 1751. vided for by parliament; and any ſum or ſums of money not exceeding fifty three thouſand nine hundred and twenty seven 10,000 l. to- pounds fourteen ſhillings and four pence upon account, for ſup- porting and maintaining his Maſteſty's colony of *Nova Scotia* for wards the ſettlements on the coast of Africa. the year one thouſand ſeven hundred and fifty one, and any ſum or ſums of money not exceeding ten thouſand pounds, to-wards the ſupport of the *British* forts and ſettlements upon the coast of Africa, to be applied in ſuch manner as his Maſteſty ſhall think proper; and any ſum or ſums of money not exceeding 3,000 l. to-wards mak- ing a road from Carlile to Newcastle, three thouſand pounds towards laying out, making and keeping in repair, a road proper for the paſſage of troops and carriages between the city of *Carlile* and the town of *Newcastle* upon *Tyne*.

XVII. And it is hereby alſo enacted by the authority aforesaid, That out of all or any the aids or ſupplies provided as a- 2,276,893 l. 11s. 7d. to pay off the unſubſcribed South-Sea annuities. foreſaid, there ſhall and may be iſſued and applied any ſum or ſums of money not exceeding two millions two hundred and ſeventy six thouſand eight hundred and ninety three pounds eleven ſhillings and seven pence, to pay off and discharge the unſubſcribed *Old* and *New* annuities, after the rate of four pounds *per centum per annum*, tranſferable at the *South-Sea* houſe, commonly called *Old* and *New South-Sea* annuities, at the ſtated times mentioned in one other act of this preſent ſeſſion of parliament in that behalf.

XVIII. And it is hereby declared by the authority aforesaid, That the ſum of one million thirteen thouſand one hundred and forty eight pounds four ſhillings and six pence, to be ad- 4s. 6d. to be advanced by the governor and company of the bank of *England* for exchequer bills to be made forth in puruane of the act herein before-mentioned in that behalf, ſhall be iſſued and applied to pay off and discharge the ſeveral unſubſcribed exchequer orders, and four payable there, out of the duties on wrought plate, and also the per cent. annuities. ſeveral unſubſcribed annuities, after the rate of four pounds *per centum per annum*, tranſferable at the bank of *England*, at the ſtated times appointed by the act herein before-mentioned in that behalf.

XIX. And it is hereby alſo enacted by the authority aforesaid, That out of all or any the aids or ſupplies aforesaid, there 6,461 l. 1 s. 1 d. to make ſhall and may be iſſued and applied any ſum or ſums of money good the de- not exceeding ſix thouſand four hundred and ſixty one pounds one ſhilling and one penny, to replace to the ſinking fund the ſtamp duties, like ſum paid out of the ſame, to make good the deficiency of the additional ſtamp duties at *Christmas* one thouſand ſeven hundred and forty nine; and any ſum or ſums of money not exceeding 22,534 l. 2 s. 1 q. to make good the du- twelve thouſand five hundred and thirty four pounds two ſhillings and one halfpenny, to replace to the ſaid ſinking fund the like ſum paid out of the ſame, to make good the defi- tities on sweets.

35,000 l. for
interest on the
salt duties.

ciency of the duty of twelve shillings a barrel on sweets or wines made from British or foreign fruit or sugar at *Michaelmas* one thousand seven hundred and fifty; and any sum or sums of money not exceeding thirty five thousand pounds, to replace to the said sinking fund the like sum paid out of the same, to answer one year's interest due at *Michaelmas* one thousand seven hundred and fifty, after the rate of three pounds ten shillings *per centum per annum* on the principal sum of one million lent on credit of the salt duties, which were continued for six years from *Lady-day* one thousand seven hundred and fifty three, towards the supply for the year one thousand seven hundred and forty five; and any sum or sums of money not exceeding four thousand five hundred and ninety two pounds sixteen shillings and nine pence, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the additional duties on wines at *Midsummer* one thousand seven hundred and fifty; and any sum or sums of money not exceeding seven thousand eight hundred and eighty pounds seventeen shillings and one penny, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the duty on licences for retailing spirituous liquors at *Midsummer* one thousand seven hundred and fifty; and any sum or sums of money not exceeding thirty thousand four hundred and twenty two pounds six shillings and three pence, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the duties on glass and spirituous liquors at *Midsummer* one thousand seven hundred and fifty; and any sum or sums of money not exceeding seventy thousand and ninety seven pounds fourteen shillings and eight pence, to replace to the said sinking fund the like sums paid out of the same, to make good the deficiency of the rates and duties upon houses, windows and lights, at *Michaelmas* one thousand seven hundred and fifty; and any sum or sums of money not exceeding forty two thousand five hundred and fifty nine pounds twelve shillings and seven pence halfpenny, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency at *Michaelmas* one thousand seven hundred and fifty, of the subsidy of poundage upon all goods and merchandizes imported into this kingdom since the first day of *March* one thousand seven hundred and forty seven; and any sum or sums of money not exceeding sixty five thousand seven hundred and ninety seven pounds eight shillings and eleven pence three farthings, to make good the deficiency of the grants for the service of the year one thousand seven hundred and fifty.

The supplies
to be applied
only as this
act directs.

XX. And be it further enacted by the authority aforesaid, That the said aids and supplies provided as aforesaid, shall not be issued or applied to any use, intent or purpose whatsoever, other than the uses and purposes before mentioned, or for the several deficiencies or other payments directed to be satisfied thereout by any act or acts, or any particular clause or clauses

for

for that purpose contained in any other act or acts of this present session of parliament.

XXI. And as to the said sum of sixty four thousand pounds by this act appropriated on account of half-pay as aforesaid, it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application of the said half-pay; that is to say, That no person shall have or receive any part of the same who was a minor, and under the age of sixteen years, at the time when the regiment, troop, or company in which he served was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop or company; that no person having any other place or employment of profit civil or military under his Majesty, shall have or receive any part of the said half-pay; that no chaplain of any garrison or regiment who has any ecclesiastical benefice in Great Britain or Ireland, shall have or receive any part of the said half-pay; that no person shall have or receive any part of the same, who has resigned his commission and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons who would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in Ireland, except to such as were lately taken off the establishment of half-pay in Great Britain.

XXII. And whereas by an act of parliament made in the twenty third year of his Majesty's reign, (intituled An act for granting to his Majesty the sum of nine hundred thousand pounds out of the sinking fund for the service of the year one thousand seven hundred and fifty, and for applying certain surplus monies remaining in the exchequer, as part of the supply of the said year, and for the application of certain savings in the hands of the pay-master general; and for obviating a doubt in an act of the fifth year of King George the First, in respect to the payment of certain annuities thereby granted for the improvement of fisheries and manufactures in Scotland, and for the further appropriating the supplies granted this session of parliament, and for giving further time for the payment of duties omitted to be paid for the indentures or contracts of clerks and apprentices, and for transferring the bounties now payable upon the exportation of British sail cloth to the customs, and for enforcing the laws against the clandestine importation of soap, candles and starch into this kingdom) several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, amongst which any sum or sums of money not exceeding sixty seven thousand pounds, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that

Rules to be observed in the application of the half-pay.

Overplus of 67,000l. appropriated to the reduced officers, to be applied to such objects of charity as his Majesty shall direct. behalf; now it is hereby provided, enacted and declared by the authority aforesaid, That ſo much of the ſaid ſum of ſixty feuen thousand pounds, as is or ſhall be more than ſufficient to ſatisfy the ſaid reduced officers, according to the rules prefcribed by the ſaid act to be obſerved in the application thereof, or any part of ſuch overplus, ſhall and may be diſpoſed of to ſuch officers who are maimed, or lost their limbs in the late wars, or ſuch others as by reaſon of their long ſervice, or otherwise, his Ma-jeſty ſhall judge to be proper objects of charity, or to the widows or children of ſuch officers, according to ſuch warrant or war- wants, under his Ma-jeſty's royal ſign manual, as ſhall be ſigned in that behalf; any thing in this act, or the ſaid former act, to the contrary notwithstanding.

XXIII. And whereas ſeveral bills, commonly called exchequer bills, ſeveral tickets in the publick lotteries, and certificates made forth in lieu thereof, and likewife ſeveral orders of loan, and orders for annuities of ſeveral denominations payable at the receipt of his Ma-jeſty's exchequer, made forth by authority of parliament, have been or may hereafter by caſualty or miſchance be loſt, burnt, or otherwise deſtroyed; be it therefore enacted by the authority aforesaid, That in

Duplicates to be made forth of ſuch ex- chequer bills, lottery tickets, certificates, orders of loan, or annuity orders, as shall be loſt, or otherwise deſtroyed. all caſes where it ſhall appear by affidavit to be made before any of the barons of the exchequer for the time being, (who ſhall interrogate the deponent thereupon) to the ſatisfaction of ſuch baron or barons, That any ſuch exchequer bills, lottery tickets, certificates, orders of loan or annuity orders as aforesaid, have been or ſhall hereafter be loſt, burnt or deſtroyed, or that there be good reaſon to believe that the ſame have been loſt, burnt or deſtroyed, it ſhall and may be lawfull for the reſpective officers and persons appointed, to issue and make forth ſuch exchequer bills, tickets, certificates, orders of loan, or annuity orders, or to pay or discharge the ſame, or to issue any monies thereon, upon producing a certificate from any of the ſaid barons of ſuch affidavit made before him or them; (which affidavit the ſaid barons, or any of them, is and are hereby required to take, and which certificate he or they are hereby required to grant without fee or reward) and on ſufficient ſecurity given to the King, his heirs and ſucceſſors, to indemnify the ſaid reſpective officers and persons againſt all other persons whatſoever, for and concerning the monies ſpecified in or due upon ſuch reſpective bill or bills, ticket or tickets, certificate or certificates, order or orders, they the ſaid officers and persons reſpectively ſhall and are hereby required to make forth duplicates of the ſaid bills, tickets, certificates and orders, at the requeſt of the reſpective owners or proprietors thereof, and to pay and discharge the ſame, and all ſuch interest as ſhall be due on any of them carrying interest, as he or they ſhould have paid or discharged on the ſaid original bills, tickets, certificates, orders of loan, or annuity orders, if the ſame had been produced; and ſhall be allowed all ſuch payments in their reſpective accounts.

Commission- ers of the treasury to XXIV. And in all caſes where the ſigning of the commission- ers of his Ma-jeſty's treaſury, or the high treaſurer of Great Bri- tain

tain for the time being, is necessary for making the said duplicates, or any of them effectual, for the purposes aforesaid; it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners of his Majesty's treasury, or any three or more of them, or the said high treasurer for the time being, to sign such duplicates accordingly.

XXV. And whereas it may so happen that several of the said orders of loan, and other orders for annuities of several denominations, payable at the said receipt of exchequer, may become defaced, obliterated or incumbered with many assignments indorsed thereupon, and it may be necessary that new orders should be made forth in lieu thereof; be it therefore further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, and they are hereby also empowered to cause new orders to be made out in lieu of such respective orders as shall become defaced, obliterated, or otherwise incumbered as aforesaid, which said respective orders shall at the same time be delivered up and cancelled, and the new order or orders made out in lieu thereof, shall be made payable and delivered to the person or persons who shall appear to be the proprietor or proprietors of the said order or orders, so to be delivered up and cancelled, at the time of such delivery up as aforesaid; and the auditor of the said receipt of exchequer shall always take care that such entries or memorandums be made upon the said new orders, as may denote their being made in lieu of such defaced, obliterated, incumbered, or otherwise defective orders cancelled, and as may secure the publick against any double payments, for or by reason of the making out or issuing such new orders in manner aforesaid.

New orders of loan, and for annuities, &c.
to be made out in lieu of such as shall be filled up with indorsements, or defaced.

Entry to be made on the new orders.

CAP. XLVIII.

An act for the abbreviation of Michaelmas term.

WHEREAS in the beginning of the term of Saint Michael, commonly called Michaelmas term, very little business can be done, on account of the several holidays that are observed by the high courts of record of our sovereign lord the King, between the first day of the said term and the sixth day of November following: therefore for the ease and benefit of his Majesty's subjects, 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 from and after the feast day of Saint Michael the archangel in the year of our Lord one thousand seven hundred and fifty two, there shall be in Michaelmas term four common days of return only (that is to say) the first day of return thereof shall be and be called the morrow of All Souls; Michaelmas the second day of return of the same term shall be and be called

After 29 September 1752,
four common days of return only to be in Michaelmas term;

the morrow of Saint *Martin*; the third day of return of the same term shall be and be called In eight days of Saint *Martin*; and the fourth day of return of the same term shall be and be called In fifteen days of Saint *Martin*.

the same days to be observed in all the courts. II. And be it further enacted by the authority aforesaid, That the same days of returns shall be observed and kept in all the high courts of record of our sovereign lord the King, his heirs and successors, hereafter to be holden at *Westminster*, or other place or places, at the assignment or appointment of our sovereign lord the King, his heirs and successors; and that from and after the feast day of Saint *Michael* the Archangel in the year of our Lord one thousand seven hundred and fifty two, there shall not be nor be called any days of return from the day of Saint *Michael* in three weeks, nor from the day of Saint *Michael* in one month, nor either of them; and that the said term of Saint *Michael* yearly for ever, from and after the said feast of Saint *Michael* the Archangel one thousand seven hundred and fifty two, shall begin in and upon the said morrow of *All Souls* whensoever it shall happen to fall, (except it be on the Lord's day, commonly called *Sunday*) and then on the morrow next after for the keeping of esloigns, profers, returns, and other ceremonies heretofore used and kept, in like manner and form as hath been used to be done in the day of the return, commonly called From the day of Saint *Michael* in three weeks; and that the full term of Saint *Michael* shall yearly for ever, from and after the said feast of Saint *Michael* one thousand seven hundred and fifty two, in all the aforesaid courts of record, begin and take its commencement upon the fourth day of the said morrow of *All Souls*, (except it be on the Lord's day, commonly called *Sunday*) and then on the morrow next after.

No returns to be from Michaelmas day in 3 weeks, nor from that day in 1 month. The term to begin on the morrow of All Souls,

and the full term on the fourth day after, except those days shall happen on a Sunday.

Days of returns of writs.

III. And for the more speedy proceeding in writs of *Dower unde nihil habet*, and writs of entry for common recoveries to be sued and prosecuted by writs of entry or writs of right of advowson, and in all other real actions; be it enacted by the authority aforesaid, That after the feast of Saint *Michael* the Archangel one thousand seven hundred and fifty two coming, if any writ in any such action come in, and be returnable in his Majesty's court of *Common Pleas*, in the day of the return of the morrow of *All Souls*, then day shall be given in fifteen days of Saint *Martin*; if on the morrow of Saint *Martin*, then in eight days of Saint *Hilary*; if in eight days of Saint *Martin*, then in fifteen days of Saint *Hilary*; if in fifteen days of Saint *Martin*, then on the morrow of *The Purification*; if in eight days of Saint *Hilary*, then in eight days of *The Purification*; if in fifteen days of Saint *Hilary*, then in fifteen days of *Easter*; if on the morrow of *The Purification*, then in three weeks from the day of *Easter*; if in eight days of *The Purification*, then in one month from the day of *Easter*; if in fifteen days of *Easter*, then in five weeks from the day of *Easter*; if in three weeks from the day of *Easter*, then on the morrow of *The Ascension of our Lord*; if in one month from the day of *Easter*, then on the morrow of the *Holy*

Holy Trinity; if in five weeks from the day of *Easter*, then in eight days of the *Holy Trinity*; if on the morrow of *The Ascension of our Lord*, then in fifteen days of *The Holy Trinity*; if on the morrow of *The Holy Trinity*, then in three weeks from the day of *The Holy Trinity*; if in eight days of *The Holy Trinity*, then on the morrow of *All Souls*; if in fifteen days of *The Holy Trinity*, then on the morrow of *Saint Martin*; if in three weeks of *The Holy Trinity*, then in eight days of *Saint Martin*.

IV. Provided nevertheless, and be it further enacted by the authority aforesaid, That in all writs of *Dower unde nihil habet*, *Dower, &c.* after issue joined, it shall not be needful or requisite to have above fifteen days betwixt the teste and return of the *Venire facias*, or any other process to be sued out for the trial of the said issue, but that the writ of *Venire facias*, and other process, after issue joined, between the teste and return of the *Venire*, shall be good and effectual in law, as is used in personal actions; any law, statute or usage, to the contrary heretofore notwithstanding.

V. And it is hereby further enacted by the authority aforesaid, That from and after the said feast of *Saint Michael* the ving day from *Archangel* one thousand seven hundred and fifty two, all writs the fourth of and process hereafter to be made out of any of his Majesty's the morrow of courts at *Westminster*, and having day from the fourth day of the morrow of *The Ascension*, to the morrow of *The Holy Trinity*, of the *Holy Trinity* to be shall be good and effectual in law, notwithstanding there be not fifteen days between the teste and the return of the said writs. good.

VI. And be it further enacted by the authority aforesaid, Writs, &c. returnable in That all writs or process made, or to be made returnable upon three weeks of the following returns, *videlicet*; in three weeks of *Saint Michael*, *Saint Michael*, or from the day of *Saint Michael* in one month next following, or in one month from or having days between either of the said returns, shall, by force of that day, and virtue of this act, have day unto the said morrow of *All Souls*, and the parties to the said writs and process shall then appear and plead and proceed thereupon to all intents and purposes, as if the said writs and process had been made returnable on the said morrow of *All Souls*. to have day unto the morrow of *All Souls*.

VII. And be it further enacted, That all common writs, as Days of re-well personal as mixt, which shall happen to be returnable in turn of com-the said *Michaelmas* term, shall have and keep the said returns mon writs in of the morrow of *All Souls*, the morrow of *Saint Martin*, in the term, eight days of *Saint Martin*, and in fifteen days of *Saint Martin*, or any of them.

VIII. And whereas before the making of this act, all writs of summons to warrant against the vouchers upon common recoveries had, in writs of entry and writs of right of advowson, were made for five returns inclusive; now for the more speedy perfecting of such Writs of recovery, be it enacted by the authority aforesaid, That from and after the said feast of *Saint Michael* the Archangel one thousand seven hundred and fifty two, all and every such writs of summons to warrant upon the appearance of the tenant to every five such turns abridged to four returns inclusive.

such writ of entry and writ of right of advowson, shall and may be made and abridged to four returns inclusive.

Courts to appoint special days of returns where usual.

Days of assize in Darrein Presentment and Quare impedit, and the days to be given in attaint to stand.

5 Ed. 3. c. 6.
23 H. 8. c. 3.

The presenting and swearing the mayors of London to be on 9 November.

24 Ed. 3. c. 7.

The day of assembling at the exchequer for ordaining sheriffs to be on the morrow of Saint Martin.

IX. Provided always, and it is hereby further enacted by the authority aforesaid, That in such and like cases and process as special days have been used to be appointed and assigned and given for the return of writs and process, it shall be lawful to the justices of every the King's said courts of record for the time being, in all the process by them awarded, to assign and appoint special days of returns, as by them shall be thought convenient.

X. Provided also, and be it enacted by the authority aforesaid, That the days of assize in *Darrein Presentment* and in a plea of *Quare impedit* limited and appointed by the statute of *Marlbridge*, and also the days to be given in attaint limited in the statute made in the fifth year of the reign of King *Edward the Third*, and also in the statute made in the three and twentieth year of the reign of the late King *Henry the Eighth*, being not contrary to the tenor of this act, shall be holden firm, and stand in their full force and effect.

XI. And whereas by divers charters heretofore granted to the citizens of London, by his Majesty's royal predecessors Kings and Queens of England, it is directed that the mayor of the said city, after he is chosen, shall be presented and sworn before the King or Queen of England in their court of exchequer at Westminster, or before the barons of the said court: and whereas the said solemnity, after every annual election of the said mayor, hath been usually kept, and observed by the said city on the twenty ninth day of October, except the same fall on a Sunday, and then on the day following; be it enacted by the authority aforesaid, That from and after the said feast of Saint Michael, which shall be in the year of our Lord one thousand seven hundred and fifty two, the said solemnity of presenting and swearing the mayors of the city of London, after every annual election into the said office, in the manner and form heretofore used on the twenty ninth day of October, shall be kept and observed on the ninth day of November in every year, unless the same shall fall on a Sunday, and in that case on the day following; any rule or order in any of the charters of the said city, or the usage or customs thereof to the contrary notwithstanding.

XII. And whereas by the abbreviation of Michaelmas term pursuant to this act, the morrow of All Souls will not be in full term, and thereby will prove inconvenient for the purpose of ordaining sheriffs pursuant to an act of parliament made in the fourteenth year of the reign of King *Edward the Third*, intituled, How long a sheriff shall continue in his office; be it therefore enacted by the authority aforesaid, That from and after the commencement of this act the same officers and persons, who by virtue of the said last mentioned act, or any other law or statute, ought to assemble at the exchequer yearly on the morrow of All Souls, for the ordaining or nominating of sheriffs, shall not assemble on that day, but instead thereof shall assemble yearly on the morrow of Saint

Saint Martin at the exchequer, in the like manner, and for the same intent and purpose.

C A P. XLIX.

An act for allowing further time to the commissioners appointed by and in pursuance of an act of the twenty third year of his present Majesty's reign, intituled, An act for extending and improving the trade to Africa, to inquire into the claims of certain creditors of the royal African company therein mentioned, and for the relief of David Crichton; and for restraining the said company from disposing of such of their effects as are therein mentioned; and for staying all suits for money due from or on the account of the said company, for the time therein mentioned.

WHEREAS by an act of parliament made and passed in the 23Geo.2. c.31. twenty third year of the reign of his present Majesty (intituled, An act for extending and improving the trade to Africa) it was enacted, That the acountant general of the high court of chancery for the time being, and such two of the other masters of the said court, as the lord high chancellor of Great Britain for the time being, or Lord keeper of the great seal of Great Britain for the time being, or the lords commissioners for the great seal of Great Britain for the time being, shold from time to time nominate for that purpose, shold be, and they were thereby constituted and appointed commissioners for examining into the claims of the creditors of the said royal African company; and to inquire and state how and when the same were respectively incurred, in such manner as in and by the said act is directed, together with their opinion of the justness and reasonableness of such debts respectively; and to lay the account of their proceedings before the parliament with all convenient speed: and whereas the said commissioners have laid an account of their proceedings before the parliament; but several claims of the company's officers and servants abroad, for salaries due to them, or for goods sold and delivered for the said company's use, and which are hereafter more particularly mentioned, for want of proper vouchers from abroad, could not be examined into within the time prescribed for that purpose by the said act; be it therefore enacted, &c.

The powers granted to the commissioners by the recited act to be in force, for stating the claims of the creditors herein named. Creditors to deliver in an account of their further demands, &c. by 1 December 1751. Commissioners to finish the examination of claims by 12 January, and to lay their proceedings before the parliament. African company not to dispose of any military stores, &c. for one year. Suits depending against the company stayed for one year. Stay of execution of judgment given by David Crichton to William Stead enlarged for one year.

C A P. L.

An act to enable his Majesty to make leases and copies of offices, lands and hereditaments, parcel of his dutchy of Cornwall, or annexed to the same.

W H E R E A S his most excellent Majesty now stands seized of the dutchy of Cornwall and the possessions thereof; and whereas some doubts may arise in relation to his Majesty's granting leases and making copies of offices, lands and hereditaments, parcel of his said dutchy, or thereunto annexed or belonging; for obviating whereof, and for the ease and quiet of the minds of such persons as have taken, or shall hereafter take leases from his said most excellent Majesty; and to the end that such persons may be sure to have good and indefeizable estates, and be encouraged to lay out monies in building and repairing, or otherwise improving the several lands and tenements to them demised or to be demised; 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 all leases and grants made or to be made by copy of court roll, according to the custom of the respective manor or manors of the said dutchy, or thereunto annexed or belonging; and all leases and grants to be made within seven years next ensuing, by letters patents or indentures under the great seal of Great Britain, or seal of the court of exchequer, or by copy of court roll according to the custom of the respective manors, of any offices, messuages, parks, lands, tenements, or hereditaments (other than honours, lordships, or manors) parcel of the possessions of the said dutchy of Cornwall, or annexed to the same, shall be good and effectual in law, according to the purport and contents of the same copies, leases and grants, against our sovereign lord the King, his heirs and successors, and against all and every other person or persons that shall at any time hereafter have, inherit, or enjoy the said dutchy by force of any act of parliament, or by other limitation whatsoever.

Leases to be made for a term of years or lives,

IL Provided always, That every such lease or grant so made or to be made, be not for more than one, two or three lives, or for one and thirty years, or under, or for some term of years determinable upon one, two or three lives, and not above; and if such leases or grants be made in reversion or expectancy, that then the same, together with the estates in possession, do not exceed three lives, or the term of one and thirty years, and be and not to be made disipnissable of waste; and so as upon every such lease or grant be, or shall be reserved the ancient or of waite, and the usual most usual rent, or more, or such rent as hath been reserved, or a reasonable yielded or paid for the same manors, lands or hereditaments, rent to be reserved for the greater part of twenty years next before the making of the said leases; and where no such rent hath been reserved or payable, that then upon every such lease there be, or shall be reserved a reasonable rent, not being under the twentieth part of

of the clear yearly value of the manors, messuages, parks, lands, tithes, tenements or hereditaments contained in such lease or grant; and all leases and grants otherwise made or to be made, shall be null and void.

III. And be it further ordained and enacted by the authority Reservation in
aforesaid, That all covenants, conditions, reservations and other the leases, &c.
agreements contained in every lease, grant or copy of court roll
made, or to be made as aforesaid, shall be good and effectual in
law, according to the words and contents of the same, as well
for and against them to whom the reverions of the same lands,
tenements and hereditaments shall come, as for and against them
to whom the interest of the said leases, grants or copies shall
come respectively, as if our sovereign lord the King's majesty,
at the time of making such covenants, conditions and reservations,
and other agreements, were seized of an absolute estate
in fee simple in the same lands, tenements or hereditaments.

IV. Saving always, To all and every person and persons, bodies politick and corporate, their heirs and successors, executors, administrators and assigns (other than to our said sovereign lord the King, and his heirs and successors, and the duke and dukes of Cornwall for the time being, and his and their heirs, and all and every other person and persons that shall hereafter have, inherit or enjoy the said dukedom of Cornwall, by force of any act of parliament or other limitation whatsoever) all such rights, titles, estates, customs, interests, tenures, claims and demands whatsoever, of what nature, kind or quality whatsoever, of, in, to, or out of the said offices, lands, tenements or hereditaments, or any of them, as they or any of them had, or ought to have had, before the making of this act, to all intents and purposes, and in as large and ample manner and form, as if this act had never been had or made; this act or any thing herein contained to the contrary notwithstanding.

C A P. L1.

An act for encouraging the making of pott ashes and pearl ashes in the British plantations in America.

WHEREAS the making of pott ashes and pearl ashes in the British plantations in America would be advantageous to the trade of this nation, as great quantities thereof are used in the making of soap and other manufactures of this kingdom, which at present being chiefly furnished from foreign parts, the supply of that necessary commodity is uncertain, and the price often exorbitant: 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 from and after the twenty ninth day of September, one thousand seven hundred and fifty one, the several No duties to and respective subsidies, customs, impositions, rates and duties be paid on now payable on pott ashes or pearl ashes made in and imported pott or pead from

ashes imported from his Majesty's colonies in *America* into any part of *Great Britain*, shall cease, determine and be no longer paid.

Conditions to be observed in the importation of pott and pearl ashes.

II. Provided always, and be it further enacted by the authority aforesaid, That a due entry shall be made of all pott ashes and pearl ashes which shall be made in, and imported from the said colonies into *Great Britain*, at the custom-house, at the time of the importation thereof, in the same manner and form (expressing the package, marks and numbers, together with the quantities of the respective goods) as was used and practised before the making of this act; and the same shall be landed in the presence of, and examined by the proper officer or officers of the customs appointed for that purpose; and shall be imported in ships or vessels that may lawfully trade to his Majesty's plantations, manned as by law is required; and on failure of the said conditions or directions herein before-mentioned, such pott ashes and pearl ashes shall be liable to the payment of the respective duties, as if this act had never been made.

Person loading pott or pearl ashes in America, to make oath before the collector, that the same are of the manufacture of the British colonies, &c.

and the master to bring a certificate from the officers, expressing the marks and number of packages, &c.

III. Provided always, and be it further enacted by the authority aforesaid, That in order to intitle the importer and importers of pott ashes, or pearl ashes to the benefit of this act, every merchant or other person or persons whatsoever who shall, after the twenty ninth day of *September* one thousand seven hundred and fifty one, load any pott ashes or pearl ashes on board any ship or vessel in any of the *British* colonies or plantations in *America*, shall, before the clearing out of the said ship or vessel from thence, make proof on oath before the collector and comptroller of the customs, and naval officer, at the port or place where such pott ashes or pearl ashes shall be put on board, or any two of them, that the pott ashes or pearl ashes which he, she, or they hath or have shipped on board the said ship or vessel, is *bona fide* of the product and manufacture of some or one of the *British* colonies or plantations in *America*, expressing the exact quantity of such pott ashes or pearl ashes, and the parish or place in such plantation where the same was made, and by whom (which oath the said collector and comptroller of the customs, and naval officer, or any two of them, are hereby required and empowered to administer without fee or reward) and the master, commander, or other person taking charge of the ship or vessel on board which such pott ashes or pearl ashes shall be loaded, shall also bring with him a certificate or certificates from such collector and comptroller of the customs, and naval officer, or any two of them as aforesaid, under their hands and seals of office (which certificate or certificates such collector and comptroller of the customs and naval officer, are hereby required and directed to grant, without fee or reward) expressing the marks and number of casks or packages, also the weight and tale of the pott ashes and pearl ashes contained therein, and so shipped or loaded on board such ship or vessel, with the name or names place or places of abode of the exporter or exporters thereof, from the said *British* colonies or plantations in *America*, and the name or names, place or places of abode of such other person

or persons who shall have sworn the goods therein mentioned to have been the product and manufacture of the ſaid Britiſh colonies or plantations in *America*; which certificate or certificates the ſaid master, commander or other person taking charge of which he is to ſuch ſhip or vessel ſhall, on his arrival in this kingdom, deliver arrival to the to the collector, comptroller or other chief officer of his Majef- collector, and ty's customs at the port where he ſhall arrive at, or before the make oath to entry of the ſaid pott ashes or pearl ashes; and at the ſame time the identity of ſhall make oath before the ſaid collector, comptroller or chief officer of his Majefty's customs (who are hereby required and impowered to administer the ſame, without fee or reward) that the ſaid casks, and parcels and goods, contained in ſuch certificate are the ſame casks, and parcels and goods, as were taken on board ſuch ſhip or vessel in the ſaid Britiſh colonies or plantations in *America*; and if any pott ashes or pearl ashes of the product and manufacture of the Britiſh colonies or plantations in *America*, ſhall, after the ſaid twenty ninth day of *September* one thousand seven hundred and fifty-one, be imported as herein before-mentioned, without ſuch certificate ſigned and delivered as herein before required, and oath made as before directed, by the master, commander or other person taking charge of the ſhip or vessel in which the ſame is imported, all ſuch pot ashes on failure and pearl ashes ſhall be liable to the payment of the reſpective thereof the du- ties, as if this act had never been made; any thing herein ſees to be paid, before contained to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That if any person or persons ſhall, from and after the ſaid twenty ninth day of *September* one thousand seven hundred and fifty one, make, or cause to be made, an entry or entries of any foreign pott ashes or pearl ashes, under the name or description of pott ashes or pearl ashes of the product or manufacture of any of the Britiſh colonies or plantations in *America*, or ſhall mix, or cause to be mixed, any foreign pott ashes or pearl ashes the ſame, with pott ashes or pearl ashes of the product or manufacture of the Britiſh colonies or plantations in *America*, with intent to evade the duties payable on foreign pott ashes, and pearl ashes, every person or persons ſo making, or causing to be made, ſuch entry or entries, or mixture, or causing ſuch mixture or mixtures to be made, ſhall forfeit and pay the ſum of fifty pounds for every ſuch offence, and all ſuch foreign pott ashes and pearl ashes; and in case of any mixture, the quantity ſo mixed, both of foreign and Britiſh plantation product and manufacture, or the value thereof, together with the casks or other packages containing the ſame, ſhall be forfeited, and ſhall and may be seized and prosecuted, or the value thereof be sued for by any officer or officers of his Majefty's customs.

V. And be it enacted by the authority aforesaid, That if any collector or comptroller of the customs, and naval officer, ſhall ſalfly make any ſuch certificate as herein before required or di- rected to be made, all and every ſuch person ſo offending ſhall, for every ſuch offence, forfeit and pay the ſum of two hundred pounds.

and on false
oath;

or counter-
feiting certi-
ficate.

Forfeitures,
how to be
prosecuted.

and applied.

Onus proban-
di to lie on
the owner.

Limitation of
actions.

General issue.

pounds, and also forfeit and lose his office, and be incapable of serving his Majesty, his heirs and successors, in any office or trust of profit; or if any merchant, factor, trader, master or commander of any ship or vessel, or any other person or persons, shall falsely make any oath required by this act, every such offender shall incur the punishment inflicted by the laws of this realm for wilful and corrupt perjury; and if any person shall knowingly counterfeit any such certificate as herein before is directed to be made, or publish the same, knowing it to be counterfeit, every such person so offending shall incur the punishment inflicted by the laws of this realm for forgery.

VI. And it is hereby further enacted by the authority aforesaid, That the several penalties and forfeitures by this act inflicted, shall and may be prosecuted, determined and recovered, by bill, plaint or information, in any of his Majesty's courts of record at Westminster, or in the court of exchequer in Scotland, or in any of the courts of admiralty in his Majesty's plantations in America respectively; wherein no escheat, protection, wager of law, or more than one imparlance, shall be allowed.

VII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures by this act imposed, shall, if in Great Britain, be applied, one moiety to the use of his Majesty, his heirs and successors, and the other moiety to such person or persons as shall seize, prosecute or sue for the same: and all such penalties and forfeitures as shall be incurred in his Majesty's plantations in America, shall be applied, one third part thereof to the use of his Majesty, his heirs and successors, one third part to the use of the governor of the plantation where the forfeiture shall be incurred, and the remaining third part to such person or persons who shall seize, prosecute, or sue for the same.

VIII. Provided always, That if any doubt or dispute shall arise, whether the said pott ashes, or pearl ashes, or any part thereof, so to be imported as aforesaid, is of the product and manufacture of the British colonies or plantations in America, or of foreign product or manufacture, the *Onus Probandi* shall lie on the owner or claimer thereof, and not on the informer or prosecutor; any law, custom or usage to the contrary notwithstanding.

IX. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, every such action or suit shall be commenced within six months next after the fact committed; and the defendant or defendants, in any such action or suit, may plead the general issue, and give this act, and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared;

peared; or if judgment shall be given upon any verdict or de-
murrer against the plaintiff, the defendant or defendants shall
and may recover treble costs, and have the like remedy for the Treble costs,
same as defendants have in other cases by law.

C A P. LII.

*An act for continuing several laws therein mentioned, relat-
ing to the Premiums upon the importation of masts, yards,
and bowsprits; tar, pitch and turpentine; to British made
sail cloth, and the duties payable on foreign sail cloth; and
to the allowance upon the exportation of British made gun-
powder:*

WHEREAS the laws herein after mentioned, are found to be
very useful and beneficial to the publick, and are so near ex-
piring, that it is fit they should now be continued; be it therefore
enacted by the King's most excellent majesty, by and with the
advice and consent of the lords spiritual and temporal and com-
mons in this present parliament assembled, and by the authority
of the same, That so much of an act made in the second year
of the reign of his present Majesty, intituled, *An act for the
better preservation of his Majesty's woods in America, and for the encouragement
of the importation of naval stores from thence; and to encourage the importation of masts, yards and bowsprits, from that
part of Great Britain called Scotland, as relates to the Premiums
upon masts, yards and bowsprits, tar, pitch and turpentine, which*
was made to be in force from the twenty ninth day of September
one thousand seven hundred and twenty nine, for the space
of thirteen years, and to the end of the then next session of par-
liament; and which by another act made in the thirteenth year
of the reign of his present Majesty, was further continued until
the twenty fifth day of December one thousand seven hundred
and fifty, and from thence to the end of the then next session further con-
tinued until the twenty fifth day of December one thousand seven hundred
and fifty one, and from thence to the end of the then next ses-
sion of parliament.

II. Provided, That no bounty shall be paid on any tar, un-
less each barrel thereof shall contain thirty one gallons and an
half, and that the officers who survey such barrel, shall not sur-
vey the same, till the water shall be all drawn off, and every
barrel filled up with tar.

III. And be it further enacted by the authority aforesaid, *That an act made in the ninth year of the reign of his present
Majesty, intituled, An act for the further encouraging and regu-
lating the manufacture of British sail cloth, and for the more effectu-
al securing the duties now payable on foreign sail cloth imported into
this kingdom, which was to be in force from the twenty fourth
day of June one thousand seven hundred and thirty six, for the
space of five years, and to the end of the then next session of*

continued by parliament; and which by another act made in the thirteenth year of the reign of his present Majesty, was further continued until the twenty fifth day of December, one thousand seven hundred and fifty, and from thence to the end of the then next session of parliament, shall be and the same is hereby further continued from the time therein limited for the expiration thereof, unto the twenty fifth day of December, one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament.

4 Geo. 2. c.
29. for an allowance on exportation of British gunpowder,

continued by
10 Geo. 2. c.
27. and 16
Geo. 2. c. 26.

further continued to 24 June, 1757.

IV. And be it further enacted by the authority aforesaid, That an act made in the fourth year of the reign of his present Majesty, (intituled, *An act for granting an allowance upon the exportation of British made gunpowder*) which was to continue in force for five years from the twenty fourth day of June one thousand seven hundred and thirty one, and from thence to the end of the then next session of parliament, and which by another act made in the tenth year of the reign of his present Majesty, was further continued for seven years, and from thence to the end of the then next session of parliament, and which by another act made in the sixteenth year of the reign of his present Majesty, was further continued until the twenty fourth day of June one thousand seven hundred and fifty, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof, until the twenty fourth day of June, one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament.

CAP. LIII.

An act to regulate and restrain paper bills of credit in his Majesty's colonies or plantations of Rhode Island and Providence plantations, Connecticut, the Massachusetts Bay, and New Hampshire in America; and to prevent the same being legal tenders in payments of money.

• Ann. c. 30.

WHEREAS the act of parliament made in the sixth year of her late majesty Queen Anne, intituled, *An act for ascertaining the rate of foreign coins in his Majesty's said colonies of Rhode Island and Providence plantations, Connecticut, the Massachusetts Bay, and New Hampshire in America*, by their creating and issuing, from time to time, great quantities of paper bills of credit, by virtue of acts of assembly, orders, resolutions or votes, made or passed by their respective assemblies, and making legal the tender of such bills of credit in payment for debts, dues and demands; which bills of credit have, for many years past, been depreciating in their value, by means whereof all debts of late years have been paid and satisfied with a much less value than was contracted for, which hath been a great discouragement and prejudice to the trade and commerce of his Majesty's subjects, by occasioning confusion in dealings, and lessening of credit in those parts: therefore, for the more effectual

tual preventing and remedying of the said inconveniences, 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 from and after the twenty ninth day of September one thousand seven hundred and fifty one, it shall not be lawful for the governor, council or assembly for the time being, or any of them, or for the lieutenant governor, or person presiding or acting as ~~governor~~ ^{No act to pass} ^{for creating} ^{paper bills of} ^{commander in chief,} for credit, the time being, within all or any of the aforesaid colonies or plantations of *Rhode Island*, and *Providence* plantations, *Connecticut*; the *Massachusetts Bay*, and *New Hampshire*, to make or pass, or give his or their assent to the making or passing of any act, order, resolution, or vote, within any of the said colonies or plantations, whereby any paper bills or bills of credit, of any kind or denomination whatsoever, shall be created or issued under any pretence whatsoever; or whereby the time limited, or for the provision made for the calling in, sinking or discharging of such paper bills, or bills of credit, as are already subsisting and passing in payment, within any of the said colonies or plantations, shall be protracted or postponed; or whereby any of them shall be depreciated in value, or whereby the same shall be ordered or allowed to be re-issued, or to obtain a new and further currency; and that all such acts, orders, resolutions or votes, which shall or may be passed or made, after the said twenty ninth day of *September* one thousand seven hundred and fifty one, within all or any of the said colonies or plantations, shall be, and are hereby declared to be null and void, and of no force or effect whatsoever.

II. And be it further enacted by the authority aforesaid, That Bills of credit all such paper bills, or bills of credit, as are now subsisting, and now subsisting, passing in payments, within any of the said colonies or plantations of *Rhode Island*, and *Providence* plantations, *Connecticut*, *Massachusetts Bay* and *New Hampshire*, shall be duly and punctually called in, sunk and discharged, according to the tenor of and within the periods limited by the respective acts, orders, votes or resolutions, for creating and issuing, or continuing the same respectively, unless where the same have been altered by any subsequent act or acts of assembly; and in that case, that the same be discharged according to the tenor mentioned in the said act or acts of assembly; and that no such paper bills, or bills of credit, shall, from and after such periods so limited, as aforesaid, be any longer current in all or any of the said colonies or plantations respectively.

III. Provided nevertheless, That nothing in this act contained shall extend, or be construed to extend, to restrain any governor or governors, council or assembly, within any of the said colonies or plantations, from making or passing any act or acts of assembly in any of the said colonies or plantations, for the ^{Acts may pass} ^{for issuing bills} ^{of credit for} ^{the current} ^{service of the} ^{year, &c.}

creating and issuing of such paper bills, or bills of credit, in lieu of, and for securing such reasonable sum or sums of money, as shall be requisite for the current service of the year; so as by such act or acts of assembly, whereby such paper bills, or bills of credit, shall be created or issued, sufficient provision be made to secure the calling in, discharging and sinking of the same, within a short reasonable time, not exceeding the space of two years, to be computed from the dates of the respective acts whereby such paper bills, or bills of credit, were created and issued; ~~anything herein before contained to the contrary thereof~~ in any wise notwithstanding.

and for extraordinary emergencies, in case of war or invasion.

IV. Provided also, That nothing herein contained shall extend, or be construed to extend to restrain any governor or governors, council or assembly, within any of the said colonies or plantations, from making or passing any act or acts of assembly, in any of the said colonies or plantations, for creating and issuing such paper bills, or bills of credit, in lieu of and for securing such reasonable sum or sums of money as shall, at any time hereafter, be necessary or expedient upon sudden and extraordinary emergencies of government, in case of war or invasion, so as in every such act or acts of assembly for the emission of paper bills, or bills of credit, so issued as aforesaid, due care be taken to ascertain the real value of all such principal sum or sums for which the same shall be so made, created and issued as aforesaid, and also the interest to be paid thereon; and to as care be likewise taken, in the said act or acts, to establish and provide an ample and sufficient fund for the calling in, discharging and sinking, within as short and reasonable a time as may be, not exceeding five years at the farthest, all the said bills, by actual payment of all and every the sum and sums of money for which the same shall be so made, created and issued as aforesaid, with the interest due thereon.

V. And whereas there are now subsisting and passing in payment, within the said colonies and plantations, divers kinds of paper bills, or bills of credit, of various denominations, which have been heretofore created and issued within the said colonies and plantations, or some of them, on loans and otherwise, whereby private persons and their estates stand liable to, and bound for the discharge of the sums by them borrowed and received on such loans; without the payment of which sums (in case any difficulty or obstruction should arise in the payment thereof) such paper bills, or bills of credit so issued on such loans, cannot be called in, discharged and sunk, according to the tenor of the respective acts, orders, votes or resolutions, by virtue whereof the same have been so respectively issued: for the providing a remedy for such inconveniences, be it further enacted by the authority aforesaid, That all such paper bills, or bills of credit, of what kind or denomination soever, which have at any time heretofore been created and issued on such loans, within any of the said colonies and plantations, be duly called in, and discharged and sunk, according to the tenor of the respective acts, orders, votes or resolutions, for creating and issuing, or continuing the same

Bills of credit
on loans, to
be called in.

same respectively, in like manner as all other paper bills or bills of credit, already subsisting within the said colonies or plantations, are herein before required to be called in, discharged and sunk.

VI. And be it further enacted by the authority aforesaid, That Persons who have borrowed money on loans, &c compellable to discharge the same. all persons who have borrowed and taken up any sum or sums of money on loans, for the discharge whereof they and their respective estates stand bound, shall be required and compelled, by all due and legal means, to satisfy and discharge the sums by them borrowed, according to the terms of such loans respectively, and the true intent and meaning thereof, except as is herein before excepted; and in case any deficiency or loss shall happen by failure of the security so taken on such loans respectively, that the same, and every part thereof, shall be supplied and made good by an adequate tax or imposition, to be equally and rateably assessed, levied and raised within the said colonies or plantations respectively, where such loss or deficiency shall so happen.

VII. And be it further enacted by the authority aforesaid, That No paper currency to be deemed a legal tender. from and after the twenty-ninth day of September one thousand seven hundred and fifty-one, no paper currency, or bills of credit, of any kind or denomination, which may be made, created or issued in any of the said colonies or plantations, pursuant to the provisions herein before made in this act, shall be a legal tender in payment of any private bargains, contracts, debts, dues or demands whatsoever, within the said colonies or plantations, or any of them.

VIII. Provided, That nothing herein contained shall extend, or be construed to extend to make any of the bills now subsisting in any of the said colonies a legal tender.

IX. And be it further enacted by the authority aforesaid, That Penalty on governor giving his assent to any act contrary to this act. if any governor or commander in chief for the time being, in all or any of his Majesty's said colonies or plantations, whether commissioned by his Majesty, or elected by the people, shall, from and after the said twenty ninth day of September one thousand seven hundred and fifty one, give his assent to any act of assembly, order, resolution or vote, for the emission or issuing of any paper bills, or bills of credit, of any kind or denomination whatsoever; or for prolonging the time limited for calling in and sinking any such paper bills, or bills of credit, as are now subsisting and passing in payment; or for re issuing or depreciating the same, contrary to the true intent and meaning of this act; such act, order, resolution or vote, shall be *ipso facto* null and void, and such governor or commander in chief shall be immediately dismissed from his government, and for ever after rendered incapable of any publick office or place of trust.

CAP. LIV.

An act for explaining, continuing and enforcing several laws therein mentioned, more effectually to prevent the spreading of the distemper which now rages amongst the horned cattle in this kingdom.

C A P. LV.

An act for amending and making more effectual a clause in an act passed in the last session of parliament, for the apprehending of persons in any county or place upon warrants granted by justices of the peace of any other county or place.

23Geo.2. c. 26. **W**HEREAS by a clause in an act made in the twenty third year of his present Majesty's reign; it is amongst other things therein enacted, That from and after the twenty fourth day of June one thousand seven hundred and fifty, in case any person against whom a legal warrant shall be issued by any justice or justices of the peace, for any county, riding, division, city, liberty, town or place within this kingdom, shall escape or go into any other county, riding, division, city, liberty, town or place out of the jurisdiction of the justice or justices granting such warrant as aforesaid, it shall and may be lawful for any justice of the peace of the county, riding, division, city, liberty, town or place to which such person shall have gone or escaped, to indorse such warrant, upon application made to him for that purpose, and to cause the person against whom the same shall have been issued, to be apprehended and sent to the justice or justices who granted such warrant, or to some other justice or justices of the county, riding, division, city, liberty, town or place from whence such person shall have gone or escaped, to the end that he or she may be dealt with according to law: and whereas such offender or offenders may reside or be in some other county, riding, division, city, liberty, town or place out of the jurisdiction of the justice or justices granting such warrant as aforesaid, before the granting such warrant, and without escaping or going out of the county, riding, division, city, liberty, town or place after such warrant granted; be it therefore 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 twenty fourth day of June one thousand seven hundred fifty one, in case any person, against whom a warrant shall be issued by any justice or justices of the peace of any county, riding, division, city, liberty, town or place within this kingdom, shall escape, go into, reside or be in any other county, riding, division, city, liberty, town or place out of the jurisdiction of the justice or justices granting such warrant as aforesaid, it shall and may be lawful for any justice or justices of the peace of the county, riding, division, city, liberty, town or place where such person shall escape, go into, reside or be, and such justice or justices is and are hereby required, upon proof being made upon oath, of the hand writing of the justice or justices granting such warrant, to indorse his or their name or names on such warrant, which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant in such other county, riding, division, city, liberty, town or place out of

Person being
out of the ju-
risdiction of
the justice,
who shall grant
a warrant,

the justice
where such
persons shall
be, to indorse
the warrant,

of the jurisdiction of the justice or justices granting such warrant as aforesaid, and to apprehend and carry such offender or offenders before the justice who indorsed such warrant, or some other justice or justices of such other county, riding, division, city, liberty, town or place where such warrant was indorsed, and the offence in case the offence for which such offender shall be so apprehended in such other county, riding, division, city, liberty, town or place as aforesaid, shall be bailable in law, and such offender shall be willing and ready to give bail for his appearance at the next assizes or general gaol delivery, or at the next general quarter-sessions of the peace, to be held in and for the county, riding, division, city, liberty, town or place where the offence was committed, such justice or justices of such other county, riding, division, city, liberty, town or place before whom such offender or offenders shall be brought, shall and may take bail of such offender or offenders, for his or their appearance at the next assizes or general gaol delivery, or at the next general quarter-sessions of the peace to be held in and for the county, riding, division, city, liberty, town or place where such offence was committed, in the same manner as the justices of the peace the recognizance, &c. to place should or might have done in such proper county, riding, division, city, liberty, town or place; and the justice or justices of such other county, riding, division, city, liberty, town or place so taking bail as aforesaid, shall deliver the recognizance, together with the examination or confession of such offender or offenders, and all other proceedings relating thereto, to the constable, tythingman or other person or persons so apprehending such offender or offenders as aforesaid, who are hereby required to receive the same, and to deliver over such recognizance, examination and other proceedings to the clerk of assizes, or clerk of the peace of the county, riding, division, city, liberty, town or place where such offender or offenders is or are required to appear by virtue of such recognizance; and such recognizance, examination or confession shall be as good and effectual in law, to all intents and purposes, and of the same force and validity as if the same had been entered into, taken or acknowledged before a justice or justices of the peace in and for the proper county, riding, division, city, liberty, town or place where the offence was committed, and the same proceedings shall be had thereon; and in case such constable, tythingman or other person to whom such recognizance, examination, confession or other proceedings shall be so delivered as aforesaid, shall refuse or neglect to deliver over the same to the clerk of assizes, or clerk of the peace of the county, riding, division, city, liberty, town or place where such offender is required to appear by virtue of such recognizance, such constable, tythingman or other person shall forfeit the sum of ten pounds, to be recovered against him by bill, plaint or information, in any of his Majesty's courts at Westminster, by any person or persons who will prosecute or sue for the same; wherein no escomption, protection or wager of law shall be allowed, &c.

shall be allowed, or more than one imparlance; and in case the offence for which such offender or offenders shall be apprehended and taken in any other county, riding, division, city, liberty, town or place shall not be bailable in law, or such offender or offenders shall not give bail for his appearance at the next assizes or general gaol delivery, or next general quarter-sessions of the peace, to be held in and for the county, riding, division, city, liberty, town or place where the offence was committed, to the satisfaction of the justice before whom such offender or offenders shall be brought in such other county, riding, division, city, liberty, town or place, then and in that case the constable, tythingman or other person or persons so apprehending such offender or offenders, shall carry and convey such offender or offenders before one of his Majesty's justices of peace of the proper county, riding, division, city, liberty, town or place where such offence was committed, there to be dealt with according to law.

Justice indorsing the warrant not liable to action. II. And it is hereby enacted by the authority aforesaid, That no action of trespass, false imprisonment, information or indictment, or other action shall be brought, sued, commenced or prosecuted by any person or persons whatsoever, against the justice or justices who shall indorse such warrant, for or by reason of his or their indorsing such warrant.

Action may lie against the justice originally granting the warrant. III. Provided nevertheless, That such person or persons shall be at liberty to bring or prosecute his or their action or suit against the justice or justices who originally granted such warrant, in the same manner as such person or persons might have done in case this act had not been made.

Clause 23 Geo. 2. c. 26. s. 1. IV. And it is hereby further enacted, That the said clause in the said recited act, and every thing in the said clause contained, shall from and after the said twenty fourth day of June be repealed.

C A P. LVI.

An act for ascertaining the admeasurement of wheat meal, or other corn or grain ground, for which a bounty is payable upon exportation; and for making allowances to the East-India company for their charges and expences in managing, paying and transferring their reduced annuities.

WHEREAS by an act of parliament made and passed in the first year of the reign of his late majesty King William the Third of glorious memory, (intituled, An act for the encouraging the exportation of corn) it is amongst other things enacted, That when malt or barley, Winchester measure, should be at four and twenty shillings per quarter or under, rye at two and thirty shillings per quarter or under, and wheat at eight and forty shillings per quarter or under, in any port or ports in this kingdom or dominion of Wales, every merchant or other person who should put on ship-board in English shipping, the master and two thirds of his mariners at least being his Majesty's subjects, any sort of the corn aforesaid, from any such ports where the rates shall not then be higher than as aforesaid, with

with the intent to export the said corn to parts beyond the seas, every such merchant or person so shipping off any of the aforesaid corn, and giving such certificate and bond as in the said act is mentioned, shall have and receive from such farmers, commissioners, collectors or other persons in any port respectively, where the same corn shall be so shipped, for every quarter of barley or malt, ground or unground, two shillings and six pence; for every quarter of rye, ground or unground, three shillings and six pence; for every quarter of wheat, ground or unground, five shillings: and whereas by one other act of parliament made in the second year of his present Majesty's reign, (intituled, An act to ascertain the custom payable for corn and grain imported; for better ascertaining the price and quantity of corn and grain for which a bounty is payable upon exportation; for appropriating the supplies granted in this session of parliament; and for giving further time to clerks and apprentices to pay duties omitted to be paid for their indentures and contracts) it is amongst other things enacted, That the officers of the customs should be impowered to admeasure all corn and grain whereon there is an allowance payable for the exportation thereof, and for greater expedition therein, that such admeasurement should and might be by a tub or measure, containing four Winchester bushels; and that if such corn or grain intended to be exported, should be brought to be shipped off in sacks, that then the said officers are thereby impowered and required to make choice of two of those sacks, out of any number not exceeding twenty sacks, and so in proportion for any greater quantity, before the same shall be put on board for exportation, and thereby compute the quantity of corn so intended to be shipped for exportation, and according to such computation, the allowance or bounty-money should be paid to the exporter, for the whole quantity proportionably, upon his producing a certificate from the proper officer or officers of the customs, attesting the quantity and quality of the corn or grain so shipped for exportation, with a proviso that nothing therein should extend to alter the then practice, with respect to the manner of shipping corn from the port of London: and whereas the method above prescribed for the measuring of corn to be exported, does not particularly ascertain how wheat meal or other ground corn or grain, whereon there is a bounty, shall be measured for exportation: and whereas some doubts have arisen in several of the ports of this kingdom, with regard to the exportation of corn ground and unground, as to the manner of computation and admeasurement on the exportation thereof, and the bounty to be allowed thereon: and in order to reconcile all disputes and differences that may arise in relation thereto, and to make the practice uniform in the several ports of this kingdom, we your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled, do most humbly beseech 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 first day of August one thousand seven hundred and fifty one, the proper officers of his Majestys cus-
toms allowed on the

Geo. 2. c. 18.

exportation of toms shall, and they are hereby directed and impowered to allow the same bounty and no more, upon the exportation of two hundred and twenty four pounds weight of wheat meal, or other ground corn or grain whereon there is a bounty, as is allowed upon the exportation of four bushels of wheat or other corn or grain unground, and so in proportion for any greater or lesser quantity; and for greater expedition therein, in case such wheat meal or other ground corn or grain shall be brought to be shipt off in sacks, the proper officers may make choice of and weigh two sacks out of any number not exceeding twenty sacks; and so in proportion for any greater quantity of wheat meal, or other ground corn or grain, before or after the same shall be put on board for exportation, and thereby compute the weight of the wheat meal, or other ground corn or grain so shipt or intended to be shipt for exportation, by proportioning the same accordingly; and the bounty-money upon such wheat meal, or other ground corn or grain, shall be paid to the exporter for so much and no more, upon his producing a certificate from the proper officer or officers of the customs, attesting the true quantity, quality and weight thereof, according to the said computation only, and not otherwise; any law, custom or usage to the contrary notwithstanding.

Bounty to be paid the exporter.

Treasury to make allowance to the East India company, for their charges in making and transferring their reduced annuities.

23 Geo. 2. c. 22.

II. And be it further enacted by the authority aforesaid, That the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall, and they are hereby authorized and impowered, to make such allowances to the united company of merchants of *England* trading to the *East-Indies*, as they shall think just and reasonable for the charges and expences attending the receiving, paying, transferring and transacting the affairs of the several annuities, amounting to the principal sum of three millions, created in pursuance of an act of the last session of parliament, (intituled, *An act for giving further time to the proprietors of annuities, after the rate of four pounds per centum per annum, to subscribe the same in the manner and upon the terms therein mentioned; and for redeeming such of the said annuities as shall not be so subscribed, and for impowering the East-India company to raise certain sums by transferrable annuities*) which said allowances so to be made to the said united company, shall be charged upon and paid out of the said duties and revenues as are appropriated for the payment of the annuities aforesaid.

C A P. LVII.

An act to continue several laws therein mentioned; for preventing theft and rapine on the northern borders of England; for the more effectual punishing wicked and evil-disposed persons going armed in disguise, and doing injuries and violences to the persons and properties of his Majesty's subjects, and for the more speedy bringing the offenders to justice;

justice; for continuing two clauses to prevent the cutting or breaking down the bank of any river or sea bank; and to prevent the malicious cutting of hop-binds; for the more effectual punishment of persons maliciously setting on fire any mine, pit or delph of coal, or cannel coal; and of persons unlawfully bunting or taking any red or fallow deer in forests or chaces, or beating or wounding the keepers or other officers in forests, chases or parks; for granting a liberty to carry sugars of the growth, produce or manufacture of any of his Majesty's sugar colonies in America, from the said colonies directly into foreign parts, in ships built in Great Britain, and navigated according to law; for preventing the committing of frauds by bankrupts; for giving further encouragement for the importation of naval stores from the British colonies in America; and for preventing frauds and abuses in the admeasurement of coals in the city and liberty of Westminster; and to make some further provisions in relation to the signing of certificates for the discharge of bankrupts.

WHEREAS the laws herein after-mentioned, which have by experience been found useful and beneficial, are near expiring; 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 an act made in the thirteenth and fourteenth years of the reign of King Charles the Second, (intituled, *An act for preventing of theft and rapine upon the northern borders of England*) which by several acts hath from time to time been continued, and by an act made in the sixth year of the reign of his present Majesty, (for making perpetual several acts, and for other purposes therein mentioned) was further continued until the first day of September one thousand seven hundred and forty four, and from thence to the end of the then next session of parliament; and also several clauses, powers and authorities in the afore-mentioned act made in the sixth year of the reign of his present Majesty, for the more effectual preventing of theft and rapine upon the northern borders of *England*, and which by the said act were to continuall in force until the first day of September one thousand seven hundred and forty-four, and from thence to the end of the then next session of parliament; and which said act, together with the said several clauses, powers and authorities were, by an act made in the seventeenth year of his present Majesty's reign, further continued until the twenty-fourth day of June one thousand seven hundred and fifty one, and from thence to the end of the then next session of parliament, shall be and the same is hereby further continued from the expiration thereof, until the first day of September one thousand seven hundred and fifty two.

13 & 14 Car. 2.
c. 22. for pre-
venting theft
upon the nor-
thern borders.

6 Geo. 2. c. 37.

17 Geo. 2. c. 40.

further conti-
nued to 1 Sep.
1757.

sand seven hundred and fifty-seven, and from thence to the end of the then next session of parliament.

9 Geo. 1. c. 22. II. And be it further enacted by the authority aforesaid, That for punishing persons going in disguise, &c. an act made in the ninth year of the reign of his late majesty King George the First (intituled, *An act for the more effectual punishing wicked and evil-disposed persons going armed in disguise, and doing injuries and violences to the persons and properties of his Majesty's subjects, and for the more speedy bringing the offenders to justice*) which was to continue in force from the first day of June one thousand seven hundred and twenty three, for three years, and from thence to the end of the then next session of parliament;

12 Geo. 1. c. 30. and which by an act made in the twelfth year of the reign of his said late Majesty, was continued from the expiration thereof, for five years, and from thence to the end of the

6 Geo. 2. c. 37. then next session of parliament; and which by a clause in another act made in the sixth year of the reign of his present Majesty (for making perpetual several acts, and for other purposes therein mentioned) was further continued until the first day of September one thousand seven hundred and thirty six, and from thence to the end of the then next session of parliament;

10 Geo. 2. c. 31. and which by another act made in the tenth year of the reign of his present Majesty, was further continued from the expiration thereof until the first day of September one thousand seven hundred and thirty six, and from thence to the end of the then next session of parliament;

17 Geo. 2. c. 40. and which by another act made in the seventeenth year of his present Majesty's reign, was further continued until the twenty fourth day of June one thousand seven hundred and forty four, and from thence to the end of the then next session of parliament; and which by another act made in

the seventeenth year of his present Majesty's reign, was further continued until the twenty fourth day of June one thousand seven hundred and fifty one, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof, until the first day of September one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament.

Clause in
6 Geo. 2. c. 37.
s. 5. to prevent
the cutting
the banks of
rivers, &c.

III. And be it further enacted by the authority aforesaid, That a clause in an act made in the sixth year of the reign of his present Majesty (for making perpetual several acts, and for other purposes therein mentioned) to prevent the cutting or breaking down the bank of any river or sea bank, which was to continue in force during the continuance of an act made in the ninth year of the reign of his said late Majesty; and which by another act made in the tenth year of the reign of his present Majesty, was further continued during the continuance of the afore-mentioned act made in the ninth year of the reign of his said late Majesty; and which by another act made in the seventeenth year of his present Majesty's reign, was further continued until the twenty fourth day of June one thousand seven hundred and fifty one, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof until the first day of September one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament.

IV. And

Further conti-
nued to 1 Sep-
tember 1757.

IV. And be it further enacted by the authority aforesaid, Clause in 6
 That a clause in an act made in the sixth year of the reign of Geo. 2. c. 37.
 his present Majesty (for making perpetual several acts, and for s. 6 to prevent
 other purposes therein mentioned) to prevent the malicious cutting of the malicious
 ting of hop-binds growing on poles in any plantation of hops, cutting of
 which was to continue in force during the continuance of an act Hop-binds,
 made in the ninth year of the reign of his said late Majesty; and
 which by another act made in the tenth year of the reign of his
 present Majesty, was further continued during the continuance
 of the afore-mentioned act made in the ninth year of the reign
 of his said late Majesty; and which by another act made in the
 seventeenth year of his present Majesty's reign, was further con-
 tinued until the twenty fourth day of June one thousand seven
 hundred and fifty one, and from thence to the end of the then
 next session of parliament, shall be, and the same is hereby fur-
 ther continued from the expiration thereof until the first day of
 September one thousand seven hundred and fifty seven, and from
 thence to the end of the then next session of parliament.

further conti-
nued to 1 Sep-
tember 1757.

V. And be it further enacted by the authority aforesaid, Clause in 10
 That a clause in an act made in the tenth year of the reign of Geo. 2. c. 32.
 his present Majesty, for extending (during the continuance of s. 4. &c. for
 the said act made in the ninth year of the reign of his said late extending the
 Majesty) all the provisions in the last-mentioned act contained, bringing of-
 for the more speedy and easy bringing the offenders against the fenders to ju-
 said act to justice, and the persons who shall conceal, aid, abet stice, &c.
 or succour such offenders; and for making satisfaction and am-
 mends to all and every the person and persons, their executors
 and administrators, for the damages they shall have sustained or
 suffered by any offender or offenders against the said act; and
 for the encouragement of persons to apprehend and secure such
 offender and offenders; and for the better and more impartial
 trial of any indictment or information which shall be found
 commenced or prosecuted for any of the offences committed
 against the said act, together with all restrictions, limitations
 and mitigations by the said act directed, to all cases of offences
 committed by unlawfully and maliciously breaking down or cut-
 ting down the bank or banks of any river, or any sea bank,
 whereby any lands shall be overflowed or damaged; or by un-
 lawfully and maliciously cutting any hop-binds growing on
 poles in any plantation of hops; or by wilfully and maliciously
 setting on fire, or causing to be set on fire, any mine, pit, or
 delph of coal, or cannel coal; and which by an act made in
 the seventeenth year of his present Majesty's reign, was further
 continued until the twenty fourth day of June one thousand se-
 ven hundred and fifty one, and from thence to the end of the
 then next session of parliament, shall be, and the same is here-
 by further continued from the expiration thereof until the first
 day of September, one thousand seven hundred and fifty seven,
 and from thence to the end of the then next session of parlia-
 ment.

further conti-
nued to 1 Sep-
tember 1757.

VI. And be it further enacted by the authority aforesaid,
 That

Clauses in 10
Geo. 2. c. 32.
for punishing
the malicious
setting on fire
any mines,
&c.

That several clauses in an act made in the tenth year of the reign of his present Majesty, for the more effectual punishment of persons maliciously setting on fire any mine, pit or delph of coal, or cannel coal, or unlawfully hunting or taking any red or fallow deer in forests or chaces, or beating or wounding the keepers, or other officers, in forests, chaces or parks, which were to continue in force during the continuance of an act made in the ninth year of the reign of his said late Majesty; and which by an act made in the seventeenth year of his present Majesty's reign, were further continued until the twenty fourth day of June one thousand seven hundred and fifty one, and from thence to the end of the then next session of parliament, shall be, and the same are hereby further continued from the expiration thereof until the first day of September one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament.

22 Geo. 2. c. 30. for liberty to carry sugars from the British colonies to foreign parts, &c.

VII. And be it further enacted by the authority aforesaid, That an act made in the twelfth year of the reign of his present Majesty, (intituled, *An act for granting a liberty to carry sugars from the growth, produce or manufacture of any of his Majesty's sugar colonies in America, from the said colonies directly to foreign parts, in ships built in Great Britain, and navigated according to law*) which was to continue in force for five years, from the twenty ninth day of September one thousand seven hundred and thirty nine, and from thence to the end of the then next session of parliament; and which by another act made in the seventeenth year of the reign of his present Majesty, was further continued until the twenty fourth day of June one thousand seven hundred and fifty one, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further

17 Geo. 2. c. 40.

further continued from the expiration thereof until the first day of September one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament.

5 Geo. 2. c. 30. to prevent the committing of frauds by bankrupts,

That an act made in the fifth year of the reign of his present Majesty, (intituled, *An act to prevent the committing of frauds by bankrupts*) which was to continue in force for three years, from the twenty fourth day of June one thousand seven hundred and thirty two, and from thence to the end of the then next session of parliament; and which by an act made in the ninth year of

9 Geo. 2. c. 18.

the reign of his present Majesty, was further continued until the twenty ninth day of September one thousand seven hundred and forty three, and from thence to the end of the then next session of parliament; and which by another act made in the sixteenth year of the reign of his present Majesty, was further continued until the twenty ninth day of September one thousand seven hundred and fifty, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further

16 Geo. 2. c. 27.

continued from the expiration thereof until the first day of September one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof until the first day of September one thousand seven hundred and fifty seven,

ven, and from thence to the end of the then next session of parliament.

IX. And whereas many abuses have been committed by bankrupts, and persons who, with their privity, have attempted to prove fictitious and pretended debts under commissions of bankruptcy, in order that such persons might be enabled to sign their consent to the certificates for discharging such bankrupts from their debts: for remedy whereof, and in order to prevent the like fraudulent and wicked practices for the future, be it enacted by the authority aforesaid, That where any persons shall fraudulently swear or depose, or being of the people called Quakers affirm, before the major part of the commissioners named in any commission of bankruptcy, or by affidavit or affirmation exhibited to them, that a sum of money is due to him or her from any bankrupt or bankrupts, which shall in fact not be really and truly so due or owing; and shall, in respect of such fictitious and pretended debt, sign his or her certificate; consent to the certificate for such bankrupt's discharge from his debts; that in every such case, unless such bankrupt shall, before such time as the major part of the said commissioners shall have signed such certificate, by writing by him to be signed and delivered to one or more of the said commissioners, or to one or more of the assignees of his estate and effects under such commissioners, disclose the said fraud, and object to the reality of such debt, such certificate shall be null and void to all intents and purposes, and such bankrupt shall not in that case be intitled to be discharged from his debts, or to have or receive any of the benefits or allowances given or allowed to bankrupts by the said act of the fifth year of his present Majesty's reign; any thing therein contained to the contrary thereof in any wise notwithstanding.

X. And it is hereby enacted, That where any creditor or attorney of any bankrupt reside in foreign parts, the letter of attorney of such creditor, attested by a notary publick in the usual form, shall be a sufficient evidence of the power and authority by which any person thereby authorized shall sign any bankrupt's certificate; any thing in the said act of the fifth year of his present Majesty's reign to the contrary thereof in any wise notwithstanding.

XI. And be it further enacted by the authority aforesaid, That so much of an act made in the eighth year of the reign of his late majesty King George the First (intituled, *An act for giving further encouragement for the importation of naval stores, and the importation for other purposes therein mentioned*) as relates to the importation of wood and timber, and of the goods commonly called *Lumber*, therein particularly enumerated, from any of his Majesty's British plantations or colonies in America, free from all customs and impositions whatsoever, which was to be in force for twenty one years from the twenty fourth day of June one thousand seven hundred and twenty two; and which by an act made in the sixteenth year of the reign of his present Majesty was further continued until the twenty fourth day of June one thousand seven

seven hundred and fifty, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof until the first day of September one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament.

^{29 Geo. 2. c. 35.} XII. And be it further enacted by the authority aforesaid, to prevent frauds in the admeasurement of coals in Westminster, &c.

^{23 Geo. 2. c. 26.} That an act made in the nineteenth year of the reign of his present Majesty, (intituled, *An act more effectually to prevent the frauds and abuses committed in the admeasurement of coals within the city and liberty of Westminster, and that part of the dutchy of Lancaster adjoining thereto, and the several parishes of Saint Giles in the Fields, Saint Mary le Bon, and such part of the parish of Saint Andrew, Holborn, as lies in the county of Middlesex*) which was to continue in force from the twenty fourth day of September one thousand seven hundred and forty six, for the term of three years, and from thence to the end of the then next session of parliament; and which by another act made in the twenty third year of the reign of his present Majesty, was further continued until the twenty fourth day of December one thousand seven hundred and fifty, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof until the first day of September one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament.

CAP. LVIII.

An act for making, widening and keeping in repair several roads in the several parishes of Lambeth, Newington, Saint George's Southwark, and Bermondsey, in the county of Surrey; and Lewisham in the county of Kent. Certain tolls granted for 31 years.

CAP. LIX.

An act for the enlarging of the terms and powers, and making more effectual several acts of parliament for repairing and amending the highways leading from Royston in the county of Hertford to Wansford Bridge in the county of Huntingdon, so far as relates to the amending of that part of the road as lies between a place called the White Post on Alconbury Hill in the county of Huntingdon, and Wansford Bridge in the same county, called the North Division; and that the tolls taken at Saltree and Wansford toll gates may, from and after a certain time be lowered; and for repairing the road leading from Stilton in the said county of Huntingdon to Peterborough in the county of Northampton. The acts 9 Ann. and 13 Geo. 1. c. 32. in part continued for 10 years.

*Anno Regni GEORGII II. Regis Magnæ
Britanniae, Franciæ, & Hiberniae, vice-
simo quinto.*

AT the parliament begun and holden at Westminster, the tenth day of November, Anno Dom. 1747, in the twenty first year of the reign of our sovereign lord George the Second, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the fourteenth day of November, 1751. being the fifth session of this present parliament.

C A P. I.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and fifty two. E X P.

C A P. II.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters. E X P.

C A P. III.

An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, within the space of one year from the twenty fifth day of March one thousand seven hundred and fifty two. E X P. At 3 s. in the pound.

C A P. IV.

An act for appointing the deputy or secondary of the chief clerk to enrol pleas in the King's Bench, called, The master of the King's Bench office, one of the registers or masters for the enrolment of deeds, wills, and other conveyances, in the county of Middlesex, in the place and stead of such chief clerk.

WHEREAS by an act of parliament made in the seventh year of the reign of her late majesty Queen Anne, (intituled, ⁷ Ann. c. 20. An act for the publick registering of deeds, conveyances and wills, and other incumbrances which shall be made of or that may affect any honours, manors, lands, tenements or hereditaments within the county of Middlesex, after the twenty ninth day of September one thousand seven hundred and nine) it is, among other things, enacted, That one publick office for registering memorials of and concerning any honours, manors, lands, tenements and hereditaments, that are situate, lying and being within the said county, shall be erected and established in manner therein mentioned; that is to say, That for the better and more effectual putting in execution

ection the several matters and things in the said act contained, the sworn clerk to execute the office of inrolment in the high court of Chancery, who is appointed to inrol for the county of Middlesex, the chief clerk to inrol pleas in the Queen's Bench, the clerk of the warrants in the court of Common Pleas, and the Queen's remembrancer, or his deputy, in the court of Exchequer, shall be the registers or masters of the office for the matters and things in the said act contained: and whereas the inrolling of pleas, signing of judgments, and divers other business transacted in his Majesty's court of King's Bench, is under the inspection and management of the said chief clerk's deputy, or secondary, called, The master of the King's Bench office, who might properly have executed the said place or office of one of such registers or masters for the purposes mentioned in the said act, instead of the said chief clerk, had there been authority given to such chief clerk's deputy to execute the said place or office of one of the said registers or masters, as is by the said recited act given to the Queen's (now King's) remembrancer's deputy in the court of Exchequer; be it therefore 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,

~~www.ahistoryof.com~~
The deputy of the chief clerk appointed a register.

and by the authority of the same, That from and after the twenty fifth day of December one thousand seven hundred and fifty one, the deputy or secondary of the chief clerk to inrol pleas in the King's Bench for the time being, called, *The master of the King's Bench office*, shall be, and is hereby constituted and appointed one of the registers or masters of the office for the matters and things contained in the before recited act, in the room, place and stead of the said chief clerk, to inrol pleas in the King's Bench, with the like powers and authorities to all intents and purposes as by the said recited act is thereby given to such chief clerk; and the chief clerk to inrol pleas in the King's Bench shall be; and is, by virtue of this act, discharged from being one of the registers or masters for inrolling such deeds, wills, and other conveyances for the said county of Middlesex as are mentioned in the before-recited act, and of and from any disability or incapacity which such chief clerk, as one of the said registers, would have been subject or liable to by virtue thereof.

Chief clerk discharged from being a register.

II. And be it enacted by the authority aforesaid, That such deputy, or secondary, called, *The master of the King's Bench office*, shall, before he enters upon the execution of the said office of one of such registers or masters, take the oath mentioned and prescribed to be taken by every such register or master in and by the afore-recited act; and shall also enter into such recognizance in such sum of money, and with sufficient sureties, to be approved of in such manner and form as therein mentioned and set forth; and shall be liable to such and the like penalties and forfeitures for any misbehaviour or neglect of duty in the execution of the said office of one of such registers or masters, as any of the other registers or masters are liable and subject to by virtue of the before-recited act.

III. And be it further enacted by the authority aforesaid, That

Deputy to take the oath of office,

and to enter into recognizance, &c.

That this act, and every clause, matter and thing herein contained, shall be taken and allowed, in all courts within this kingdom, as a publick act; and all judges, justices, and other persons therein concerned, are hereby required as such to take notice thereof, without specially pleading the same.

C A P. V.

An act to continue and make more effectual an act passed in the second year of the reign of his present Majesty, for repairing the highways between Sheppard's Shord and Horley Upright Gate, leading down Bagdown Hill, in the county of Wilts, and other ruinous parts of the highways thereunto adjacent. *The act 2 Geo. 2. c. 12. continued for 21 years.*

C A P. VI.

An act for avoiding and putting an end to certain doubts and questions relating to the attestation of wills and codicils concerning real estates in that part of Great Britain called England, and in his Majesty's colonies and plantations in America.

W H E R E A S by an act made in the twenty ninth year of the reign of his late majesty King Charles the Second, intituled, *29 Car. 2. c. 1. s. 5.*
 An act for prevention of frauds and perjuries; it is amongst other things enacted, That from and after the twenty fourth day of June in the year of our Lord one thousand six hundred and seventy seven, all devises and bequests of any lands or tenements deviseable, either by force of the statute of wills, or by that statute, or by force of the custom of Kent, or the custom of any borough, or any other particular custom, shall be in writing, and signed by the party so devising the same, or by some other person in his presence, and by his express direction; and shall be attested and subscribed in the presence of the said deviser, by three or four credible witnesses, or else they shall be utterly void and of none effect, which hath been found to be a wise and good provision: but whereas doubts have arisen who are to be deemed legal witnesses within the intent of the said act; therefore, for avoiding the same, 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 if any person shall attest the execution of any will or codicil which shall attesting, the be made after the twenty fourth day of June in the year of our Lord one thousand seven hundred and fifty two, to whom any beneficial devise, legacy, estate, interest, gift or appointment of or affecting any real or personal estate, other than and except charges on lands, tenements or hereditaments for payment of any debt or debts, shall be thereby given or made, such devise, legacy, estate, interest, gift or appointment, shall, so far only as concerns such person attesting the execution of such will or codicil, or any person claiming under him, be utterly null and void; and such person shall be admitted as a witness to the execution of such will or codicil, within the intent of the said act;

notwithstanding ſuch devise, legacy, estate, interest, gift or appointment mentioned in ſuch will or codicil.

Creditor attesting, admitted a witness.

II. And be it further enacted by the authority aforesaid, That in case, by any will or codicil already made or hereafter to be made, any lands, tenements or hereditaments are or ſhall be charged with any debt or debts; and any creditor whose debt is ſo charged, hath attested or ſhall attest the execution of ſuch will or codicil, every ſuch creditor, notwithstanding ſuch charge, ſhall be admitted as a witness to the execution of ſuch will or codicil, within the intent of the ſaid act.

Legatee who has been paid, or ſhall refuſe his legacy, admitted a witness.

III. And be it further enacted by the authority aforesaid, That if any person hath attested the execution of any will or codicil already made, or ſhall attest the execution of any will or codicil which ſhall be made on or before the ſaid twenty fourth day of June in the year of our Lord one thousand seven hundred and fifty two, to whom any legacy or bequeſt is or ſhall be thereby given, whether charged upon lands, tenements or hereditaments, or not; and ſuch person, before he ſhall give his testimony concerning the execution of any ſuch will or codicil, ſhall have been paid, or have accepted or released, or ſhall have refuſed to accept ſuch legacy or bequeſt, upon tender made thereof; ſuch person ſhall be admitted as a witness to the execution of ſuch will or codicil, within the intent of the ſaid act, notwithstanding ſuch legacy or bequeſt.

Aſter refuſal, he is barred from the legacy; but after acceptance, he may retain the ſame, tho' the will void.

IV. Provided always, and be it further enacted, That in case of ſuch tender and refuſal as aforesaid, ſuch person ſhall in no wife be intitled to ſuch legacy or bequeſt, but ſhall be for ever afterwards barred therefrom; and in case of ſuch acceptance as aforesaid, ſuch person ſhall retain to his own use the legacy or bequeſt which ſhall have been ſo paid, ſatisfied or accepted, notwithstanding ſuch will or codicil ſhall afterwards be adjudged or determined to be void for want of due execution, or for any other cause or defect whatſoever.

Legatee attesting, and dying in the life-time of the testator, or before he has received his legacy, admitted a witness.

V. And be it further enacted, That in case any ſuch legatee as aforesaid, who hath attested the execution of any will or codicil already made, or ſhall attest the execution of any will or codicil which ſhall be made on or before the ſaid twenty fourth day of June in the year of our Lord one thousand seven hundred and fifty two, ſhall have died in the life-time of the testator, or before he ſhall have received or released the legacy or bequeſt ſo given to him as aforesaid, and before he ſhall have refuſed to receive ſuch legacy or bequeſt, on tender made thereof, ſuch legatee ſhall be deemed a legal witness to the execution of ſuch will or codicil, within the intent of the ſaid act, notwithstanding ſuch legacy or bequeſt.

Credit of the witness to be determined by the court, &c.

VI. Provided always, That the credit of every ſuch witness ſo attesting the execution of any will or codicil, in any of the cases in this act before-mentioned, and all circumstances relating thereto, ſhall be ſubject to the consideration and determination of the court, and the jury, before whom any ſuch witness ſhall be examined, or his testimony or attestation made use of;

or of the court of equity, in which the testimony or attestation of any such witness shall be made use of; in like manner, to all intents and purposes, as the credit of witnesses in all other cases ought to be considered of and determined.

VII. And be it further enacted by the authority aforesaid, That no person to whom any beneficial estate, interest, gift or appointment shall be given or made, which is hereby enacted to be null and void as aforesaid, or who shall have refused to receive void, &c. being any such legacy or bequest, or tender made as aforesaid, and who shall have been examined as a witness concerning the execution of such will or codicil, shall, after he shall have been so examined, demand or take possession of or receive any profits or benefit of or from any such estate, interest, gift or appointment so given or made to him, in or by any such will or codicil; or demand, receive or accept from any person or persons whatsoever, any such legacy or bequest, or any satisfaction or compensation for the same, in any manner or under any colour or pretence whatsoever.

VIII. Provided always, and be it enacted by the authority aforesaid, That this act or any thing herein contained shall not the validity of extend or be construed to extend to the case of any heir at law, wills, and or of any devisee in a prior will or codicil of the same testator, executed and attested according to the said recited act, or any person claiming under them respectively, who has been in quiet possession for the space of two years next preceding the sixth day of *May* in the year of our Lord one thousand seven hundred and fifty one, as to such lands, tenements and hereditaments, whereof he has been in quiet possession as aforesaid; and also that this act or any thing herein contained, shall not extend or be construed to extend, to any will or codicil, the validity or due execution whereof hath been contested in any suit in law or equity commenced by the heir of such devisor, or the devisee in any such prior will or codicil, for recovering the lands, tenements or hereditaments mentioned to be devised in any will or codicil so contested, or any part thereof, or for obtaining any other judgment or decree relative thereto, on or before the said sixth day of *May* in the year of our Lord one thousand seven hundred and fifty one, and which has been already determined in favour of such heir at law, or devisee in such prior will or codicil, or any person claiming under them respectively, or which is still depending, and has been prosecuted with due diligence; but the validity of every such will or codicil, and the competency of the witnesses thereto, shall be adjudged and determined in the same manner, to all intents and purposes, as if this act had never been made; any thing herein before contained to the contrary thereof in any wise notwithstanding.

IX. Provided always nevertheless, and it is hereby declared, That no possession of any heir at law, or devisee in such prior will or codicil as aforesaid, or of any person claiming under them respectively, which is consistent with, or may be warranted by or under any will or codicil attested according to the true intent and Possessions which are not comprehended within the meaning of the preceding clause.

and meaning of this act, or where the estate descended or might have descended to such heir at law, till a future or executory devise, by virtue of any will or codicil attested according to this act, should or might take effect, shall be deemed to be a possession within the intent and meaning of the clause herein last before contained.

X. *And whereas in some of the British colonies or plantations in America, the said act of the twenty ninth year of the reign of King Charles the Second, has been received for law, or acts of assembly have been made, whereby the attestation and subscription of witnessess to devises of lands, tenements and hereditaments have been required:*

This act to extend to such of the British colonies, where the act of 29 Car. 2. c. 3. is received, &c. therefore, to prevent and avoid doubts which may arise in the said colonies or plantations, in relation to the attestation of such devises of lands, tenements and hereditaments; be it enacted by the authority aforesaid, That this act, and every clause, matter and thing therein contained, shall extend to such of the said colonies and plantations, where the said act of the twenty ninth year of the reign of King Charles the Second, is by act of assembly made, or by usage received as law, or where by act of assembly or usage, the attestation and subscription of a witness or witnessess are made necessary to devises of lands, tenements or hereditaments; and shall have the same force and effect in the construction of or for the avoiding of doubts upon the said acts of assembly, and laws of the said colonies and plantations, as the same ought to have in the construction of or for the avoiding of doubts upon the said act of the twenty ninth year of the reign of King Charles the Second in England.

Devises, &c. XI. Provided always, That as to cases arising in any of the said colonies or plantations in America, no such devise, legacy or bequest as aforesaid, shall be made null and void by virtue of this act, unless the will or codicil whereby such devise, legacy or bequest shall be given, shall be made after the first day of March which shall be in the year of our Lord one thousand seven hundred and fifty three.

C A P. VII.

An act to rectify a mistake in an act passed in the twenty fourth year of the reign of his present Majesty, intituled, An act for explaining and amending an act passed the twenty first year of his present Majesty, intituled, An act for the relief of the annuitants of the wardens and commonalty of the mystery of Mercers in the city of London; and for other purposes therein mentioned.

24 Geo. 2. c. 14. WHEREAS by an act made and passed in the twenty fourth year of the reign of his present Majesty, intituled, An act for explaining and amending an act passed in the twenty first year of the reign of his present Majesty, intituled, *An act for the relief of the annuitants of the wardens and commonalty of the mystery of Mercers of the city of London; and for other purposes there-*

in mentioned; it was among other things enacted, That it should and might be lawful to and for the said wardens and commonalty, and their successors, and they were thereby empowered at any time after the first day of June one thousand seven hundred and fifty one, by any indenture or indentures under their common seal, in consideration of the usual rent, and of the best fine that could be got for the same, to make or grant one or more leases of all or any part of the manor of Mercers in the said act mentioned, with the farms, lands, tenements and hereditaments, and all and every the rights, members and appurtenances thereto belonging, ~~and of all other the lands, tenements and hereditaments of and belonging to the said company in the kingdom of Ireland, to such person or persons as they should think fit, such lease or leases to commence and to take effect from and immediately after the expiration or other determination of any former leases theretofore granted by the said company, and then unexpired; and to endure and continue from thenceforth for and during, and unto the full end and term of sixty one years, or to commence and take effect from and immediately after the expiration or other determination of any lease or leases, theretofore granted by the said company, and then unexpired, or to endure and continue from thenceforth for and during the natural lives of such three persons as should at the time of making such last-mentioned lease or leases respectively, be named by the respective lessee or lessees thereof, and be inserted in the said lease or leases for that purpose, and the life of the longer liver of them; and from and immediately after the decease of the survivor of such of the said three persons, further to endure and continue for and during, and unto the full end and term of sixty one years, to be computed from such the expiration or determination of the term or terms for which the same premisses were then leased out as aforesaid; by which said act power was meant and intended among other things to be given to the said wardens and commonalty, to make or grant a lease or leases in manner mentioned therein, of the said manor of Mercers, and other lands and premisses in Ireland, in the said act mentioned, to commence and take effect as in the said act is mentioned, and to endure and continue for three lives, and further to endure and to continue for sixty one years, in manner as is more fully contained and expressed in the said act; but in that part of the said recited clause, whereby power was intended to be given to the said wardens and commonalty to make such leases, to endure for three lives as aforesaid, the word Or, now standing there between the words, and now unexpired, and the words to endure and continue from thenceforth for and during the natural lives of such three persons, was there inserted by mistake, instead of the word And: therefore, for the rectifying and amending the said mistake, and for preventing and remedying all doubts and defects in and concerning the power so intended by the said act to be given to the said wardens and commonalty, may it please your Majesty that it may be enacted, &c.~~

The meaning of the recited act declared, and the mistake rectified.

C A P. VIII.

An act for repairing the road leading from the Royal Oak on Wrotham Heath, to the town of Wrotham in the county of Kent; and from thence to the village of Foot's Cray in the said county. *Certaine tolls granted for 21 years.*

C A P. IX.

An act for enlarging the term granted by two several acts of the third and ninth years of his late Majesty's reign, for continuing the duty of two pennies Scots upon every pint of ale and beer sold in the city of Edinburgh, for the purposes therein mentioned; and for discontinuing payment of the petty port customs there.

WH E R E A S by an act passed in the parliament of Scotland in the year one thousand six hundred and ninety three, a duty of two pennies Scots was granted to the community of the city of Edinburgh, and to the magistrates and town council of the same, and their successors in office, for the uses therein specified, upon every pint of ale or beer either brewed, brought in, or vended, tapped and sold, within the said town and suburbs and liberties thereof, for the space of fifteen years and further, not exceeding the space of thirty years, commencing from the first day of July, one thousand six hundred and ninety three; which said duties were by an act of the third year of his late majesty King George the First, intituled, An act for continuing the duties of two pennies Scots upon every pint of ale and beer sold in the city and liberty of Edinburgh, for the purposes therein mentioned; and for discontinuing payment of the petty port customs there, further continued for the further term of nineteen years, for the purposes therein mentioned: and whereas by an act passed in the ninth year of his said late Majesty, intituled, An act for enlarging the term granted by an act made in the third year of his Majesty's reign, for continuing the duty of two pennies Scots upon every pint of ale and beer sold in the city of Edinburgh, for the purposes therein mentioned; and for discontinuing payment of the petty port customs there; and for making the said act more effectual, the said duties were continued for the further term of nineteen years from the expiration of the last recited act; and were also extended to the several brewers within the parishes of Saint Cuthbert, the Cannon Gate, and South and North Leith; and the produce of the said duties are by the said act directed to be applied in the carrying on and compleating such publick works and such other purposes, to the advantage of the said community, as are recited in the said last mentioned act: and whereas the said city of Edinburgh, being the metropolis and seat of government of Scotland, has been by its remarkable zeal in supporting the protestant interest, and other unavoidable occasions, involved in very considerable debts, far exceeding what the common revenue of the said city could discharge; and it appears that the revenue granted by the said acts has been managed with the utmost economy, and faithfully applied to the purposes thereby directed, yet the same having greatly decreased since the commencement of

3 Geo. I. c. 5.

9 Geo. I. c. 14.

the act of the ninth year of his late Majesty's reign, insomuch that it now produces little more than sufficient to answer the annual burthens already charged thereupon: and whereas several of the publick works by the said former acts directed to be performed, remain still unfinished, and it will be impossible to finish the same, and discharge the debt already contracted upon the credit of the said duties, without a further continuation of the term already granted for collecting the same: to the end therefore that the said necessary works may be compleated, and the said debt discharged, your Majesty's most dutiful and loyal subjects the provost, magistrates, and council of the said city of Edinburgh, in behalf of themselves and the community of the said city, do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled and by the authority of the same, That the rates duties and impositions made payable by the said act of the ninth year of his late Majesty's reign, upon all ale and beer brewed, brought in, vended, tapped or sold within the said city of Edinburgh or suburbs or liberties thereof (except as in the said act is excepted) and also the said rates duties and impositions thereby granted upon all ale and beer brewed, brought in for sale, vended, tapped or sold within all or any of the parishes of Saint Cuthbert, Cannon Gate, South and North Leith, shall, from and after the expiration of the term granted by the said act of the ninth year of his late Majesty, be further continued collected and made payable to the provost, magistrates and council of the said city of Edinburgh for the time being, and their successors, for and during the further term of thirty eight years; and the said duties shall be levied and paid by the same means and methods, and by and under the same penalties and forfeitures, and shall be subject and liable to the same restrictions, regulations and inspection, and applicable to the same works and other purposes (except such works as are already finished and compleated) as are prescribed, mentioned and expressed in the said act of the ninth year of his late Majesty's reign; and that the said act, and every article, rule, clause, matter and thing therein contained, shall be in full force and effect from the expiration thereof, for the said further term of thirty eight years, to all intents and purposes as if the same were at large repeated and re-enacted in the body of this act.

II. Provided always, and be it enacted by the authority aforesaid, That nothing contained in this act, or in the above-mentioned act of the ninth year of his late Majesty, shall be construed to subject to the said duty or imposition any ale or beer vended within the precincts of the castle of Edinburgh, for the use of the garrison or any of the inhabitants of the said castle.

III. Provided always, That the produce of the said tolls and duties shall, in the first place, be subject and liable to pay and discharge the reasonable charges and expences incurred in procuring

The duties
continued for
38 years.

Ale vended
within the
precincts of
the castle ex-
empted.

Expences of
this act to be
first paid.

curing and passing this present act of parliament; any thing in the said former act to the contrary notwithstanding.

Payments to
the parishes of
St. Cuthbert,
&c. continued.

IV. And be it further enacted by the authority aforesaid, That the annual payments which were awarded by the arbiters by virtue of the said act of the ninth year of his late Majesty's reign, to be paid to the proprietors of the parishes of Saint Cuthbert, Cannon Gate, South and North Leith, shall continue to be paid to the said proprietors during the continuance of this present act, in the same manner and under the same regulations as by the said act is directed and prescribed.

The present
capital debt
not to be in-
creased.

V. And be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend to empower the persons appointed to put the said act of the ninth year of his late Majesty, or this present act, in execution, or any other person or persons whatsoever, to borrow any further sum, so as to increase the present capital debt, upon the credit of the said former act and this present act made payable.

State of the
accounts to be
made up.

VI. And be it further enacted by the authority aforesaid, That the magistrates and town council of the said city for the time being shall, upon the third *Tuesday* of the month of *July*, which shall be in the year of our Lord one thousand seven hundred and ninety nine, make up a full, compleat and perfect state of all the money which shall have arisen and been received by and from the said duties granted by the said former and this present act, and of all sums of money laid out from time to time for the several purposes in the said former acts and this present act mentioned, and of what debts shall be then owing on account of the said former and this present act; to the end that it may appear, if any overplus money shall remain; and in case any overplus shall remain, the same shall be laid out and applied, with the approbation of the overseers for the time being, in such manner as directed by the said act of the ninth year of his late Majesty.

When the
payments
charged on
the duty are
to cease.

VII. And be it further enacted and declared, That the annual payments with which the said duty is burthened, shall continue and endure only till the first day of *July* which shall be in the year of our Lord one thousand seven hundred and ninety nine, and no longer.

Publick act.

VIII. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act, of which notice shall by all courts in this kingdom be judicially taken, and all judges, justices and other persons are hereby required to take notice of it as such.

C A P. X.

An act for the more effectual securing mines of black lead from theft and robbery.

WHEREAS by experience it hath been found, that wad or black tawke, commonly called Black Lead, is and hath been necessary for divers useful purposes, and more particularly in the casting

ing bomb shells, round shot, and cannon balls; and that such wad, black cawke, or Black Lead, hath hitherto been discovered in one mountain, or ridge of hills, only in this realm; and that great waste and destruction therein, hath of late years been made by wicked and evil-disposed persons, who, by reason of the situation of the mine or mines, wad-hole or wad-holes of the said wad, black cawke or black lead, and of the great difficulty to secure and preserve the same from being unlawfully broke, or by force entered into; and also by reason of the small punishment by the laws now in being, annexed to offences of the like kind, have been encouraged unlawfully to enter, and by force to keep possession of the same; and from thence unlawfully to take and carry away great quantities of the said wad, black cawke or black lead; for the more effectual security of all and every mine or mines, wad-hole or wad-holes of wad or black cawke, commonly called Black Lead; and for preventing the unlawful breaking and entering into the same; or the unlawful taking and carrying away from such mine or mines, wad-hole or wad-holes, any wad, black cawke or black lead; and for punishing such offenders in a more exemplary manner, than by the laws in being can now be done; may it therefore 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 all and every person or persons that shall from and after the twenty fourth day of June which shall be in the year of our Lord one thousand seven hundred and fifty two, unlawfully break, or by force enter into any mine or mines, wad-hole or wad-holes of wad or black cawke, commonly called Black Lead, or into any pit, shaft, adit or vein of wad, black cawke or black lead, with an intent to take and carry way from thence any wad, black cawke or black lead; or shall unlawfully from thence take and carry away any wad, black cawke or black lead, although such mine or mines, wad-hole or wad-holes, pit, shaft, adit or vein, be not actually broke, or by force entered into by such offender or offenders; or shall aid, abet, assist, hire or command any person or persons to commit such offence or offences as aforesaid; that then, and in every such case all and every such person or persons shall be deemed and construed to be guilty of felony; and it shall and may be lawful for the court, or judge, before whom any such person or persons so offending as aforesaid, shall be lawfully convicted, to order such offenders to be offender or offenders to be committed to the prison or gaol of the said county, appointed for criminals, or to some house of correction within the same county, for a time not exceeding one year, there to be kept to hard labour during all the said time, and to be publicly whipt by the common hangman, or by the master of such house of correction, at such times and at such places, and in such manner, as such court or judge shall think proper; or it shall and may be lawful to and for such court or judge, or for any other subsequent court held at the same place, with the like authority as the former, to order such offender

The entering
any mines of
black lead,
with intent to
steal,

or the assisting
or hiring per-
sons to do so,
deemed felo-
ny;

committed for
a year, and
publicly
whipt;

or to be trans-
ported for 7
years;

fender or offenders to be transported to some of his Majesty's plantations beyond the seas, for a term not exceeding seven years as such court or judge shall think most proper; and thereupon judgment shall be given, that the person or persons so convicted, shall be committed and whipt, or transported accordingly; and if transportation shall be directed, the same shall be executed in such manner, as is or shall be provided by law for the transportation of felons; and if any such person or persons so committed or transported, shall voluntarily escape or break prison, or return from transportation before the expiration of the time for which he, she or they shall be ordered to be transported, as aforesaid, such person or persons being thereof lawfully convicted, shall suffer death as a felon, without benefit of clergy, and shall be tried for such felony in the county where he, she or they so escaped, or where he, she or they shall be apprehended.

and a certificate of the former conviction, deemed sufficient proof thereof.

II. And be it further enacted by the authority aforesaid, That if any person shall be convicted or attainted of any of the offences aforesaid, and shall voluntarily escape, break prison or return from transportation as aforesaid, and shall be apprehended in any other county or city different from that wherein the said offence was committed, the clerk of the assize, or clerk of the peace for the county or city where such conviction or attainder for the said offence or offences was had, shall, at the request of the prosecutor, or of any other on his Majesty's behalf, certify the same by a transcript in few words, containing the effect and tenor of such conviction or attainder, for which certificate two shillings and six pence, and no more shall be paid; and such certificate being produced in court shall be sufficient proof of such former conviction or attainder.

Receivers of lead, knowing such to be stolen guilty of felony.

III. And be it further enacted by the authority aforesaid, That all and every person or persons who shall, from and after the said twenty fourth day of June, one thousand seven hundred and fifty two, buy or receive any wad or black cawke, commonly called *Black Lead*, knowing the same to be so unlawfully taken and carried away as aforesaid, shall be deemed and construed to be guilty of felony, and being convicted thereof, shall be subject and liable to all the pains and penalties, which any person or persons can or may by the laws and statutes of this realm, be subject and liable to, for buying or receiving any goods or chattels that have been feloniously taken or stolen, knowing the same to have been stolen.

CAP. XI.

An act to enable the parishioners of the parish of East Greenwich, in the county of Kent, to deposit corpse in the vaults or arches under the church in the said parish, and to ascertain the fees that shall be paid for the same.

CAP. XII.

An act for repairing and widening the road from the town of Warminster, in the county of Wilts, to the city of Bath, in the county of Somerset; and also the road from the town of Frome, in the said county of Somerset, to the town of Beckington in the same county; and for repairing the road from Heytesbury to Anstrow Hill, in the county of Wilts. *Certain tolls granted for 21 years.*

CAP.

C A P. XIII.

An act for repairing the road from the town of Cirencester to the town of Stroud, and that part of Rodborough Hill which leads to Dudbridge; and also the road leading from Cirencester towards Bisley, so far as the bottom of Gulph Hill; all in the county of Gloucester. *Certain tolls granted for 21 years.*

C A P. XIV.

An act to open the port of Lancaster, for the importation of wool and woollen yarn from Ireland.

WHEREAS the port of Lancaster, in the county palatine of Lancaster, is very conveniently situated for the importation of wool and woollen yarn from Ireland; and the opening of the said port for that purpose, will be of great utility and advantage to the woollen manufactures in the northern parts of England, and more especially in the counties of Lancaster, York, and Westmorland; and may also be a means of increasing the importation of wool and woollen yarn from Ireland, into this kingdom: may it therefore 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 from and after the first day of May one thousand seven hundred and fifty two, it shall and may be lawful for any person or persons to import into the port of Lancaster, in the county palatine of Lancaster, any wool or woollen or bay

Port of Lancaster opened for importation of wool from Ireland,

yarn, wool fells, shortlings, mortlings, wool flocks, or worsted yarn, from Ireland; any act or acts of parliament to the contrary in any wise notwithstanding.

II. Provided always, and be it enacted by the authority aforesaid, That all such importations of wool and woollen or bay yarn, wool fells, shortlings, mortlings, wool flocks and worsted yarn, from Ireland, into the said port of Lancaster, shall be made from such ports only, and under the same restrictions and regulations, in all respects, as wool or woollen yarn is now by law permitted to be imported into the several ports of *Biddeford, Barnstaple, Minehead, Bridgewater, Bristol, Milford Haven, Chester and Liverpool*, or any of them, and in the same manner, to all intents and purposes, as if the said port of Lancaster had been particularly named for the importation of the said goods, in an act made in the tenth and eleventh years of the reign of the late King William the Third, intituled, *An act to prevent the exportation of wool out of the kingdoms of Ireland and England, into foreign parts; and for the encouragement of the woollen manufactures in the kingdom of England*; or in any other act or acts of parliament whatsoever.

under the same regulations as in 10 and 11 Will. 3. c. 10.

C A P. XV.

An act to indemnify persons who have omitted to qualify themselves for offices and employments; and also persons who have omitted to make and file affidavits of the execution of articles of clerkship within the time limited by law; and for allowing further time for those purposes.

Expt.

Temp.

Time given to 28 Nov. 1752. to take the oaths, &c. and the same time for filing affidavits of clerks.

C A P. XVI.

An act for enlarging the term and powers granted by two acts of parliament, for repairing and amending the highways between the town or village of Tittensor, and the most northern part of Talk on the Hill, in Butt Lane in the county of Stafford. The act 8 Geo. 2. c. 5. continued for 21 years.

C A P. XVII.

An act for repairing the road leading from the Green Man in the chappel-
ry of Seed in the county of Wiltshire, through Troubridge, to a place called White Trough, in the parish of Troubridge in the same county, and from thence by Road Church to Beckington, in the county of Somerset. Certain tolls granted for 21 years.

C A P. XVIII.

An act for repairing the road leading from Long Horsley bar or gate, on the post road near the town of Morpeth, by or through Long Horsley, Weldon-Bridge, and Whittingham, to the river Breamish, and from thence to Piercy's Cross, in the county of Northumberland. Certain tolls granted for 21 years.

C A P. XIX.

An act to open the port of Great Yarmouth for the importation of wooll and woollen yarn from Ireland.

WHEREAS the opening of the port of Great Yarmouth, in the county of Norfolk, for the importation of wool and woollen yarn from Ireland will be of great utility and advantage to the woollen manufactures in that part of England, by rendering the conveyance of those materials to the several towns and places where the said manufactures are carried on, more easy, cheap and expeditious; and may also be a means of increasing the importation of wool and woollen yarn from Ireland into this kingdom: may it therefore 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 from and after the first day of May one thousand seven hundred and fifty two, it shall and may be lawful for any person or persons to import into the port of Great Yarmouth, in the county of Norfolk, any wool or woollen or bay yarn, from Ireland; wool fells, shortlings, mortlings, wool flocks, and worsted yarn, from Ireland; any act or acts of parliament to the contrary in any wise notwithstanding.

The port of Great Yarmouth opened for the importation of wool from Ireland;

under the regulations in 10 & 11 W. 3. c. 10.

II. Provided always, and be it enacted by the authority aforesaid, That all such importations of wool, and woollen or bay yarn, wool fells, shortlings, mortlings, wool flocks and worsted yarn, from Ireland into the said port of Great Yarmouth, shall be made from such ports only, and under the same restrictions and regulations in all respects, as wool or woollen yarn is now by law permitted to be imported into the several ports of *Bideford, Barnstaple, Minehead, Bridgwater, Bristol, Milford Haven, Chester and Liverpool*, or any of them; and in the same manner, to all intents

intents and purposes, as if the said port of Great Yarmouth had been particularly named for the importation of the said goods in an act made in the tenth and eleventh years of the reign of the late King William the Third (intituled, *An act to prevent the exportation of wool out of the kingdoms of Ireland and England into foreign parts; and for the encouragement of the woollen manufactures in the kingdom of England*) or in any other act or acts of parliament whatsoever.

C. A. P. libtool.com.cn
C. A. P. XX.

An act to obviate doubts that have arisen with regard to the admission of the vassals of the principality of Scotland, and payment of their rents and duties.

WHEREAS a doubt hath arisen, whether the lands and other heretages, commonly known by the name of The principality of Scotland, and as such possessed by his late royal highness Frederick prince of Wales, as prince and steward of Scotland, did, upon his death, descend to his royal highness George William Frederick now prince of Wales, or whether the same did return to the King's most excellent majesty; whereby it is rendered uncertain in what manner the vassals of the said principality ought to be entered, and to whom the rents, issues and profits of the principality ought to be paid, and by whom the vassals should be thereof acquitted: and whereas by reason, especially of the loss of great part of the ancient records of Scotland, the removing of that doubt may be attended with considerable delay and difficulty; and although the rents, issues, and profits of the principality itself are of very inconsiderable value, and have proved hardly sufficient to defray the expence of the officers necessary for collecting or administering the same; yet in the mean time it will be highly prejudicial to the vassals of the said principality, and to their heirs, or singular successors, or purchasers from them, if no certain method shall be settled, whereby the title to lands, or other heretages holding of the said principality, may be effectually made up and completed; for the relief therefore of the vassals, and all other persons, who may be interested in lands and heretages, holding of the said principality; 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, and by the authority of the same, That it shall and may be His Majesty to lawful for his Majesty, until his royal highnes George William Frederick prince of Wales shall attain the full age of twenty one years, to hold and possess the said principality and stewartry of Scotland, and to give entries, charters, or infestments, to the vassals thereof, containing clauses of *Novo damus*, and other clauses usual, and to do every other act concerning the said principality and stewartry of Scotland, in the same manner that hath been formerly practised and accustomed by his royal predecessors of the age of the Kings or Queens of Scotland, or of Great Britain, when there was no prince in being; and all such entries, charters, infestments or other acts and deeds, concerning the said principality,

His Majesty to hold the principality of Scotland, to grant entries, &c. to the vassals, &c. till the prince of Wales shall be of the age of 21 years.

The rights of the crown, and of the prince of Wales, reserved; except that of avoiding the entries, &c.

pality, or any part thereof, shall be good, valid and effectual in law, to the vassals receiving the same, and all parties having interest therein, to all intents and purposes whatsoever: saving to the King's most excellent majesty, his heirs and successors, and to his royal highness *George William Frederick* prince of *Wales*, his heirs and successors, all such right, title or interest in, to, or out of the said principality or stewartry of *Scotland*, or to the rents, issues and profits of the same, as they would have had, in case this act had not been made; other than and except any right to avoid, ~~impeach, libel, and detainer~~, any entry, charter, infestment, or other act and deed to be made or granted by his Majesty, to the vassals, as aforesaid; and the payment of any rents, feu duties, or other duties and casualties, as against any vassals, tenants, singular successors or purchasers; all which are by this act intended to be made good, valid and effectual, for and in respect of such vassals, tenants and singular successors, and all persons claiming, or to claim, by, from or under them, or any of them.

C A P. XXI.

An act for repairing the roads from Wallingford in the county of Berks to Wantage, and from thence to Faringdon, and also from Wantage to Idson in the said county. *Certain tolls granted for 21 years.*

C A P. XXII.

An act for repairing the roads from the town of Shrewsbury through Ellesmere in the county of Salop, and Overton in the county of Flint, to Wrexham in the county of Denbigh. *Certain tolls granted for 21 years.*

C A P. XXIII.

An act for the better relief and employment of the poor in the parishes of Saint Margaret and Saint John the Evangelist in the city of Westminster; and for cleansing the streets and repairing the highways within the said parishes.

C A P. XXIV.

An act for repairing and widening the roads from Tinhead Hill to the Round Stone in Trowbridge; and from Flinty Nap to Western Down in the parish of Edington in the county of Wilts; and other roads in the counties of Wilts and Somerset, leading towards the cities of Bristol and Bath. *Certain tolls granted for 21 years.*

C A P. XXV.

An act for granting to his Majesty a certain sum of money therein mentioned, out of the Sinking fund; and for enabling his Majesty to raise a further sum of money therein also mentioned, by exchequer bills, to be charged on the said Sinking fund, for the service of the year one thousand seven hundred and fifty two; and for the further appropriating the supplies granted in this session of parliament.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirou

desirous to raise the necessary supplies which we have chearfully granted to your Majesty in this session of parliament, for the service of the year one thousand seven hundred and fifty two, in the easiest manner we are able, for the benefit of your Majesty's subjects, and also to use such ways and means therein as that your Majesty may have the better and more speedy effect of the said supplies, have resolved to give and grant unto your Majesty the sum of five hundred thousand pounds out of the surplusses, excesses and overplus monies, commonly called the *Sinking fund*; and to that end and purpose do most humbly beseech 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 by or out of such monies as now are or shall from time to time be and remain in the receipt of the exchequer, of the said surplusses, excesses or overplus monies, commonly called the *Sinking fund*, (after paying or reserving sufficient to pay all such annuities, or annual sum and sums of money as have been directed by any former act or acts of parliament, to be paid out of the same) there shall and may be issued and applied, a sum not exceeding the said sum of five hundred thousand pounds, for and towards the supply granted to his Majesty for the service of the said year one thousand seven hundred and fifty two; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and impowered to issue and apply the same accordingly.

II. And whereas your Majesty's said dutiful and loyal subjects, the commons of Great Britain in parliament assembled, have also resolved to give and grant unto your Majesty the further sum of one million four hundred thousand pounds, towards the supply granted to your Majesty for the service of the said year one thousand seven hundred and fifty two, to be raised in manner hereafter mentioned: and whereas the governor and company of the bank of England have proposed to advance and pay into the receipt of your Majesty's exchequer, the sum of one million, for payment of part of the debt of the navy, and other publick services; and also the sum of four hundred thousand pounds charged on the additional duties on stamps herein after mentioned, now carrying an interest at three pounds ten shillings per centum per annum, which pursuant to notice given the last session of parliament are to be redeemed and paid off; upon condition that exchequer bills be issued to them on or before the times at which the said sums of one million and four hundred thousand pounds respectively shall be wanted to be advanced, carrying an interest at three pounds per centum per annum, to be charged on the *Sinking fund*; and that the said principal sums of one million and four hundred thousand pounds, shall be repaid to them out of the first excesses or surplusses of the said *Sinking Fund* that shall be applied to the payment of the principal of the national debt, next after the remainder of the sum of

one million one hundred and ninety thousand one hundred and eleven pounds sixteen shillings and one penny, which has been advanced by the said governor and company, pursuant to an act of the last session of parliament, shall be discharged and paid off; now we your Majesty's said dutiful and loyal commons in parliament assembled, being of opinion that it will be of advantage to the publick to accept of the said proposal, and being also desirous to lessen the national debt as fast as conveniently may be consistent with justice and publick faith, do also most humbly beseech your Majesty, that it may be enacted, and be it enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, on his Majesty's behalf, to contract and agree with the said governor and company of the bank of England to advance and pay into the said receipt of exchequer any sum or sums of money not exceeding in the whole the said sum of one million four hundred thousand pounds for exchequer bills, to be made forth at the said receipt in the manner herein after mentioned, in such proportions, and at such respective times, as the said commissioners of the treasury, or any three or more of them now being, or the said high treasurer, or any three or more of the commissioners of the treasury for the time being, shall judge to be most for the advantage of the publick, for the purposes aforesaid

The bank allowed 3*l.* per cent. interest.

III. And be it further enacted by the authority aforesaid, That the said governor and company of the bank of England, and their successors, shall have and receive an interest or *præmium* after the rate of three pounds *per centum per annum*, for the said principal sum of one million four hundred thousand pounds, to be advanced by them into the said receipt of exchequer, from the respective times of advancing and paying the same, or any part thereof into the said receipt, which said interest or *præmium* shall be paid from time to time to the said governor and company, and their successors, by quarterly payments out of the monies arising at the said receipt of exchequer, of or for the surplusses, excesses or overplus monies, commonly called the *Sinking fund*, until such times, as the said exchequer bills, or any part thereof, shall be discharged and cancelled in the manner and form by this act he *eaſter* provided.

Treasury to make out exchequer bills,

IV. And be it further enacted by the authority aforesaid, That the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being shall, and they are hereby authorized and impowered to prepare and make, or cause to be prepared and made at the exchequer, at once, or at such times, and in such proportions, and in such method and form as they or he shall think most safe and convenient, any number of new exchequer bills, containing one common sum of different sums in the principal monies, so as such

ſuch bills do not exceed in the whole the ſaid principal ſum of one million four hundred thousand pounds.

V. And be it further enacted by the authority aforesaid, That to carry an interest of 3l. per cent. the ſaid bills to be made and prepared in purſuance of this act, ſhall and may bear an interest not exceeding the ſaid rate or premium of three pounds *per centum per annum*, and proportionally for any greater or leſs ſum to be contained therein, and to be payable to the bearers thereof reſpectively; nevertheless the ſaid interest ſhall be abated and ſaved upon ſuch of the ſaid bills to be made forth by this act, as ~~shall at any time or times be~~ in the receipt of the exchequer, or in the hands or power of any receivers or collectors of any taxes, aids or revenues whatſoever, payable to his Maſteſty, his heirs or ſucceſſors, during ſuch time and times reſpectively as ſuch bills ſhall be or remain in the ſaid receipt, or in ſuch hands or power as aforesaid.

VI. And it is hereby enacted, That all the ſaid bills ſhall be numbered arithmetically, beginning with N° I. and ſo proceeding in an arithmetical progreſſion, ascending, wherein the common excess or difference shall always be one, and ſhall be registered accordingly, ſo that the principal ſum to be contained in every ſuch bill may regularly be paid off and discharged in course, according to the number of every ſuch bill, as it ſhall stand in the ſaid register; and that the interest upon all and every the ſame bills ſhall be payable every three months, according to the purport and true meaning of this act; and that upon every ſuch paid quarter-bill there ſhall be indorſed, printed or written, in words at length, or in figures, the ſum, after which the principal to be contained therein, ſhall be payable in ſuch courſe as aforesaid, according to the purport and true meaning of this act.

VII. And it is hereby further enacted, That all the ſaid bills ſhall be prepared and made with ſuch cheques, indents or coun- terſoils, as shall be directed by the commissioners of the treaſury, or any three or more of them now being, or by the high treasurer, or any three or more of the commissioners of the treaſury for the time being; and that the person or persons who ſhall be appointed to pay off the ſaid bills in course, ſhall from time to time have the uſe and cuſtody of one part of all the masters to cheques, indents or counterſoils of the ſaid exchequer bills, to have one be prepared and made by virtue of this act, from which the ſame ſhall have been cut, to prevent his or their being impoſed upon by counterfeiſt or forged bills; and that the undertakers or contractors for exchanging and circulating the ſaid bills, or tractors the ſuch of them as it shall be current, ſhall from time to time have other, the uſe and cuſtody of one other part of all the ſaid cheques, indents or counterſoils of the ſaid exchequer bills from which the ſame ſhall have been cut off as aforesaid, in order to prevent their being impoſed upon by any counterfeiſt or forged bills; and that all the ſaid parts of the ſaid cheques, indents or counterſoils, ſhall be delivered back into the exchequer, when the ſaid bills to be made forth by virtue of this act ſhall be paid off, caſſed and discharged.

Bills to be placed as cash in the exchequer.

VIII. And it is hereby enacted, That the ſaid commissioners of the treasury, or any three or more of them now being, or the ſaid high treasurer, or any three or more of the commissioners of the treasury for the time being ſhall, and they are hereby respectively authorized and impowered to cause ſuch bills, as ſhall be prepared by virtue of this act, to be placed as ſo much cash in the reſpective offices of the tellers of the ſaid receipt of the exchequer, each and every of which tellers ſhall be severally charged with the proportion of the ſaid bills which ſhall be ſo placed in his office reſpectively; any law or usage to the contrary notwithstanding.

Currency of the bills.

IX. And be it further enacted by the authority aforesaid, That all the ſaid bills to be issued as aforesaid, ſhall be current in like manner, and with ſuch privileges and advantages, and ſubject to ſuch rules and directions, as are prescribed and enacted by an act of this preſent ſeffion of parliament, (intituled, *An act for continuing and granting to his Maſtety certain duties upon malt, mum, cyder and perry, for the ſervice of the year one thouſand ſeven hundred and fifty two*) for or concerning the exchequer bills thereby authorized to be made forth; and that all and every the clauses and proviſoes in the ſaid laſt mentioned act, relating to the currency, exchanging or receiving the ſame laſt mentioned exchequer bills, by any publick receivers of aids, taxes or ſupplies, or in his Maſtety's receipt of the exchequer, or for forgiing, counterfeiting or altering the ſame bills, or making out new bills in the room of ſuch as thall be filled up with indorſements, loſt, burnt, defaced, or otherwise deſtroyed, or for making out exchequer bills of five thouſand pounds each, or for making out exchequer bills without bearing intereſt, or for making them afterwards to bear an intereſt, or a higher or lower rate of intereſt, from time to time, as the contractors ſhall agree to, or for preventing any miſapplication of the fund on which the ſame are charged, or any other miſbehaviour of any officers concerned in the receiving, issuing, exchanging, paying off or cancelling the ſame laſt-mentioned exchequer bills, or for obliging the contractors to pay the intereſt of, or exchange for ready money on demand, the exchequer bills thereby authorized to be issued at a rate or præmium not exceeding three pounds per centum per annum, or for preventing any diſabilities in any ſuch contractors, or for making them not liable to be bankrupts on account of ſuch contracts, or for appointing a paymaster or paymasters for paying off and cancelling the ſame exchequer bills in due course and order (not otherwife altered by this act) ſhall extend, and be conſtrued to extend, as well to the exchequer bills by this act authorized to be made forth, as to the exchequer bills to be made forth in purſuance of the ſaid act for continuing and granting the duties upon malt, mum, cyder and perry, (except ſuch clauses as do charge the ſame on the rates and duties con tinued and granted by the ſame act) as amply, fully and eſſentially, to all intents and purpoſes, as if the ſame clauses or pro

viſoes had been particularly repeated and re-enacted *verbatim* in this act.

X. And be it further enacted by the authority aforesaid, That the said commissioners of the treasury, or any three or more of them now being, or the said high treasurer, or any three or more of the commissioners of the treasury for the time being, shall or may issue, or cause to be issued to such paymaster or paymasters to be constituted as aforesaid, by way of impreſt and upon account, ſo much monies out of the growing produce of the ſaid ſurpluſſes, excesses or overplus monies, commonly called the *Sinking fund*, as ſhall from time to time incur and grow due to the ſaid contractors for the interest or *premum* upon the ſaid exchequer bills to be made forth by this act during the continuance thereof, and ſuch other payments as are by this act directed or allowed to be paid or discharged out of the ſame; any thing in this or any former act or acts of parliament to the contrary notwithstanding.

XI. Provided also, and be it further enacted by the authority aforesaid, That it is the true intent and meaning of this act, charged on that all the exchequer bills hereby authorized to be made forth, the ſinking not exceeding the ſaid ſum of one million four hundred thousand pounds as aforesaid, ſhall be, and they are hereby charged upon the ſaid ſurpluſſes, excesses or overplus monies, commonly called the *Sinking fund*; and the ſame exchequer bills ſhall (from and immediately after all the exchequer bills made forth for the principal ſum of one million one hundred ninety thousand and forty one pounds fifteen ſhillings and one penny, advanced by the governor and company of the bank of *England*, in purſuance of an act of the laſt ſeſſion of parliament, and charged on the ſaid *Sinking fund*, ſhall be paid off and discharged) from time to time be paid off to the ſaid governor and company of the bank of *England*, out of the monies that ſhall from time to time arise into the ſaid receipt of exchequer, of or for the ſaid *Sinking fund*, which may be applied to the payment of the principal of the na-tional debt, and not otherwise: and the ſaid commissioners of the treasury, or any three or more of them now being, or the ſaid high treasurer, or any three or more of the commissioners of the treasury for the time being, ſhall and may, and they are hereby authorized and enabled to cause ſuch monies which ſhall from time to time arise at the ſaid receipt of exchequer, of or for the ſaid *Sinking fund*, applicable to the payment of the principal of the na-tional debt as aforesaid (after paying off and discharging the exchequer bills before-mentioned) to be issued from time to time to ſuch paymaster or paymasters to be constituted as aforesaid, by way of impreſt and upon account, to be by him or them applied towards the paying off and discharging the exchequer bills hereby authorized to be made forth as aforesaid; or any part thereof, in the manner before directed; and at ſuch times, and in ſuch proportions, as the ſaid commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, ſhall judge to be moſt for the advan-

Interest to
cease upon
such of the
bills as shall be
paid off.

Appropriati-
on of the sup-
plies,

tage of the publick; from which respective time or times of paying off or discharging the said exchequer bills, or any part thereof, by such paymaster or paymasters as aforesaid, a proportionable part of the interest or *præmium*, payable for such exchequer bills so paid off or discharged at the rate aforesaid, shall cease and determine; any thing in this or any other act or acts of parliament to the contrary in any wise notwithstanding.

XII. Provided always, and it is hereby further enacted by the authority aforesaid, That all the monies coming into the exchequer either by loans or exchequer bills, upon one act of this session of parliament, (intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain within the space of one year, from the twenty-fifth day of March one thousand seven hundred and fifty two*) and so much money, if any such be, of the tax thereby granted, as shall arise or remain after all the loans or exchequer bills made or to be made on the same act, and all the interest, *præmium*, rate and charges thereupon, and the charges thereby allowable for raising the said land tax shall be satisfied, or money sufficient shall be reserved in the exchequer to satisfy and discharge the same; and also all the monies coming into the exchequer either by loans or exchequer bills, upon one other act of this session of parliament, (intituled, *An act for continuing and granting to his Majesty certain duties upon malt, must, cyder and perry, for the service of the year one thousand seven hundred and fifty two*) and so much money, if any such be, of the duties thereby granted as shall arise or remain after all the loans or exchequer bills made or to be made on the same act, and all the interest, *præmium*, rate and charges thereon, and the charges thereby allowable for raising the said duties shall be satisfied, or money sufficient shall be reserved in the exchequer to satisfy and discharge the same; and also the sum of one million nine hundred thousand pounds by this act granted shall be further appropriated, and are hereby appropriated for and towards the several uses and purposes herein after expressed; that is to say, It is hereby enacted and declared by the authority aforesaid, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one million seven hundred eighty two thousand and ninety pounds eighteen shillings and one penny, for or towards the naval services herein after more particularly expressed; that is to say, For or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea services in the office of ordnance, performed and to be performed, for the year one thousand seven hundred and fifty two, consisting of three hundred fifty five days; and for or towards defraying the ordinary of his Majesty's navy, and for half-pay to sea officers; and for or towards the buildings, re-buildings and repairs of his Majesty's ships for the said year; and for or towards paying off or discharging the debt of the navy.

XIII. And it is hereby also enacted by the authority aforesaid,

viz.
1,782,090.
18 s. 1 d. for
naval services.

faid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding nine thousand six hundred ninety nine pounds and nine shillings, upon account, towards the support of the royal hospital at Greenwich, for the better maintenance of the seamen of the said hospital, worn out and become decrepit in the service of their country.

XIV. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one hundred twenty four thousand nine hundred and twenty pounds three shillings and five pence, for or towards defraying the charge of the office of ordnance for land service for land service, the year one thousand seven hundred and fifty two, performed and to be performed, and for defraying the extraordinary expense of the office of ordnance for land service, not provided for by parliament.

XV. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one million forty one thousand five hundred and fifty four pounds nineteen shillings and six pence, for and towards maintaining his Majesty's land forces, and other services herein after more particularly expressed; that is to say, Any sum or sums of money not exceeding six hundred and eleven thousand one hundred and one pounds six shillings and five pence halfpenny, for defraying the charges of eighteen thousand eight hundred and fifty seven effective men, including commission and non-commission officers, and also one thousand eight hundred and fifteen invalids, for guards, garrisons and other his Majesty's land forces in Great Britain, Guernsey and Jersey, for the year one thousand seven hundred and fifty two; and any sum or sums of money not exceeding two hundred twenty nine thousand nine hundred and forty three pounds thirteen shillings and nine pence halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, Minorca and Gibraltar, and for provisions for the garrisons in Nova Scotia, Newfoundland, Gibraltar and Providence, for the year one thousand seven hundred and fifty two; and any sum or sums of money not exceeding fifty eight thousand four hundred forty eight pounds fourteen shillings and seven pence, upon account for out-pensioners of Chelsea hospital, for the year one thousand seven hundred and fifty two; and any sum or sums of money not exceeding sixty thousand pounds, upon account of the reduced officers of his Majesty's land forces and marines for the year one thousand seven hundred and fifty two, subject to such rules to be observed in the application of the said pital; half-pay, as are hereafter prescribed concerning the same; and any sum or sums of money not exceeding four thousand five hundred twenty two pounds sixteen shillings and six pence, for defraying the charge for allowances to the several officers and private gentlemen of the two troops of horse guards, and regiments of the

horse guards, &c. reduced to the four troops of horse guards for the year one thousand seven hundred and fifty two; and any sum or sums of money not exceeding three thousand one hundred twenty five pounds thirteen shillings and one penny, for paying of pensions to the widows of such reduced officers of his Majesty's land forces and marines as died upon the establishment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December* one thousand seven hundred and sixteen, for the year one thousand seven hundred and fifty two, which said sum of three thousand one hundred and twenty five pounds thirteen shillings and one penny, shall be issued to such person or persons as his Majesty shall, by warrant or warrants under his royal sign manual, direct and appoint to receive the same, to be by him or them paid over to such widows of half-pay officers, or their assigns, according to such establishments, lists or other directions, and with and subject to such conditions, qualifications and other allowances for the same as his Majesty, by such and the like warrant or warrants, shall be graciously pleased to direct and appoint; and any sum or sums of money not exceeding twenty two thousand four hundred twelve pounds fifteen shillings and one penny, for defraying the extraordinary expences of his Majesty's land forces and other services incurred in the year one thousand seven hundred and fifty one, and not provided for by parliament; and any sum or sums of money not exceeding twenty thousand pounds, to enable his Majesty to make good his engagements with the Elector of *Bavaria*, pursuant to treaty; and any sum or sums of money not exceeding thirty two thousand pounds, to enable his Majesty to make good his engagements with the King of *Poland*, Elector of *Saxony*, pursuant to treaty.

22,412 l. 15s. 6d. for extraordinary expences of the land forces incurred in 1751.

10,000l. to the Elector of *Bavaria*;

12,000l. to the King of *Poland*.

21,042 l. 19s. 6d. 2q. to be settled Nova Scotia in 1751.

and 40,450l. and 10d. for the present year.

6,997 l. 8s. 3d. to the deficiency of the additional stamp duties at

Christmas 1750.

10,000l. to the like sum paid out of the same, to make good the deficiency of the additional stamp duties at *Christmas* one thousand seven hundred

XVI. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall be issued and applied any sum or sums of money not exceeding twenty one thousand and forty two pounds nineteen shillings and six pence halfpenny, upon account, for defraying the charges incurred by supporting and maintaining the settlement of his Majesty's colony of *Nova Scotia* in the year one thousand seven hundred and fifty one, and not provided for by parliament; and any sum or sums of money not exceeding forty thousand four hundred fifty pounds and ten pence, upon account, for supporting and maintaining the settlement of his Majesty's colony of *Nova Scotia* for the year one thousand seven hundred and fifty two.

XVII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding six thousand nine hundred ninety seven pounds eight shillings and three pence, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency of the additional stamp duties at *Christmas* one thousand seven hundred

hundred and fifty ; and any sum or sums of money not exceeding five thousand four hundred thirty one pounds six shillings and four pence, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the duty on licences for retailing of spirituous liquors at *Lady-day* one thousand seven hundred and fifty one ; and any sum or sums of money not exceeding eleven thousand seven hundred thirty seven pounds fourteen shillings and four pence halfpenny, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the duty of twelve shillings a barrel on sweets or wines made from *British* or foreign fruit or sugar at *Michaelmas* one thousand seven hundred and fifty one ; and any sum or sums of money not exceeding twenty four thousand one hundred and two pounds nineteen shillings and five pence, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the additional duties on wines at *Midsummer* one thousand seven hundred and fifty one ; and any sum or sums of money not exceeding fifty two thousand nine hundred sixty nine pounds one shilling and seven pence halfpenny, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the duties on glass and spirituous liquors at *Midsummer* one thousand seven hundred and fifty one ; and any sum or sums of money not exceeding sixty one thousand and sixty six pounds seven shillings and ten pence farthing, to replace to the said sinking fund the like sum paid out of the same, to make good the deficiency of the rates and duties upon houses, windows and lights, at *Michaelmas* one thousand seven hundred and fifty one ; and any sum or sums of money not exceeding fifty four thousand seven hundred fifty one pounds five shillings and five pence halfpenny, to make good the deficiency of the grants for the service of the year one thousand seven hundred and fifty one ; and any sum or sums of money not exceeding seventeen thousand one hundred nineteen pounds fourteen shillings and four pence halfpenny, to make good the deficiency at *Christmas* one thousand seven hundred and fifty one, of the duties on spirituous liquors granted to his Majesty from the twenty fifth day of *March* one thousand seven hundred and forty three ; and any sum or sums of money not exceeding six thousand six hundred ninety three pounds seventeen shillings and four pence, to make good the deficiency at *Christmas* one thousand seven hundred and fifty one, of the additional duty on wines ; and any sum or sums of money not exceeding twenty four thousand nine hundred sixty eight pounds twelve shillings and ten pence halfpenny, to make good the deficiency at *Christmas* one thousand seven hundred and fifty one, of the duties on glass and spirituous liquors ; and any sum or sums of money not exceeding ten thousand pounds, towards the support of the *British* forts and settlements upon the coast of *Africa*, to be applied in such manner as his Majesty shall think proper, and any sum or sums of money not exceeding four thousand pounds, to enable the trustees for establishing

5,431 l. 6s. 4d. to the deficiency of the duties on licences for retailing spirituous liquors at *Lady-day* 1752 11,37 l. 14s. 4d. 2q. to the deficiency of the duties on sweets at *Michaelmas* 1752 24,102 l. 19s. 5d. to the deficiency on the additional duties on wines at *Midsummer* 1752 52,969 l. 1s. 7d. 2q. to the deficiency of the duties on glass and spirituous liquors. 61,066 l. 7s. 10d. 1q. to the deficiency of the duties on houses, &c. 54,751 l. 5s. 5d. 2q. to the deficiency of the grants for 1751. 17,119 l. 14s. 4d. 2q. to the deficiency at *Christmas* 1751, of the duties on spirituous liquors. 6,693 l. 17s. 4d. to the additional duties on wines at *Christmas* 1751 ; 24,968 l. 12s. 10d. 2q. to the deficiency of the duties on glass and spirituous liquors. 10,000 l. to the settlements on the coast of *Africa*. 4,000 l. to the

trustees of
Georgia;

3,000 l. to
wards making
a road from
Carlisle to
Newcastle.

6 Ann. c. 21.

6 Geo. 1. c. 4.

89,925 l. 10s.
7d. to make
good to the
proprietors
of the annui-
ties, and to
the South-Sea
company the
sums due by

the colony of *Georgia* in *America* to defray the expences incurred by them; and any sum or sums of money not exceeding three thousand pounds towards laying out, making and keeping in repair, a road proper for the passage of troops and carriages between the city of *Carlisle* and the town of *Newcastle upon Tyne*.

XVIII. And whereas by an *act of parliament* made and passed in the sixth year of the reign of her late majesty Queen Anne, (intituled, An act for continuing one half part of the subsidies of tonnage and poundage, and other duties upon wines, goods and merchandises imported, which were granted to the crown in the twelfth year of the reign of King Charles the Second; and for settling a fund thereby, and by other ways and means for payment of annuities, not exceeding eighty thousand pounds per annum, to be sold for raising a further supply to her Majesty for the service of the year one thousand seven hundred and eight, and for other uses therein expressed) certain annuities were granted and made payable at the Exchequer out of the said duties by that act continued: and whereas in pursuance of an *act* made in the sixth year of the reign of his late majesty King George the First, (intituled, An act for enabling the South-Sea company to increase their present capital stock and fund, by redeeming such publick debts and incumbrances as are therein mentioned; and for raising monies to be applied for lessening several of the publick debts and incumbrances, and for calling in the present exchequer bills remaining uncancelled; and for making forth new bills in lieu thereof, to be circulated and exchanged upon demand at or near the exchequer) several of the proprietors of the annuities before mentioned did subscribe the same into the capital stock of the said South-Sea company, upon the terms in the said last recited *act* mentioned; by means whereof the said company are become intitled to the yearly sum of thirty nine thousand one hundred forty six pounds five shillings and seven pence, for interest and charges of management upon such part of the said annuities so subscribed into their capital: and whereas the monies arisen into the exchequer of or for the rates and duties by the said first recited *act* granted, have proved so low and deficient, that at the feast of the birth of our Lord Christ one thousand seven hundred and fifty-one, there was due and payable to the several persons intitled to such part of the said annuities as were not subscribed to the South-Sea company, as also to the South-Sea company upon their annuity aforesaid, the sum of eighty nine thousand nine hundred twenty five pounds ten shillings and seven pence: and whereas no provision is made by the said acts, or either of them, for making good such deficiency; be it therefore enacted by the authority aforesaid,

That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding the sum of eighty nine thousand nine hundred twenty five pounds ten shillings and seven pence, to make good to the several proprietors of the said annuities, as also to the South-Sea company, the several sum or sums of money due to them, to satisfy their respective annuities payable by the said acts of parliament,

liament, to or for any time before the said feast day of the birth the recited of our Lord Christ one thousand seven hundred and fifty-one. acts.

XIX. And whereas by an act of parliament made and passed in 4 Geo. 2. c. 9. the fourth year of his present Majesty's reign, (intituled, An act for raising one million two hundred thousand pounds by annuities and a lottery, in manner therein mentioned; and for appropriating the supplies granted in this session of parliament; and for making forth duplicates of exchequer bills, lottery tickets and orders lost, burnt or otherwise destroyed) it is amongst other things enacted, That it should and might be lawful to and for any person or persons, bodies politick or corporate, to contribute, advance and pay into the receipt of his Majesty's Exchequer, for his Majesty's use, at such time or times as should be appointed by the commissioners of the treasury then being, or by the high treasurer, or the commissioners of the treasury for the time being, any sum or sums of money not exceeding four hundred thousand pounds, in part of the said whole sum of one million two hundred thousand pounds, for the absolute purchase of any certain annuity or annuities, to commence from the twenty-ninth day of September one thousand seven hundred and thirty one, and to be paid and payable to such contributor or contributors, or such as he, she or they should nominate his, her or their executors, administrators, successors and assigns respectively, until redemption thereof by parliament, in manner therein after mentioned; which certain annuities were to be computed at the rate of three pounds ten shillings per annum for every one hundred pounds, and proportionably for any greater sum to be advanced and paid; and the purchase money so to be paid for every such annuity at the rate aforesaid, was thereby appointed to be paid into the said receipt at the time or times before mentioned; and the said annuities were by the said act charged upon and made payable at the respective half-yearly days of payment therein specified, out of the money arising by the additional duties on stamp vellum, parchment and paper, by the said act granted and appropriated for the payment thereof; and the sum of fourteen thousand pounds per annum is thereby directed to be issued and applied at the said receipt of exchequer, out of the said additional duties on stamp vellum, parchment and paper, to answer and pay the said annuities at the respective half-yearly days of payment therein specified; and after reserving sufficient to pay and satisfy, from time to time, such half-yearly payments as should grow due upon the said annuity of fourteen thousand pounds, that then the further yearly sum or annuity of twenty four thousand pounds should be issued and paid to the cashier of the bank of England, out of the monies remaining in the said receipt, of the said additional duties on stamp vellum, parchment and paper, for answering and paying all and every the annuities or yearly payments, after the rate of three pounds per centum per annum, to the contributors of the lottery therein mentioned, in respect of the principal sum of eight hundred thousand pounds, advanced by them upon the credit of the said additional duties, at the respective half-yearly days of payment therein specified, until the said several and respective annuities should be redeemed by parliament, according to the proviso therein contained for that purpose; as in and by the said act, relation being thereto had,

may

may more fully appear: and whereas the speaker of the house of commons did, in pursuance of a resolution of the said house in the last session of parliament, give notice by writing inserted in the London Gazette, and affixed upon the Royal Exchange in London, that the said annuities will be redeemed and paid off on the tenth day of October one thousand seven hundred and fifty-two, agreeable to the power of redemption in the said act; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners of the treasury, or any three or more of them now being, or the said high treasurer, or any three or more of the commissioners of the treasury for the time being, and they are hereby respectively authorized and required, on the said tenth day of October one thousand seven hundred and fifty two, to cause the said sum of four hundred thousand pounds to be issued and paid at the said receipt of his Majesty's Exchequer, out of all or any the aids or supplies provided as aforesaid, unto the proprietors of the several and respective orders of loan made forth in pursuance of the before recited act of the fourth year of his present Majesty's reign, all the principal sums contained in the said orders of loan, amounting in the whole to the said sum of four hundred thousand pounds, pursuant to the notice given by the speaker of the house of commons in that behalf as aforesaid.

On payment
of the above
sum, the an-
nuities to
cease;

XX. And be it further enacted by the authority aforesaid, That from and after the paying off and discharging all the principal sums contained in the said orders of loan, amounting in the whole to the said principal sum of four hundred thousand pounds, or reserving money sufficient for that purpose, and also upon full payment of all arrears of the annuities payable in respect thereof, the said several and respective annuities shall cease, determine and be understood to be redeemed; and from and after the redemption of the said annuities, all the monies which shall from time to time arise into the said receipt of exchequer, of or for the said additional duties on stamp vellum, parchment and paper, shall from thenceforth be wholly applied to answer and pay the further annuity of twenty four thousand pounds, charged upon and made payable by the said recited act of the fourth year of his present Majesty's reign, out of the said additional duties, until redemption thereof by parliament, according to the proviso therein contained in that behalf; any thing in this or the said recited act to the contrary thereof in any wise notwithstanding.

and the duties
to be applied
to pay the
further an-
nuity of
24,000 l.

and the sur-
plus to be re-
served for the
disposition of
parliament.

XXI. Provided always, and be it further enacted by the authority aforesaid, That in case there shall be any surplus or remainder of the monies arising by the said additional duties at the end of any one year, after the said annuity of twenty four thousand pounds, and all arrears thereof, are satisfied, or money sufficient shall be reserved for that purpose, that then such surplus or remainder shall from time to time be reserved for the disposition of parliament, and shall not be issued but by authority of parliament, and as shall be directed by future act or acts of

of parliament in that behalf; any thing in any former act or acts to the contrary thereof notwithstanding.

XXII. And be it further enacted by the authority aforesaid, That the said aids and supplies provided as aforesaid, shall not be applied be issued or applied to any use, intent or purpose whatsoever, only to the other than the uses and purposes before mentioned, or for the several deficiencies or other payments directed to be satisfied thereof by any act or acts, or any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament.

XXIII. And as to the said sum of sixty thousand pounds by Rules to be observed in this act appropriated on account of half-pay as aforesaid, it is hereby enacted and declared by the authority aforesaid, That the application of the rules herein after prescribed shall be duly observed in the application of the said half-pay; that is to say, That no person appropriated to shall have or receive any part of the same who was a minor, and under the age of sixteen years, at the time when the regiment, troop or company in which he served was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop or company; that no person having any other place or employment of profit civil or military under his Majesty, shall have or receive any part of the said half-pay; that no chaplain of any garrison or regiment who has any ecclesiastical benefice in *Great Britain* or *Ireland*, shall have or receive any part of the said half-pay; that no person shall have or receive any part of the same, who has resigned his commission and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons who would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*.

XXIV. And whereas by an act of parliament made and passed in the twenty fourth year of his Majesty's reign, (intituled An act for granting to his Majesty the sum of six hundred thousand pounds out of the sinking fund for the service of the year one thousand seven hundred and fifty one; and for allowances to the poor widows of commission and warrant officers of the royal navy; and for the further appropriating the supplies granted this session of parliament, and for making forth duplicates of exchequer bills, lottery tickets, certificates, orders of loan or annuity orders, payable at the exchequer, in lieu of such as shall be lost, burnt or destroyed; and also for making forth new orders of loan or annuity orders, in lieu of such as shall become defaced, obliterated or otherwise incumbred with assignments or indorsements thereon) several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed; amongst which any sum or sums of money not exceeding sixty four thousand pounds, was appropriated to be paid

²⁴ Geo. 2.
c. 47.

to the reduced officers of his Majesty's land forces and marines, subject never before to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf; now it is hereby provided, enacted and declared by the authority aforesaid, That so much of the said sum of sixty four thousand pounds, as is or shall be more than sufficient to satisfy the said reduced officers, according to the rules prescribed by the said act to be observed in the application thereof, or any part of such overplus, shall and may be disposed of to such officers who are maimed, or lost their limbs in the late wars, or such others as by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants, under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act, or the said former act, to the contrary notwithstanding.

C A P. XXVI.

An act to restrain the making insurances on foreign ships bound to or from the East Indies.

9 Geo. 1. c. 26. **W**HEREAS by an act passed in the ninth year of the reign of his late majesty King George the First, intituled, An act to prevent his Majesty's subjects from subscribing or being concerned in encouraging or promoting any subscription for an East-India company in the Austrian Netherlands; and for the better securing the lawful trade of his Majesty's subjects to and from the East Indies; all his Majesty's subjects are restrained and prohibited from subscribing, contributing to, encouraging or promoting the raising, establishing or carrying on any foreign company erected for trading to the East Indies, from and after the twenty fourth day of June one thousand seven hundred and twenty three, in order the more effectually to secure by the provisions of the said act, as well as by several other laws now in force, the sole trade to and from the East Indies, and other places beyond the cape of Good Hope, to the united company of merchants of England trading to the East Indies, that thereby the British nation might enjoy the full fruits and advantages of so beneficial a trade: and whereas insuring the ships and vessels of foreigners trading to the East Indies, or the lending money on Bottomree or Respondentia of or upon any such foreign ships or vessels, may be a means of encouraging his Majesty's subjects to share with foreigners in the establishing or erecting of new companies, societies or corporations for carrying on the said trade in the dominions of foreign states or princes, whose subjects have never before adventured to carry it on; 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,

No insurances
to be made on
money to be
lent on bot-
tomree or re-
spondentia

and by the authority of the same, That from and after the first day of May one thousand seven hundred and fifty two, all and every person or persons, bodies politick or corporate, being subjects of his Majesty in Great Britain or Ireland, or elsewhere, and

and all other persons whatsoever residing within *Great Britain* bonds, on or *Ireland*, shall be restrained and prohibited by virtue of this act, foreign ships from granting, signing or under-writing any policy or policies of assurance, or lending any money on *Bottomree* or *Respondentia*, of or upon any foreign ship or ships trading or sailing, or to trade or sail to or from the *East Indies*, and other places beyond the cape of *Good Hope*, within the limits of trade granted to the united company of merchants of *England* trading to the *East Indies*, or to or from any ports or places within the said limits; or of or upon any goods, merchandizes or effects, laden or to be laden on board any such ship or ships, the said ships or goods not belonging to any companies, societies or corporations which were established or erected, or which had carried on such trade; or to any person or persons who had carried on such trade by virtue of any charter, licence or authority from their respective Sovereigns, on or before the seventh day of *October* one thousand seven hundred and forty eight; and all contracts, bargains and agreements by which any *Præmium*, or consideration in the nature of a *Præmium*, shall be taken for such policy or policies, upon any such ship or ships, or upon any goods, merchandizes or effects laden or to be laden thereon; and every other contract, wager, or agreement in the nature of a wager, concerning the event of the said voyage of such foreign ship or ships; and all bonds for any sum or sums of money lent, or agreed to be lent or advanced, by way of *Bottomree* or *Respondentia* on the same, contrary to the true intent and meaning of this act, shall be void.

II. And be it further enacted by the authority aforesaid, That all and every person and persons, bodies politick or corporate whatsoever, being the King's subjects, in *Great Britain* or *Ireland*, or elsewhere, and all other persons whatsoever residing within *Great Britain* or *Ireland*, who, from and after the said first day of *May* one thousand seven hundred and fifty two, shall by themselves or agents enter into or execute any such contract, bargain or agreement, or lend any money upon *Bottomree* or *Respondentia* Bonds as aforesaid, contrary to the true intent and meaning of this act, shall forfeit and pay treble the sum insured or lent upon *Bottomree* or *Respondentia* as aforesaid; and also all factors, brokers, agents, office-keepers, scriveners or other persons who shall prepare, write or negotiate any such contract, bargain, agreement or bond as aforesaid, shall forfeit and pay treble the sum insured or lent upon *Bottomree* or *Respondentia* as aforesaid; which said penalties shall and may be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, or in the court of session in *Scotland*, or in any of his Majesty's courts of record at the four courts in *Dublin* respectively; in which action or suit no escomption, protection, privilege or wager of law; or more than one imparlance shall be allowed; one moiety of the said penalties to be to the use of his Majesty, his heirs and successors, and the other moiety

on forfeiture
of treble the
sum insured
or lent;

moiety thereof to the use of him, her or them who shall sue for the same.

Not to extend to the ships or goods of the subjects of such Sovereigns, who traded there before 7 Oct. 1748.

III. Provided, That this act shall not extend to the prohibiting insurances on such ships, goods or interests as shall belong to the subjects of such Sovereigns, who before the said seventh day of October one thousand seven hundred and forty eight, have granted charters, licences or authorities to trade within the said limits, and whose subjects were, at the said seventh day of October, actual traders within the said limits, and by virtue of such charters, licences or authorities.

This act to be in force for 7 years.

IV. Provided also, That this act shall continue in force for seven years, and to the end of the then next session of parliament, and no longer.

CAP. XXVII.

An act for converting the several annuities therein mentioned into several joint stocks of annuities, transferrable at the bank of England, to be charged on the sinking fund; and also for consolidating the several other annuities therein mentioned, into several joint stocks of annuities, transferable at the South-Sea house.

4 Geo. 2. c. 9. WHEREAS in pursuance of an act of parliament made and passed in the fourth year of his Majesty's reign (for raising one million two hundred thousand pounds by annuities and a lottery, and for other purposes therein mentioned) several persons, bodies politick or corporate, did advance and lend the sum of eight hundred thousand pounds, part of the said sum of one million two hundred thousand pounds, upon the credit of the additional duties on stamp'd vellum, parchment and paper, by the said act granted and continued, for the purchase of annuities after the rate of three pounds per centum, transferrable at the bank of England, and redeemable by parliament: and whereas in pursuance of another act of parliament made and passed in the fifteenth year of his Majesty's reign (for granting to his Majesty the sum of eight hundred thousand pounds, to be raised by annuities transferrable at the bank of England; and for other purposes therein mentioned) several persons, bodies politick or corporate, did advance and lend the said sum of eight hundred thousand pounds upon the credit of the surplusses, excesses or overplus monies, commonly called The Sinking Fund, by the said act granted and appropriated in that behalf for the purchase of annuities after the rate of three pounds per centum, transferrable at the bank of England, and redeemable by parliament: and whereas in pursuance of another act of parliament made and passed in the sixteenth year of his Majesty's reign (for raising by annuities and a lottery, in manner therein mentioned, the sum of one million eight hundred thousand pounds at three pounds per centum per annum, for the service of the year one thousand seven hundred and forty three) several persons, bodies politick or corporate, did advance and lend the said sum of one million eight hundred thousand pounds upon the credit of the rates and duties on low wines, spirits and strong waters, granted to his Majesty by one other act of the same session of parliament,

15 Geo. 2. c. 19.

26 Geo. 2. c. 13.

liament, for the purchase of annuities after the rate of three pounds per centum, transferrable at the bank of England, and redeemable by parliament: and whereas by one other act of parliament made and passed in the seventeenth year of his Majesty's reign (for raising by annuities and a lottery, in the manner therein mentioned, the sum of one million eight hundred thousand pounds at three pounds per centum per annum, for the service of the year one thousand seven hundred and forty four) several persons, bodies politick or corporate, did advance and lend the said sum of one million eight hundred thousand pounds upon the credit of the surplus or remainder of the monies to arise into the receipt of exchequer, of or for the rates and duties on spirituous liquors, granted by the last-recited act of the sixteenth year of his Majesty's reign (after satisfying the annuity payable to the East-India company out of the said duties) for the purchase of annuities after the rate of three pounds per centum, transferrable at the bank of England, and redeemable by parliament: and whereas by one other act of parliament made and passed in the eighteenth year of his Majesty's reign (for granting to his Majesty several additional duties upon all wines imported, and for raising a certain sum of money by annuities and a lottery, in manner therein mentioned, to be charged on the said additional duties) several persons, bodies politick or corporate, did advance and lend the sum of two millions upon the credit of the said additional duties, for the purchase of annuities after the rate of three pounds per centum, transferrable at the bank of England, and redeemable by parliament; and the said additional duties were also charged with the payment of certain annuities for lives at the said receipt of exchequer, in the manner in the said act directed: and whereas in pursuance of one other act of parliament made and passed in the twenty third year of his Majesty's reign (for granting to his Majesty the sum of one million, to be raised by annuities at three pounds per centum per annum, and charged on the sinking fund, transferrable at the bank of England) several persons, bodies politick or corporate, did advance and lend the said sum of one million upon the credit of the said sinking fund, for the purchase of annuities after the rate of three pounds per centum per annum, transferrable at the bank of England, and redeemable by parliament: and whereas the said several principal sums before-mentioned, for which the said several and respective annuities now carrying an interest of three pounds per centum per annum, transferrable at the bank as aforesaid, are payable, do amount in the whole to the sum of eight millions two hundred thousand pounds; and it is thought necessary, that the said principal sum be (with the consent of the proprietors thereof, to be signified within the time herein after-mentioned) converted into one joint stock of annuities; and that the interest or annuities shall be paid out of the produce of the sinking fund, until redemption thereof by parliament, in manner herein after-mentioned; and that the several duties and revenues which were given and granted for payment of the said annuities, and on which the same were charged, shall be carried into and made part of the said sinking fund: now we your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled, being of opinion that it will be of advantage to the

publick, and also a great convenience to the proprietors of the said annuities, if the same were consolidated into one joint stock of annuities as aforesaid ; and being desirous to provide for the punctual payment of the said annuities, and to prevent any deficiencies or delay of payment thereupon, do therefore most humbly beseech 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 after the twenty fourth day of *June* one thousand seven hundred and fifty two, and before the fifth day of *January* one thousand seven hundred and fifty three, the several sums aforesaid, amounting to eight millions two hundred thousand pounds, carrying an interest after the rate of three pounds *per centum per annum*, payable in pursuance of the before-recited acts of parliament in that behalf, shall (with the consent aforesaid) be converted into one joint stock of annuities, transferrable at the bank of *England*, in the same manner and form as the said several and respective annuities are now transferred, until redemption thereof by parliament, in manner herein after-mentioned ; any thing in the said recited acts to the contrary thereof in any wise notwithstanding.

Subscribers
impowered to
transfer.

II. And be it enacted, That all and every person and persons, bodies politick or corporate, who shall subscribe or signify their consent to the making their said annuities part of the said joint stock of annuities, as aforesaid, shall be immediately intituled to the privilege of transferring such annuities as part of the said joint stock, from the said twenty fourth day of *June* one thousand seven hundred and fifty two, as aforesaid.

The annuities
to be paid un-
to 24 June
1752, out of
the funds ap-
propriated ;

but if they be
deficient out
of the sinking
fund ;

III. And be it enacted by the authority aforesaid, That all and every the said several and respective annuities transferrable at the bank of *England* as aforesaid, shall be paid unto the said twenty fourth day of *June* one thousand seven hundred and fifty two, out of the same rates, duties and impositions, as the said several and respective annuities are now paid and payable, together with other charges payable out of the same : but in case the monies arising into the receipt of the exchequer, shall not be sufficient to answer and pay the said several and respective annuities and other charges, at the time appointed for payment thereof, that then and in such case it shall and may be lawful to and for the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, to cause so much money to be issued out of the said sinking fund, as shall be sufficient to answer and pay the said several and respective annuities as shall become due and payable, until the said twenty fourth day of *June* one thousand seven hundred and fifty two, and all the said other charges attending the same.

IV. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June* one thousand seven hundred and fifty two, all the said several and respective

thenceforth
they are to be
charged on

spective principal sumis transferrable at the bank of *England* as the sinking aforesaid, amounting in the whole to the sum of eight millions fund; two hundred thousand pounds, as also such sum or sums of money as shall or may be made payable to the governor and company of the bank of *England*, for the charges of management, shall be, and are hereby charged and chargeable upon the said sinking fund, and shall be issued and paid half-yearly on the fifth day of *January*, and the fifth day of *July*, in every year, and to be paid out of the surplus funds, and other duties and revenues composing the said sinking fund, and shall be deemed and taken to be charges and incumbrances thereupon, until redemption thereof by parliament; subject nevertheless to such charges and incumbrances as are already made thereupon by parliament: and the commissioners of the treasury, or any three or more of them now being, or the high treasurer or commissioners of the treasury of his Majesty, his heirs or successors for the time being, without any further or other warrant to be sued for, had or obtained in that behalf, shall and may, from time to time, issue the same at the respective half-yearly or other days of payment, whereon the same shall become due and payable at the said receipt of exchequer, to the first or chief cashier or cashiers of the governor and company of the bank of *England*, and their successors for the time being, by way of imprest and upon account, for the purposes above-mentioned; and that all and every such cashier or cashiers, to whom the said money shall, from time to time be issued, shall without delay, apply and pay the same accordingly, and render his account thereof according to the due course of the exchequer; any thing herein before contained to the contrary notwithstanding.

V. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June* one thousand seven hundred and fifty two, all the said rates, duties, appropriated impositions or revenues, granted and appropriated by the said several and respective acts herein before recited, for payment of the said several and respective annuities transferrable at the bank of *England*, as aforesaid, shall be carried to, and made part of the said sinking fund (after reserving sufficient to pay the annuities for lives at the exchequer, and other charges and incumbrances charged on the said duties and revenues) and the same shall be deemed and taken to be part of the said sinking fund, and shall be issued and applied to such uses and purposes, as all and every other the surplus funds, duties and revenues, composing the said sinking fund, are or may be issued and applied; any thing in any former act or acts of parliament to the contrary thereof in any wise notwithstanding.

VI. And whereas by and in pursuance of two several acts of parliament, made and passed in the ninth and eleventh years of his Majesty's reign, certain annuities, after the rate of three pounds per centum per annum, were created and made payable at the said receipt of exchequer, out of the sinking fund, amounting to the principal sum of nine hundred thousand pounds, for which tallies and orders were made

by acts 9 & 11 Geo. 2. may subscribe into the joint stock of annuities, after the rate of three pounds per centum per annum; be it therefore enacted by the authority aforesaid, That

the said proprietors may, at any time between the said twenty fourth day of June one thousand seven hundred and fifty two, and the said fifth day of January one thousand seven hundred and fifty three, subscribe the same into the said joint stock of annuities accordingly.

8 Geo. 2. c. 12. VII. And whereas by and in pursuance of one other act made and passed in the eighth year of his Majesty's reign, certain orders for annuities after the rate of three pounds per centum per annum, were made forth at the said receipt of exchequer, payable out of the general fund, in lieu of debentures made forth to the sufferers of Nevis and Saint Christophers, to the amount of one hundred forty one thousand ninety three pounds fifteen shillings and one penny farthing; whereof there now remains the sum of thirty seven thousand eight hundred twenty one pounds five shillings and one penny farthing; be it therefore enacted by the authority aforesaid, That the proprietors of the said orders may, at any time between the said twenty fourth day of June one thousand seven hundred and fifty two, and the said fifth day of January one thousand seven hundred and fifty three, subscribe the said annuity orders into the

joint stock of annuities after the rate of three pounds per centum per annum, as aforesaid.

The proprietors of the said annuities granted by 8 Geo. 1. in lieu of debentures to the sufferers of Nevis and St. Christopher's, may subscribe.

VIII. And be it enacted, That all and every person or persons, bodies politick or corporate, who shall subscribe their said orders into the joint stock of annuities aforesaid, shall be immediately intitled to the privilege of transferring such annuities, as part of the said joint stock of annuities, from the said twenty fourth day of June one thousand seven hundred and fifty two, as aforesaid.

IX. And be it further enacted, That such of the said orders that shall be so subscribed, which are now made payable half-yearly at Michaelmas and Lady-day, shall be paid by the quarter, summer 1752. to grow due from Lady-day one thousand seven hundred and fifty two to Midsummer following; any thing in any former act to the contrary thereof in any wise notwithstanding.

X. And be it further enacted by the authority aforesaid, That the governor and company of the bank of England shall, and they are hereby required to cause such books to be prepared as shall be necessary for receiving the subscription or consent of such of the proprietors of the several and respective annuities, after the rate of three pounds per centum per annum, transferrable at their office, and also of the proprietors of the several annuities, tallies and orders payable at the exchequer out of the sinking fund, as also of the several proprietors of the annuities and orders payable at the exchequer out of the general fund, as shall subscribe the same into the joint stock of annuities before mentioned, which books shall be constantly kept open at the bank of England for that purpose every day, Sundays and holidays

Bank to provide books for the subscriptions,

to be open from 24 June

days only excepted, from the said twenty fourth day of *June* 1752, to 25 one thousand seven hundred and fifty two, to the said fifth day of *Jan. 1753*, *January* one thousand seven hundred and fifty three inclusive, and no longer; subject nevertheless to such further directions, except the with respect to the taking in or receiving such subscriptions or consent from the proprietors of the said annuities, after the said rate of three pounds *per centum per annum*, as shall or may be given by the commissioners of the treasury, or any three or more of them now being, or by the high treasurer, or any three or more of the commissioners of the treasury for the time being, for the benefit and advantage of the publick; and it shall and may be lawful to and for the proprietors of the said several and respective annuities, their respective attorneys, representatives or assigns, or such person or persons as he, she or they shall respectively authorize and empower by writing in that behalf, to subscribe for them; and all persons empowered to receive any interest or dividend that shall become due on the said annuities shall, and they have hereby power to make the subscriptions, and give consent in the said respective books accordingly, without any fee or charge, at any time between the said twenty fourth day of *June* one thousand seven hundred and fifty two, and the said fifth day of *January* one thousand seven hundred and fifty three; and the several officers of the said governor and company who shall be appointed to take in the said subscriptions, or tend. Officers to attend at the said office for that purpose at such hours as business is usually transacted there.

XI. And whereas in pursuance of an act of parliament made and passed in the nineteenth year of his Majesty's reign for granting to his Majesty several rates and duties upon glass, and spirituous liquors, and for other purposes therein mentioned, several persons, bodies politick or corporate, did advance and lend upon the credit of the said rates and duties the principal sum of three millions, for the purchase of annuities transferrable at the bank of England, and redeemable by parliament; and the said rates and duties were also charged with the payment of certain annuities for lives, payable at the receipt of the exchequer, in the manner by the said act directed; which said sum of three millions is now reduced to the principal sum of two millions eight hundred twenty four thousand four hundred twenty eight pounds thirteen shillings and eleven pence, attended with annuities after the rate of three pounds ten shillings per centum, pursuant to certain acts of parliament in that behalf: and whereas by another act of parliament made and passed in the twentieth year of his Majesty's reign, for repealing the several rates and duties upon houses, windows and lights, and for granting to his Majesty other rates and duties upon houses, windows or lights, and for other purposes therein mentioned, several persons, bodies politick or corporate, did advance and lend upon the credit of the said duties the principal sum of four millions for the purchase of annuities, transferrable at the bank of England, upon which (for the encouragement of persons who should advance and lend the same) there was an allowance of ten pounds per centum,

so that the capital sum amounted to the sum of four millions four hundred thousand pounds redeemable by parliament; which said sum of four millions four hundred thousand pounds is now reduced to the principal sum of four millions one hundred eighty nine thousand three hundred sixty five pounds and five shillings, attended with annuities after the rate of three pounds ten shillings per centum, pursuant to certain acts of parliament in that behalf; and the said rates and duties were likewise appropriated for the payment of the yearly sum of ninety one thousand four hundred eighty five pounds and six pence three farthings to the aggregate fund: and whereas by one other act

20Geo.2.c.10. of parliament made and passed in the twentieth year of his Majesty's reign, for granting several rates and duties upon coaches and other carriages, and for other purposes therein mentioned, several persons, bodies politick or corporate, did advance and lend upon the credit of the said rates and duties the principal sum of one million, for the purchase of annuities, transferrable at the bank of England, and redeemable by parliament; which said sum of one million is now reduced to the principal sum of nine hundred twenty nine thousand two hundred seventy six pounds ten shillings and six pence, attended with annuities after the rate of three pounds ten shillings per centum,

21Geo.2.c.2. pursuant to certain acts of parliament in that behalf: and whereas by an act of parliament made and passed in the twenty first year of his Majesty's reign, for granting to his Majesty a subsidy of poundage upon all goods and merchandizes imported, and for other purposes therein mentioned, several persons, bodies politick or corporate, did advance and lend upon the credit of the said subsidy the principal sum of six millions three hundred thousand pounds, for the purchase of annuities, transferrable at the bank of England; and for the encouragement of all persons who should advance and lend the same, there was an advance of six hundred and thirty thousand pounds, being ten pounds per centum on the said sum contributed, so that the whole capital sum amounted to the sum of six millions nine hundred and thirty thousand pounds, redeemable by parliament; which said sum of six millions nine hundred and thirty thousand pounds, is now reduced to the principal sum of six millions six hundred sixty thousand and six pounds eighteen shillings and three pence, attended with annuities after the rate of three pounds ten shillings per centum, pursuant to certain acts of parliament in that behalf: and whereas by an act of

22Geo.2.c.23. parliament made and passed in the twenty second year of his Majesty's reign, for charging the sinking fund with the payment of annuities in discharge of navy, victualling and transport bills, and ordnance debentures to the amount therein mentioned, certain persons, bodies politick and corporate, who were possessed of such bills and debentures, did subscribe the same at the bank of England, to the amount of three millions seventy two thousand four hundred seventy two pounds and ten pence, for annuities transferrable there, charged upon the said sinking fund, redeemable by parliament; which said sum of three millions seventy two thousand four hundred seventy two pounds and ten pence, is now reduced to the principal sum of two millions nine hundred sixty eight thousand four hundred ninety six pounds eight shillings and eight pence, attended with annuities after the rate of three pounds

ten shillings per centum, pursuant to certain acts of parliament in that behalf: and whereas the principal sums before-mentioned, now carrying an interest of three pounds ten shillings per centum per annum, transferrable at the bank of England as aforesaid, do amount in the whole to the sum of seventeen millions five hundred se-^{17,571,573 l.} twenty one thousand five hundred seventy three pounds sixteen shillings and four pence; whereof the sum of fourteen millions eight hundred fifty seven thousand nine hundred fifty five pounds eighteen shillings and four pence was first subscribed, in pursuance of an act of parliament of the twenty third year of his Majesty's reign, for an annuity of three pounds ten shillings per centum, until the twenty fifth day of December one thousand seven hundred and fifty seven, which will be the fifth day of January one thousand seven hundred and fifty eight; and from and after the said twenty fifth day of December one thousand seven hundred and fifty seven, for annuities at three pounds per centum; and the residue thereof, amounting to the sum of two millions seven hundred thirteen thousand six hundred and seventeen pounds eighteen shillings, was last subscribed, in pursuance of another act of the same session of parliament, for an annuity of three pounds ten shillings per centum, until the twenty fifth day of December one thousand seven hundred and fifty five, which will be the fifth day of January one thousand seven hundred and fifty six; and from and after the twenty fifth day of December one thousand seven hundred and fifty five, for annuities of three pounds per centum: and whereas it is likewise thought necessary that the several principal sums transferrable at the bank of England as aforesaid, amounting to the sum of fourteen millions eight hundred fifty seven thousand nine hundred fifty five pounds eighteen shillings and four pence, shall, with the consent of the proprietors thereof, (to be signified within the time herein after-mentioned) be converted into one joint stock of annuities, the interest or annuity to be charged and chargeable upon the sinking fund; and that the said several principal sums as aforesaid, amounting to the sum of two millions seven hundred thirteen thousand six hundred seventeen pounds eighteen shillings, be, with the consent of the proprietors thereof, (to be signified as aforesaid) converted into one other joint stock of annuities, the interest or annuity to be charged and chargeable upon the said sinking fund; and that from and after the fifth day of April one thousand seven hundred and fifty eight, the said intended joint stock of fourteen millions eight hundred fifty seven thousand nine hundred fifty five pounds eighteen shillings and four pence, together with the said intended joint stock of two millions seven hundred thirteen thousand six hundred seventeen pounds eighteen shillings, or so much thereof as shall be then unsatisfied, shall be one joint stock of annuities, and that the several duties and revenues which were given and granted for payment of the said annuities, and on which the same were charged, shall be carried into and made part of the said sinking fund; be it therefore further enacted by the authority aforesaid, That after the tenth day of October one thousand seven hundred and fifty two, and before the fifth day of April one thousand seven hundred and fifty three, the said several annuities, amounting to fourteen millions eight hundred fifty seven thousand bank.

thousand nine hundred fifty five pounds eighteen shillings and four pence, may be consolidated and made one joint stock of annuities, transferrable at the bank of *England*; and that the said several annuities, amounting to two millions seven hundred thirteen thousand six hundred seventeen pounds eighteen shillings, may after the said tenth day of *October* one thousand seven hundred and fifty two, and before the said fifth day of *April* one thousand seven hundred and fifty three, be consolidated and made one other joint stock of annuities, transferrable at the bank of *England*, in the same manner as the said several and respective annuities are now transferrable until redemption thereof by parliament in manner herein after-mentioned; any thing in the said acts to the contrary thereof in any wise notwithstanding.

Subscribers
may immedi-
ately transfer
the annuities;

XII. And be it enacted, That all and every person and persons, bodies politick or corporate, who shall subscribe or signify their consent to the making their said annuities part of either of the said joint stocks of annuities as aforesaid, shall be immediately intitled to the privilege of transferring such annuities as part of the said joint stock, from the said tenth day of *October*, one thousand seven hundred and fifty two, as aforesaid.

which are to
be paid out of
the funds ap-
propriated
thereto unto
10 October
1752;

XIII. And be it enacted by the authority aforesaid, That all and every the said several and respective annuities, transferrable at the bank of *England* as aforesaid, shall be paid unto the said tenth day of *October* one thousand seven hundred and fifty two, out of the same rates, duties and impositions, as the said several and respective annuities are now paid and payable, together with other charges payable out of the same; that is to say, such of the said annuities as are made payable half-yearly at *Lady-day* and *Michaelmas*, shall be paid for the half-year to grow due on the said tenth day of *October* one thousand seven hundred and fifty two; and such of the said annuities as are made payable half-yearly at *Christmas* and *Midsummer* shall be paid for the quarter to grow due from *Midsummer* one thousand seven hundred and fifty two, to the said tenth day of *October* following; any thing in any former act to the contrary thereof in any wise notwithstanding: but in case the said monies arising in the said receipt of the *exchequer* shall not be sufficient to answer and pay the said several and respective annuities, and other charges, at the days appointed for payment thereof respectively, that then and in such case it shall and may be lawful to and for the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, to cause so much money to be issued out of the said sinking fund as shall be sufficient to answer and pay the said several and respective annuities as shall become due and payable until the said tenth day of *October* one thousand seven hundred and fifty two, and all other charges attending the same.

and if they
are deficient,
then out of
the sinking
fund;

after which
they are
charged on the
sinking fund,

XIV. And be it further enacted by the authority aforesaid, That from and after the said tenth day of *October* one thousand seven hundred and fifty two, all the said several and respective annuities

annuities, transferrable at the bank of *England*, amounting in the whole to the sum of seventeen millions five hundred seventy one thousand five hundred seventy three pounds sixteen shillings and four pence, as also such sum or sums of money as shall or may be made payable to the governor and company of the bank of *England* for the charges of management of the said annuities, shall be and they are hereby charged and chargeable upon the said sinking fund, and shall be issued and paid half-yearly, on the and to be paid fifth day of *April* and the tenth day of *October* in every year, out half-yearly. of the surplus funds, and other duties and revenues composing the said sinking fund, and shall be deemed and taken to be charges and incumbrances thereupon, until redemption thereof by parliament; subject nevertheless to such charges and incumbrances as are already made thereupon by parliament: and the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or commissioners of the treasury of his Majesty, his heirs or successors for the time being, without any further or other warrant to be sued for, had or obtained in that behalf, shall and may, from time to time, issue the same at the respective half-yearly or other days of payment, whereon the same shall become due or payable, at the said receipt of exchequer, to the first or chief cashier or cashiers of the governor and company of the bank of *England*, and their successors for the time being, by way of imprest, and upon account, for the purposes afore-mentioned; and that all and every such cashier or cashiers to whom the said monies shall be issued, shall from time to time, without delay, apply and pay the same accordingly, and render his account thereof, according to the due course of the exchequer; any thing herein before contained to the contrary notwithstanding.

XV. And be it further enacted by the authority aforesaid, That all and every the clauses and provisoies relating to the annuities afore-mentioned, which were made payable or transferable at the bank of *England*, shall remain in full force with respect to the annuities continued or established by this act, in all matters and things whatsoever, where the same shall not have been altered by this act, or other provisions made in respect thereof.

XVI. And be it further enacted by the authority aforesaid, That from and after the said tenth day of *October* one thousand seven hundred and fifty two, all the said rates, duties, impositions or revenues granted and appropriated by the said several and respective acts herein before recited for payment of the said several and respective annuities, transferrable at the bank of *England* as aforesaid, shall be carried to and made part of the said sinking fund (after reserving sufficient to pay the annuities for lives at the exchequer, and other charges and incumbrances charged on the said duties and revenues;) and the same shall be deemed and taken to be part of the said sinking fund, and shall be issued and applied to such uses and purposes as all and every other the duties and revenues composing the said sinking fund,

are

are or may be issued and applied; any thing in any former act or acts of parliament to the contrary thereof in any wise notwithstanding.

The proprietors of exchequer orders payable out of the duties on plate, allowed to subscribe the same,

6 Geo. I. c. 11.

XVII. And whereas by an act of parliament made and passed in the sixth year of his late Majesty's reign, certain annuities were created at the exchequer payable out of the duties on wrought plate, to the amount of three hundred and twelve thousand pounds, whereof there is now remaining the sum of one hundred and twenty nine thousand seven hundred and fifty pounds; be it further enacted by the authority aforesaid, That all and every the proprietors of tallies and orders for the said annuities, which were subscribed pursuant to the two acts of parliament before recited, shall, from and after the said tenth day of October one thousand seven hundred and fifty two, until the said fifth day of April one thousand seven hundred and fifty three, have liberty to subscribe their said tallies and orders at the bank of England, into the several joint stocks of annuities; that is to say, such of the said annuities as were first subscribed pursuant to the said act of the twenty third year of his Majesty's reign, shall be added to the said joint stock of fourteen millions eight hundred fifty seven thousand nine hundred fifty five pounds eighteen shillings and four pence; and such of the said annuities as were subscribed pursuant to another act of the same session of parliament, shall be added to the said joint stock of two millions seven hundred thirteen thousand six hundred seventeen pounds eighteen shillings; and the said joint stocks of annuities respectively, shall have an additional annuity for such sum or sums of the said plate annuities as shall be so subscribed into the said joint stocks respectively, from the said tenth day of October one thousand seven hundred and fifty two, payable out of the said surplus funds, and any of the duties and revenues composing the said sinking fund.

Power to transfer immediately.

XVIII. And be it enacted, That all and every person or persons, bodies politic or corporate, who shall subscribe their said orders into either of the joint stocks of annuities aforesaid, shall be immediately intitled to the privilege of transferring such annuities as part of such joint stock of annuities, from the said tenth day of October one thousand seven hundred and fifty two as aforesaid.

The duties to be carried into the sinking fund.

XIX. And be it further enacted by the authority aforesaid, That the said duty on wrought plate, provided all the said annuities charged thereupon shall be so subscribed, or the surplus thereof, in case all the said annuities shall not be subscribed, shall be transferred unto and made part of the said sinking fund; any thing in any former act or acts of parliament to the contrary thereof in any wise notwithstanding.

The said annuities to be one joint stock transcribable at the bank.

XX. And be it further enacted by the authority aforesaid, That from and after the said fifth day of April one thousand seven hundred and fifty eight, the said joint stock of the first subscribed bank annuities, after the rate of three pounds ten shillings per centum per annum; as also such of the said plate annuities as shall be subscribed thereunto, with so much of the said second

second subscribed bank annuities, after the said rate of three pounds ten shillings *per centum per annum*; as also such of the said plate annuities as shall be subscribed thereunto as aforesaid, and shall then remain unsatisfied and not paid off, shall be made one joint stock of annuities, transferrable at the bank of *England*, until redemption thereof by parliament, in manner herein after mentioned; any thing in this or any former act or acts of parliament to the contrary thereof in any wise notwithstanding.

XXI. And be it further enacted by the authority aforesaid, *Bank to provide books for subscriptions,* That the governor and company of the bank of *England* shall, and they are hereby required to cause such books to be prepared as shall be necessary for receiving the subscription or consent of such of the proprietors of the several and respective annuities, after the rate of three pounds ten shillings *per centum per annum*, transferrable at their office; and also of the proprietors of the several annuities, tallies and orders payable at the exchequer, out of the duties on wrought plate, as shall subscribe the same into the several joint stocks of annuities before mentioned; which books shall be constantly kept open at the said bank of *England* for that purpose, every day, *Sundays and holidays only from 10 October, excepted, from the said tenth day of October one thousand seven hundred and fifty two, to the said fifth day of April one thousand seven hundred and fifty three inclusive, and no longer,* subject nevertheless to such further directions, with respect to the taking in or receiving such subscriptions or consents from the proprietors of the said annuities, after the rate of three pounds ten shillings *per centum per annum*, as shall or may be given by the commissioners of the treasury, or any three or more of them now being, or by the high treasurer, or any three or more of the commissioners of the treasury for the time being, for the benefit and advantage of the publick; and it shall and may be lawful to and for the proprietors of the said several and respective annuities, their respective attorneys, representatives or assigns, or such person or persons as he, she or they shall respectively authorize and empower, by writing, in that behalf, to subscribe for them; and all persons empowered to receive any interest or dividend that shall become due on the said annuities, shall, and *The proprietors may subscribe;* they have hereby power to make their subscriptions and give their consents in the said respective books accordingly, without any fee or charge, at any time between the said tenth day of *October one thousand seven hundred and fifty two, and the said fifth day of April one thousand seven hundred and fifty three, in manner following;* that is to say, That such of the said annuities as were first subscribed in pursuance of the before recited act of the twenty third year of his Majesty's reign, shall be subscribed into the joint stock of annuities, amounting to the principal sum of fourteen millions eight hundred fifty seven thousand nine hundred fifty five pounds eighteen shillings and four pence; and such of the said annuities as were last subscribed in pursuance of one other act of the same session of parliament, 18 s. 4 d. and shall be subscribed into the joint stock of annuities, amounting to

viz. the annuities first subscribed to the joint stock, amounting to 14,857,955 l. the last subscribed, into to

the joint stock, to the principal sum of two millions seven hundred thirteen thousand six hundred seventeen pounds eighteen shillings; and the several officers of the said governor and company who shall be appointed to take in the said subscriptions, or receive such consents as aforesaid, shall, during the time aforesaid, constantly attend at the said office for that purpose, at such hours as business is usually transacted there.

Officers to attend to take in subscriptions.
Executors, &c. may subscribe.

XXII. And it is hereby enacted by the authority aforesaid, That it shall and may be lawful for all executors, administrators, guardians, trustees, committees of the estates of ideots or lunatics, and the accomptant general of the court of *Chancery*, and the deputy remembrancer of his Majesty's court of *Exchequer*, and the attorneys, representatives or assignees of such executors, administrators, guardians, trustees and committees, to make or cause to be made subscriptions in the book or books herein before mentioned, signifying their consent to subscribe the several and respective annuities herein before-mentioned, carrying an interest after the rate of three pounds ten shillings *per centum per annum* and three pounds *per centum per annum* into the several and respective joint stocks of annuities aforesaid, for and on the behalf of their respective testators, infants, minors, femes covert, ideots or lunatics, and the suitors of the court of *Chancery*, and of the said court of *Exchequer*, and others, for whom they are or shall be respectively intrusted; and such executors, administrators, guardians, trustees, committees, and the attorneys, representatives or assignees of such executors, administrators, guardians, trustees and committees, and the accomptant general and deputy remembrancer, are and shall be, by virtue of this act, indemnified in and for the doing the same.

The tallies and orders to be delivered up to the accomptant general of the bank,

and to be transmittted to the exchequer to be cancelled.

Clause of re-demption.

XXIII. And be it further enacted, That all and every the tallies and orders which shall be subscribed for annuities, transferrable at the bank of *England*, in pursuance of this act, shall be delivered up by the respective proprietor or proprietors thereof, or by his, her or their respective attorneys or representatives, to the accomptant general of the bank of *England*, or to such person or persons who shall be employed by the governor and company of the bank of *England*, to take such subscriptions, who is hereby empowered to give credit to the said proprietor, for so much interest or share in the joint stocks of annuities respectively, to which the same shall be subscribed, pursuant to the directions in this act before-mentioned and expressed, as the said principal sums in the said tallies and orders shall amount unto; and the tallies and orders so subscribed, shall be transmitted by the said accomptant general, or other person or persons empowered to take such subscriptions as aforesaid, into the office of the auditor of the receipt of his Majesty's exchequer, to be there cancelled and made void.

XXIV. Provided also, and it is hereby enacted by the authority aforesaid, That at any time upon one year's notice to be printed in the *London Gazette*, and affixed upon the *Royal Exchange* in *London*, and upon repayment by parliament, according

to such notice, of the said several and respective sums, or any part thereof, for which the said several and respective annuities or any of them shall be payable, by payments not less than five hundred thousand pounds at one time, in such manner as shall be directed by any future act or acts of parliament in that behalf and also upon full payment of all arrearages of the same annuities; then, and not till then, so much of the said several and respective annuities as shall be attending on the said principal sums so paid off, shall cease, determine and be underlaid to be redeemed; and that any vote or resolution of the house of commons, signified by the speaker in writing, to be inserted in the said *London Gazette*, and affixed on the *Royal Exchange* in *London* as aforesaid, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

XXV. Provided nevertheless, That no part of any of the Annuities-sub-annuities which were subscribed in pursuance of the said two scribed not re-acts of the twenty third year of his Majesty's reign, shall be deemable be-liable to be redeemed before the times therein respectively limit-ed; any thing herein contained to the contrary thereof in any wise notwithstanding.

XXVI. And be it further enacted by the authority aforesaid, That from and after the said fifth day of *April* one thousand last subscribed seven hundred and fifty eight, the joint stock of the first sub-scribed *Old South Sea* annuities, with as much of the joint stock be consolidat-of the second subscribed *Old South Sea* annuities as shall be then ed; unsatisfied, shall be made one joint stock of *Old South Sea* an-nuities.

XXVII. And be it further enacted by the authority aforesaid, and the New That from and after the said fifth day of *January* one thousand South Sea an-seven hundred and fifty eight, the joint stock of the first sub-scribed *New South Sea* annuities, with so much of the joint stock of the second subscribed *New South Sea* annuities as shall be then be then unsatisfied, shall be made into one new joint stock of *South Sea* annuities.

C A P. XXVIII.

An act for repairing the post road from the city of Edinburgh through the counties of Linlithgow and Sterling, from the Boat-house Ford on Almond Water, and from thence to the town of Linlithgow, and from the said town to Falkirk, and from thence to Sterling: and also from Falkirk to Kiltyn, and to Inch Bellie Bridge, on the post road to the city of Glasgow. *Certain tolls granted for 21 years.*

C A P. XXIX.

An act for giving a proper reward to coroners for the due execution of their office; and for the removal of coroners upon a lawful conviction for certain misdemeanors.

WHEREAS the office of coroner is a very ancient and ne-cessary office: and whereas by an act made in the third year of the reign of King Henry the Seventh, reciting that coroners had ³ Hen. 7. c. 1. not, nor ought to have, any thing by the law for their office doing; which oft-time had been the occasion that coroners had been remiss in doing

doing their office: it was ordained, That a coroner should have for his fee, upon every inquisition taken upon the view of the body slain, thirteen shillings and four pence, of the goods and chattels of him that is the slayer and murderer, if he have any goods; and if he have no goods, of such amerciaments as should fortune any township to be amerced, for the escape of the murderer: and whereas the said fee of thirteen shillings and four pence, due only upon an inquisition taken upon the view of a body slain or murdered, and payable only out of the goods and chattels of the slayer or murderer, or out of the amerciaments imposed upon the township, if the murderer escape, is not an adequate reward for the general execution of the said office: to the intent therefore that coroners may be encouraged to execute their office with diligence and integrity; 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,

Coroner to be paid 20 s. for every inquisition taken in any township contributing to the county rates, (except on bodies dying in gaol) and 9 d. for every mile he shall be obliged to travel, to be paid out of the county rates;

and for every inquisition on bodies dying in gaol, as the justices shall think fit;

That for every inquisition, not taken upon the view of a body dying in a gaol or prison, which from and after the twenty fourth day of June one thousand seven hundred and fifty two, shall be duly taken within that part of Great Britain called England, by any coroner or coroners, in any township or place, contributory to the rates directed by an act made in the twelfth year of the reign of his present Majesty, intituled, *An act for the more easy assessing, collecting and levying of county rates*, the sum of twenty shillings; and for every mile which he or they shall be compelled to travel, from the usual place of his or their abode, to take such inquisition, the further sum of nine pence, over and above the said sum of twenty shillings, shall be paid to him or them out of any monies arising from the rates before-mentioned, by order of the justices of the peace in their general or quarter sessions assembled, for the county, riding, division or liberty where such inquisition shall have been taken, or the major part of them; which order the said justices of the peace so assembled, or the major part of them, are hereby authorized and directed to make; for which order no fee or reward shall be paid to the clerk of the peace or any other officer.

II. And be it further enacted by the authority aforesaid, That for every inquisition, which from and after the said twenty fourth day of June one thousand seven hundred and fifty two, shall be duly taken upon the view of a body dying in any gaol or prison, within that part of Great Britain called England, by any coroner or coroners of a county, so much money not exceeding the sum of twenty shillings, shall be paid to him or them, as the justices of the peace in their general or quarter sessions assembled for the county, riding or division wherein such gaol or prison is situate, or the major part of them, shall think fit to allow as a recompence for his or their labour, pains and charges in taking such inquisition, to be paid in like manner by order of the said justices, or the major part of them, out of any monies arising from the said rates; which order the said justices of the peace so assembled, or the major part of them, are hereby authorized

thorized and directed to make; for which order no fee or reward shall be paid to the clerk of the peace or any other officer.

III. Provided nevertheless, That over and above the recompence hereby limited and appointed for inquisitions taken as aforesaid, the coroner or coroners who shall take an inquisition upon the view of a body slain or murdered, shall also have the fee of thirteen shillings and four pence, payable by virtue of the said act made in the third year of the reign of King *Henry the Seventh*, out of the goods and chattels of the slayer or murderer, or out of the amerciaments imposed upon the township, if the slayer and murderer escape; any thing in this act contained to the contrary thereof in any wise notwithstanding.

IV. Provided also, and be it declared and enacted by the authority aforesaid, That no coroner to whom any benefit is given by this act, shall, by colour of his office, or upon any pretext whatsoever, take for his office doing, in case of the death of any person, any fee or reward, other than the said fee of thirteen shillings and four pence, limited as is aforesaid by the said act made in the third year of the reign of King *Henry the Seventh*, and other than the recompence hereby limited and appointed, upon pain of being deemed guilty of extortion.

V. Provided likewise, and be it further enacted by the authority aforesaid, That no coroner of the King's household, and of particular the verge of the King's palaces, nor any coroner of the admiralty, nor any coroner of the county palatine of *Durham*, nor any coroner of the city of *London* and borough of *Southwark*, or of any franchises belonging to the said city; nor any coroner of any city, borough, town, liberty or franchise, which is not contributory to the rates directed by the said act, made in the twelfth year of the reign of his present Majesty, or within which such rates have not been usually assessed, shall be intitled to any fee, recompence or benefit given to or provided for coroners by this act; but that it shall and may be lawful for all such coroners as are last-mentioned, to have and receive all such fees, salaries, wages and allowances as they were intitled to by law before the making of this act, or as shall be given or allowed to them by the person or persons by whom they have been or shall be appointed.

VI. And be it further enacted by the authority aforesaid, That if any coroner who is not appointed by virtue of an annual election or nomination, or whose office of coroner is not annexed to any other office, shall from and after the said twenty fourth day of *June* one thousand seven hundred and fifty two, be lawfully convicted of extortion, or wilful neglect of his duty, or misdemeanor in his office, it shall be lawful for the court before whom he shall be so convicted, to adjudge that he shall be amov-ed from his office; and thereupon, if such coroner shall have been elected by the freeholders of any county, a writ shall issue for the amoving him from his office, and electing another co-roner in his stead, in such manner as writs for the amoval or discharge of coroners, and for electing coroners in their stead,

are

are in any cases already directed by law: and if the coroner so convicted shall have been appointed by the lord or lords of any liberty or franchise, or in any other manner than by the election of the freeholders of any county, the lord or lords of such liberty or franchise, or the person or persons intitled to the nomination or appointment of any such coroner, shall, upon notice of such judgment of amoval, nominate and appoint another person to be coroner in his stead.

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CA PO XXX.

An act to amend an act made in the last session of parliament, (intituled, An act for regulating the commencement of the year, and for correcting the calendar now in use.)

24Geo.2.c.23. **W**HEREAS by an act of parliament made in the twenty fourth year of the reign of his present Majesty, (intituled, An act for regulating the commencement of the year, and for correcting the calendar now in use) it is among other things enacted, That the natural day next immediately following the second day of September, which shall be in the year of our Lord one thousand seven hundred and fifty two, shall be reckoned and accounted to be the fourteenth day of September, omitting for that time only, the eleven intermediate nominal days of the common calendar, and that the days immediately succeeding shall be called, reckoned and numbered forwards in numerical order, from the said fourteenth day of September, and that all meetings and assemblies of any bodies politick or corporate, either for the election of any officers or members thereof, or for any such officers entering upon the execution of their respective offices, or for any other purpose which by law, charter, custom or usage, are to be holden on any fixed or certain day of any month, shall from and after the said second day of September, be holden and kept upon or according to the same respective nominal days and times whereon the same are then to be holden; but which should be computed according to the new method of numbering and reckoning the days of the calendar as therein mentioned, as by the said act may more fully appear: and whereas by the charters, customs or usage of some cities, boroughs, towns or other communities, or bodies politick or corporate, the election of officers, or the entrance of officers on the execution of their offices, or the doing of some other corporate acts, may be fixed or required to be on some certain nominal day or days of the said month of September, falling between the second and fourteenth days of the same month, which said nominal days, are by the said act required to be dropt or omitted for this present year, so that there will not in fact be any nominal days between the said second and fourteenth days of the said month of September for this present year, whereon such corporate acts can be done; and doubts have arisen whether such corporate acts may be done at all without a special provision for that purpose, by authority of parliament; and inconveniences may possibly ensue for want thereof; be it therefore 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

and by the authority of the same, That it shall and may be law- The election
ful to and for all such bodies politick and corporate as aforesaid, of officers, &c.
and all and every the officers and members thereof, and they on upon the
and every of them are hereby required to do all such acts, as same natural
by any law, charter or usage are appointed or required to be done up
done on any of the nominal days of or in the said month of Sep- year only, as
tember, which by the said recited act are directed to be dropt or
omitted for this present year, upon the same natural day or days
of this year only, as such acts would, might or ought to be
done, in case the said recited act had not been made ; and that
all acts so done in pursuance hereof shall be deemed and are
hereby declared and enacted to be as good and effectual to all
intents and purposes, as if the same were done on any of the no-
minal days so dropt or omitted as aforesaid ; any law, statute,
charter, custom or usage to the contrary in any wise notwith-
standing.

II. And whereas in divers parts of this kingdom, by custom, pre-
scription or usage, or by virtue of some law or contract, certain lands
and grounds are to be opened and used for common of pasture or other
purposes, and the same lands and grounds are again inclosed and shut
up, and certain rents or other payments are due and payable, and some
other matters and things may be to be done upon some of the moveable
feasts, or upon certain days or times depending upon or to be computed
from the same : and whereas the said moveable feasts are hereafter to
take place, and to be observed according to the new calendar by the
said act directed to be used, whereby some doubts have already arisen,
or may hereafter arise, about the time for opening and using, inclosing
and shutting up such lands and grounds, the paying of such rents or
other payments, and the doing such other matters or things as afore-
said ; for remedy thereof be it further enacted by the authority

aforesaid, That from and after the said second day of September The times for
in the said year of our Lord one thousand seven hundred and opening and
fifty two, the respective times for opening, using, inclosing and inclosing
shutting up all such lands and grounds as aforesaid, for the pay- common, and
ing of such rents or other payments, and for the doing of such payment of
other matters or things as aforesaid, if such times are depending rents, &c. if
on any moveable feast or feasts, shall be computed and take place the same de-
according to the said new calendar, and the tables and rules in pend on any
the said recited act directed to be used, and not according to the feast, are to be
method of suppuration heretofore used, or to the tables hereto- according to
fore commonly affixed to the book of common prayer ; and the the new ca-
temporary and distinct property and right of all persons, bodies
politick and corporate, of, to and in all such lands and grounds,
shall commence and be enjoyed, and all such rents and pay-
ments shall become and be due and payable, and all such mat-
ters and things shall be transacted and done accordingly ; any
law, custom, prescription or usage to the contrary notwith-
standing.

III. Provided always, and it is hereby further declared and The title to
enacted by the authority aforesaid, That nothing in this act such lands not
contained shall extend, or be construed to extend to the abridg- altered.

ing, enlarging; confirming or altering, the title of any person, body politick or corporate whatsoever, of in or to any such lands or grounds, but the same shall remain and continue the same in all respects, (except as to the new computation of time when such respective right or the enjoyment thereof shall commence, or be put in use.)

IV. And whereas within the city of London the usual and accustomed time of the annual meeting and assembly of the citizens of the said city, for the admission and swearing of the mayor of the same city in the Guildhall there, hath been on the feast day of Saint Simon and Jude, being the twenty eighth day of October, in every year; and the usual and accustomed solemnity of presenting and swearing the mayor of the same city in the court of exchequer at Westminster, hath been on the day next following the said feast of Saint Simon and Jude, to wit, on the twenty ninth day of October in every year: and whereas by the said in part recited act it was enacted, That all meetings and assemblies of any bodies politick or corporate, either for the election of any officers or members thereof, or for any such officers entering upon the execution of their respective offices, or for any other purpose whatsoever, which by any law, statute, charter, custom or usage within this kingdom, were to be holden and kept on any fixed or certain day of any month, should, from and after the second day of September one thousand seven hundred and fifty two now next ensuing, be holden and kept upon or according to the same respective nominal days and times whereon or according to which the same were, at the time of making the said act, to be holden: and whereas by another act of parliament made in the same twenty fourth year of the reign of his present Majesty, intituled, An act for the abbreviation of Michaelmas term, it was enacted, That the said solemnity of presenting and swearing the mayors of the said city of London, before the King or Queen of England, in their court of Exchequer at Westminster, or before the barons of the said court, after every annual election into the said office, in the manner and form heretofore used, on the twenty ninth day of October, should, from and after the feast of Saint Michael in the year of our Lord one thousand seven hundred and fifty two, be kept and observed on the ninth day of November in every year; be it therefore enacted by the authority aforesaid, That the said annual admission and swearing of the mayor of the said city of London, at the Guildhall there, shall not at any time hereafter be had and performed on the said twenty eighth day of October; but the same, and all annual meetings and assemblies for that purpose, shall at all times hereafter be had, done and holden in the usual and accustomed manner on the eighth day of November in every year, being the day next preceding the said ninth day of November, whereon the said solemnity of presenting and swearing the mayor of the said city in the court of Exchequer is appointed for the future to be kept and observed as aforesaid, and not before; any thing in the said first recited act of parliament, or any law, custom or usage to the contrary thereof in any wise notwithstanding.

The annual admission and swearing of the mayor of London to be on 8 Nov.

C A P. XXXI.

An act to continue, explain and amend several laws more effectually to prevent the spreading of the distemper which now rages amongst the horned cattle in this kingdom.

C A P. XXXII.

An act to allow the importation of gum ſenega into this kingdom, from any part of Europe, upon the payment of a duty; and for relief of James Guthrie, with respect to the duties paid and secured upon a quantity of tobacco burnt at the port of Kircudbright; and for giving further time for payment of duties omitted to be paid for the indentures or contracts of clerks and apprentices.

WHEREAS the printing of ſilks, linens and callicoes, is greatly improved in this kingdom: and the value of the ſaid manuſtacles is thereby conſiderably inhañced, and the exportation thereof increased: and whereas the printing of the ſaid manuſtacles cannot be carried to perfection without a ſufficient quantity of gum ſenega; the importation of which hath of late greatly decreased, and the price thereof advanced to an excessive rate, whereby it is become neceſſary that ſome provision ſhould be made for the more effectual and conſtant supply of that uſeful and valuable commodity, in order to encourage, ſupport and extend the ſaid trade: and whereas gum ſenega cannot otherwife be imported into this kingdom than according to the rules preſcribed by an act made in the twelfth year of the reign of King Charles the Second, intituled, An act for the encouraging and increasing of ſhipping and navigation: Therefore we, your Ma-
jesty's moſt faithful commons, in order to ſupport and extend the ſaid trade, by allowing the importation of gum ſenega from any place in Europe, ſo as not to diſcourſe the importation of the ſaid commodity from the places of its growth or produce, do moſt humbly beſeech your moſt excellent Maſteſty, that it may be enacted; and be it enacted by the King's moſt excellent Maſteſty, by and with the advice and conſent of the lords ſpiri-
tual and temporal and commons in this preſent parliament aſ-
ſembled, and by the authority of the fame, That from and af-
ter the tenth day of April one thouſand ſeven hundred and fifty two, it ſhall and may be lawful to and for any of his Maſteſty's ſubjects to import into this kingdom gum ſenega, in British buil-
t ships, navigated according to law, from any port or place in Europe, upon payment of the duty, and under the reſtrictions and limitations herein after-mentioned; any thing in the ſaid act made in the twelfth year of the reign of King Charles the Second, or in any other act or acts of parliament to the contrary in any wife notwithstanding.

II. And be it further enacted by the authority aforesaid, That upon payment there ſhall be paid to his Maſteſty, his heirs and ſucceſſors, for of 10s. per every hundred pounds weight of gum ſenega, which at any time hundred or times after the ſaid tenth day of April one thouſand ſeven hundred and fifty two, ſhall be imported or brought into this

kingdom, from any port or place in *Europe*, by the importer of such gum senega, before the landing thereof, a duty of ten shillings; and so in proportion for any greater or less quantity.

To be under the management of the commissioners of the customs.

12 Car. 2. c. 4.

III. And be it further enacted by the authority aforesaid, That the said duty hereby granted and made payable, shall be raised, levied and collected, by the respective officers of his Majesty's customs in this kingdom, under the management and direction of the respective commissioners of the customs for the time being; and that all and every the clauses, powers, directions, penalties, forfeitures, matters and things whatsoever, contained in an act made in the twelfth year of the reign of King *Charles the Second*, intituled, *A subsidy granted to the King of tonnage and poundage, and other sums of money payable upon merchandize exported and imported, or in any other laws or statutes whatsoever now in force for raising, levying, collecting, answering and paying the subsidy of tonnage and poundage thereby granted, shall be applied, practised and put in execution, for raising, levying, securing, collecting, answering and paying the duty by this act granted and made payable, as fully and effectually to all intents and purposes as if all and every the said clauses, powers, directions, penalties and forfeitures were particularly repeated, and again enacted, in the body of this present act.*

Making a false entry, - IV. And be it further enacted by the authority aforesaid, That

to forfeit the same, and double the value;

one moiety to the King, and the other to the prosecutor.

Onus Probandi to lie on the importers.

Duties to be kept apart, to be applied by parliament.

gum senega as imported immediately from the place of its growth or produce, or from any of his Majesty's colonies or plantations in *America*, in order to avoid the payment of the duty by this act granted and made payable, which gum senega shall afterwards appear to have been imported from some port or place in *Europe*, the person or persons making, or causing to be made, such entry or entries, shall forfeit all such gum senega so entered, and also double the value thereof, to be sued for and recovered by bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, or in the court of *Exchequer* in *Scotland* respectively, wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed; and one moiety of the said forfeiture, when recovered, shall go and be applied to the use of his Majesty, his heirs and successors, and the other moiety to the use of the person or persons who shall sue or prosecute for the same.

V. Provided always, and be it enacted, That upon all disputes which shall arise touching the port or place from whence any gum senega shall have been imported, the *Onus Probandi* shall lie on the importer, and not on the informer or prosecutor; any law, custom or usage to the contrary notwithstanding.

VI. And be it further enacted by the authority aforesaid, That the money arising by the duty hereby granted and made payable (the necessary charges of raising the same excepted) shall from time to time be paid into the receipt of his Majesty's exchequer, distinctly and apart from all other branches of the publick revenues,

1752.] Anno vicesimo quinto GEORGII II. C. 33, 34.
venues, subject and liable to the uses, applications and purposes, as shall by any future act or acts of parliament be directed or appointed.

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VII. And whereas the ship Neptune of Dumfries, James Sturgeon master, being loaded with tobacco, and bound to the port of Diepe in France, was on the sixteenth day of June one thousand seven hundred and fifty overset within the limits of the port of Kircudbright, whereby a quantity of tobacco, amounting to two hundred and twenty three thousand four hundred and eight pounds, was totally damaged and rendered useless, the duties whereof had been paid and secured at the said port of Kircudbright, by James Guthrie and company, merchants in Dumfries, and others, at importation, according to law: and whereas the whole of the said damaged tobacco was burnt in the sight, and by the direction of the officers of his Majesty's customs at the said port of Kircudbright, and no part thereof of sold or consumed in Great Britain; Be it therefore enacted by Kircudbright the authority aforesaid, That the collector or other proper officer or officers at the said port of Kircudbright shall, and they are hereby empowered and required to make out and grant a proper debenture or debentures for the said two hundred and twenty three thousand four hundred and eight pounds of tobacco, whereby the said James Guthrie and company may be intitled to draw back such part of the duties of the said tobacco as had been paid at the importation thereof, and whereby the bonds or securities granted for the remainder of the said duties may be discharged and vacated, together with any interest become due thereon since the said sixteenth day of June one thousand seven hundred and fifty, in the same manner as if the said tobaccoes had been then exported to parts beyond sea; and the said bonds and securities so given, with the said interest, shall from henceforth be discharged and vacated, and the same are hereby declared to be discharged and vacated accordingly; any act or acts of parliament to the contrary notwithstanding.

Collectors of
223,480 lb. of
tobacco be-
longing to
James Gu-
thrie, for
which duty
had been paid,
&c.

Time given to make payment of the duties omitted to be paid for the indentures or contracts of clerks and apprentices, and for tendering the same to be stamped, &c.

C A P. XXXIII.

An act for repairing the road leading from the town of Morpeth, by or through Mitford, Thropple, Long Witton, and by the north side of Rothley Park wall to Sting Crofs, and to the High Crofs in Elsdon in the county of Northumberland. *Certain tolls granted for 21 years.*

C A P. XXXIV.

An act for the more easy and speedy recovery of small debts within the town of Birmingham, and hamlet of Deritend thereto adjoining, in the county of Warwick.

C A P. XXXV.

An act for continuing the act for encouraging the growth of coffee in his Majesty's plantations in America; and also for continuing, under certain regulations, so much of an act as relates to the Præmiums upon the importation of masts, yards and bowsprits, tar, pitch and turpentine.

WHEREAS the laws herein after-mentioned have by experience been found useful and beneficial, and are near expiring: 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 an act made in the fifth year of the reign of his present Majesty, (intituled, *An act for encouraging the growth of coffee in his Majesty's plantations in America*) which was to continue in force from the twenty fifth day of *March* one thousand seven hundred and thirty nine, and from thence to the end of the then next session of parliament; and which by an act made in the eleventh year of his present Majesty's reign, was further continued from the expiration thereof for the further term of seven years, and from thence to the end of the then next session of parliament; and which by an act made in the nineteenth year of his present Majesty's reign, was further continued from the expiration of the said last-mentioned term for the further term of seven years, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof until the twenty fifth day of *March* one thousand seven hundred and fifty eight, and from thence to the end of the then next session of parliament.

II. And be it further enacted by the authority aforesaid, That so much of an act made in the second year of his present Majesty (intituled, *An act for the better preservation of his Majesty's woods in America; and for the encouragement of the importation of naval stores from thence, and to encourage the importation of masts, yards and bowsprits, from that part of Great Britain called Scotland*) as relates to the Præmiums upon masts, yards and bowsprits, tar, pitch and turpentine; which was to continue in force from the twenty ninth day of *September* one thousand seven hundred and twenty nine, for the term of thirteen years, and to the end of the then next session of parliament; and which by another act made in the thirteenth year of the reign of his present Majesty, was continued until the twenty fifth day of *December* one thousand seven hundred and fifty, and from thence to the end of the then next session of parliament; and which, by another act made in the twenty fourth year of his Majesty's reign, was further continued, from the expiration thereof, until the twenty fifth day of *December* one thousand seven hundred and fifty one, and from thence to the end of the then next session of

So much of a
Geo. 2. c. 35.
as relates to
the præmiums
on the importa-
tion of
masts, yards
and bowsprits,
tar, pitch and
turpentine,
further conti-
nued to 25
March 1758.

of parliament, shall be, and the same is hereby further continued from the expiration thereof until the twenty fifth day of March one thousand seven hundred and fifty eight, and from thence to the end of the then next session of parliament.

III. Provided, That no bounty shall be paid on any tar, unless each barrel shall contain thirty one gallons and one half, and that the officers who survey such barrel, shall not survey the same till the water shall be all drawn off, and every barrel filled up with tar.

Regulation to
be observed
concerning
tar.

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C A P. XXXVI.

An aet for the better preventing thefts and robberies, and for regulating places of publick entertainment, and punishing persons keeping disorderly houses.

WHEREAS the advertising a reward with no questions asked, for the return of things which have been lost or stolen, is one great cause and encouragement of thefts and robberies; 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 first day of June one thousand seven hundred and fifty two, any person publickly advertising a reward with no questions asked, for the return of things which have been stolen or lost, or making use of any words in such publick advertisement, purporting that such reward shall be given or paid without seizing or making enquiry after the person producing such thing so stolen or lost, or promising or offering, in any such publick advertisement, to return to any pawn-broker, or other person, who may have bought or advanced money by way of loan upon such thing so stolen or lost the money so paid or advanced, or any other sum of money or reward for the return of such thing; and any person printing or publishing such advertisement, shall respectively forfeit the sum of fifty pounds for every such offence, to any person who will sue so l. for the same.

The person
advertising a
reward for the
return of
things stolen
or lost, &c.

II. And whereas the multitude of places of entertainment for the lower sort of people is another great cause of thefts and robberies, as they are thereby tempted to spend their small substance in riotous pleasures, and in consequence are put on unlawful methods of supplying their wants, and renewing their pleasures: in order therefore to prevent the said temptation to thefts and robberies, and to correct as far as may be the habit of idleness, which is become too general over the whole kingdom, and is productive of much mischief and inconvenience; be it enacted by the authority aforesaid, That from and after the first day of December one thousand seven hundred and fifty two, any house, room, garden, or other place kept for publick dancing, musick, or other publick entertainment of the like kind, in the cities of London and Westminster, or within twenty miles thereof, without a licence had for that purpose, from the last preceding Michaelmas quarters of the peace, to be holden for the county, city, riding,

Unlicens'd
places of en-
tertainment,
deemed disor-
derly houses.

liberty or division in which such house, room, garden, or other place is situate, (who are hereby authorized and impowered to grant such licences as they in their discretion shall think proper) signified under the hands and seals of four or more of the justices there assembled, shall be deemed a disorderly house or place: and every such licence shall be signed and sealed by the said justices in open court, and afterwards be publickly read by the clerk of the peace, together with the names of the justices subscribing the same; and no such licence shall be granted at any adjourned sessions; nor shall any fee or reward be taken for any such licence: and it shall and may be lawful to and for any constable, or other person, being thereunto authorized, by warrant under the hand and seal of one or more of his Majesty's justices of the peace of the county, city, riding, division or liberty where such house or place shall be situate, to enter such house or place, and to seize every person who shall be found therein, in order that they may be dealt with according to law: and every person keeping such house, room, garden, or other place, without such licence as aforesaid, shall forfeit the sum of one hundred pounds to such person as will sue for the same; and be otherwise punishable as the law directs in cases of disorderly houses.

Constables
may seize per-
sons found
therein.

Person keep-
ing the same,
to forfeit 100l.

Licensed pla-
ces to have an
inscription o-
ver them,

and not to be
opened before
5 in the even-
ing.

On breach of
either of the
conditions the
licence to be
revoked.

The theatres
royal or per-
formances li-
censed by the
crown or lord
chamberlain,
excepted.

III. Provided always, and it is hereby further enacted by the authority aforesaid, That in order to give publick notice what places are licensed pursuant to this act, there shall be affixed and kept up in some notorious place over the door or entrance of every such house, room, garden, or other place, kept for any of the laid purposes, and so licensed as aforesaid, an inscription in large capital letters, in the words following; *videlicet*, LICENSED PURSUANT TO ACT OF PARLIAMENT OF THE TWENTY-FIFTH OF KING GEORGE THE SECOND; and that no such house, room, garden, or other place, kept for any of the said purposes, although licensed as aforesaid, shall be open for any of the said purposes before the hour of five in the afternoon; and that the affixing and keeping up of such inscription as aforesaid, and the said limitation or restriction in point of time, shall be inserted in, and made conditions of, every such licence; and in case of any breach of either of the said conditions, such licence shall be forfeited, and shall be revoked by the justices of peace in their next general or quarter sessions, and shall not be renewed; nor shall any new licence be granted to the same person or persons, or any other person on his or their or any of their behalf, or for their use and benefit, directly or indirectly, for keeping any such house, room, garden, or other place, for any of the purposes aforesaid.

IV. Provided always, That nothing in this act contained shall extend, or be construed to extend, to the theatres royal in Drury Lane and Covent Garden, or the theatre commonly called The King's Theatre in the Hay Market, or any of them; nor to such performances and publick entertainments as are or shall be

be lawfully exercised and carried on under or by virtue of letters patents, or licence of the crown, or the licence of the lord chamberlain of his Majesty's household; any thing herein contained notwithstanding.

V. And in order to encourage prosecutions against persons keeping bawdy houses, gaming houses or other disorderly houses, be it enacted by the authority aforesaid, That if any two inhabitants of any parish or place, paying scot, and bearing lot therein, do give notice in writing to any constable, (or other peace officer of the like nature, where there is no constable) of such parish or place, of any person keeping a bawdy house, gaming house, or any other disorderly house, in such parish or place, the constable or such officer as aforesaid, so receiving such notice, shall forthwith go with such inhabitants to one of his Majesty's justices of the peace of the county, city, riding, division or liberty in which such parish or place does lie; and shall, upon such inhabitants making oath before such justice, that they do believe the contents of such notice to be true, and entering into a recognizance in the penal sum of twenty pounds each, to give or produce material evidence against such person for such offence, enter into a recognizance in the penal sum of thirty pounds, to prosecute with effect such person for such offence at the next general or quarter session of the peace, or at the next assizes to be holden for the county in which such parish or place does lie, as to the said justice shall seem meet; and such constable or other officer shall be allowed all the reasonable expences of such prosecution, to be ascertained by any two justices of the peace of the county, city, riding, division or liberty where the offence shall have been committed, and shall be paid the same by the overseers of the poor of such parish or place; and in case such person shall be convicted of such offence, the overseers of the poor of such parish or place shall forthwith pay the sum of ten pounds to each of such inhabitants; and in case such overseers shall neglect or refuse to pay to such constable or other officer such expences of the prosecution as aforesaid, or shall neglect or refuse to pay upon demand, the said sums of ten pounds and ten pounds, such overseers, and each of them, shall forfeit to the person intitled to the same, double the sum so refused or neglected to be paid.

The charges of prosecution on, to be paid by the overseers, on penalty of forfeiting double.

VI. Provided always, and be it enacted by the authority aforesaid, That upon such constable or other officer entering into such recognizance to prosecute as aforesaid, the said justice of the peace shall forthwith make out his warrant to bring the person so accused of keeping a bawdy house, gaming house or other disorderly house, before him, and shall bind him or her over to appear at such general or quarter session or assizes, there to answer to such bill of indictment as shall be found against him or her for such offence; and such justice shall and may, if in his discretion he thinks fit, likewise demand and take security for such person's good behaviour in the mean time, and until such indictment.

indictment shall be found, heard and determined, or be returned by the grand jury not to be a true bill.

Constable neglecting his duty forfeits £10.

VII. Provided also, That in case such constable shall neglect or refuse, upon such notice, to go before any justice of the peace, or to enter into such recognizance, or shall be wilfully negligent in carrying on the said prosecution, he shall for every such offence forfeit the sum of twenty pounds to each of such inhabitants so giving notice as aforesaid.

VIII. And whereas, by reason of the many subtle and crafty contrivances of persons keeping bawdy-houses, gaming-houses or other disorderly houses, it is difficult to prove who is the real owner or keeper thereof, by which means many notorious offenders have escaped punishment; be it enacted by the authority aforesaid, That any person who shall at any time hereafter appear, act or behave him or herself as master or mistress, or as the person having the care, government or management of any bawdy-house, gaming-house or other disorderly house, shall be deemed and taken to be the keeper thereof, and shall be liable to be prosecuted and punished as such, notwithstanding he or she shall not in fact be the real owner or keeper thereof.

Who shall be deemed the keeper of such bawdy-house, &c.

Evidence may be given by an inhabitant, &c.

IX. Provided nevertheless, That upon any such prosecution against any person for keeping a bawdy-house, gaming-house or other disorderly house, any person may give evidence against the defendant or on behalf of the defendant in such prosecution, notwithstanding his or her being an inhabitant or parishioner of the said parish or place, or having entered into such recognizance as aforesaid.

Indictment not removable by Certiorari.

X. And be it further enacted by the authority aforesaid, That no indictment which shall at any time after the said first day of June be preferred against any person for keeping a bawdy-house, gaming-house or other disorderly house, shall be removed by any writ of Certiorari into any other court; but such indictment shall be heard, tried and finally determined, at the same general or quarter session or assizes, where such indictment shall have been preferred (unless the court shall think proper, upon cause shewn, to adjourn the same) any such writ or allowance thereof notwithstanding.

In prosecutions for felony; court may make orders for payment of the prosecutor's expenses;

XI. And whereas many persons are deterred from prosecuting persons guilty of felony, upon account of the expence attending such prosecutions, which is another great cause and encouragement of thefts and robberies; in order therefore to encourage the bringing offenders to justice, be it enacted by the authority aforesaid, That it shall and may be in the power of the court, before whom any person has been tried and convicted of any grand or petit larceny, or other felony, at the prayer of the prosecutor, and on consideration of his circumstances, to order the treasurer of the county in which the offence shall have been committed, to pay unto such prosecutor such sum of money as to the said court shall seem reasonable, not exceeding the expences which it shall appear to the court the prosecutor was put unto in carrying on such prosecution, making him a reasonable allowance for his time

Clerks fee for such order.

time and trouble therein; which order the clerk of assize, or clerk of the peace respectively, is hereby directed and required forthwith to make out and to deliver unto such prosecutor, upon being paid for the same the sum of one shilling, and no more; and the treasurer of the county is hereby authorized and required, upon sight of such order, forthwith to pay to such prosecutor, or other person authorized to receive the same, such sum of money as aforesaid, and shall be allowed the same in his accounts.

County treasurer to pay the order.

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XII. And, for the better discovering and bringing to justice thieves, robbers and other persons maintaining themselves by pilfering and defrauding mankind; be it enacted by the authority aforesaid, That it shall and may be lawful to and for any two or more of his Majesty's justices of the peace, in any county, city or liberty, in case any person apprehended upon any general privy search, or by virtue of any special warrant, shall be charged before them with being a rogue and vagabond, or an idle and disorderly person, or with suspicion of felony, (although no direct proof be then made thereof) to examine such person upon oath, not only as to the parish or place where he was last legally settled, but also as to his means of livelihood; the substance of which examination shall be put into writing, and be subscribed or signed by the person so examined; and the said justices shall likewise sign the same, and transmit it to the next general or quarter sessions of the peace to be holden for the same county, city or liberty, there to be filed, and to be kept on record; and if such person shall not make it appear to such justices, that he has a lawful way of getting his livelihood, or shall not procure some responsible house-keeper to appear to his character, and to give security for his appearance before such justices at some other day to be fixed for that purpose (in case the same shall be required) to commit such person to some prison or house of correction, for any time not exceeding six days; and in the mean time to order the overseers of the poor, or one of them, to insert an advertisement in some publick paper, describing such suspicious person, and any thing or things which shall have been found upon him, or in his custody, and which he shall be suspected not to have come honestly by, and mentioning the place to which such person is committed, and specifying the time and place when and where such person is to be again brought before them to be re-examined; and if no accusation shall be then laid against him, then such person shall be discharged, or otherwise dealt with according to law.

XIII. And be it further enacted by the authority aforesaid, That any person intituled to any of the forfeitures by this act imposed, may sue for the same by action of debt, in any of his Majesty's courts of record at *Westminster*, in which it shall be sufficient to declare, That the defendant is indebted to the plaintiff in the sum of being forfeited by an act, intituled, *An act for the better preventing thefts and robberies, and for regulating*

Costs.

Limitation of actions.

Act to be in force for 3 years.

Made perpetual by 28 Geo. 2. c. 19.

lating places of publick entertainment, and punishing persons keeping disorderly houses; and the plaintiff, if he recover in any such action, shall have his full costs.

XIV. Provided, That no action shall be brought by virtue of this act, unless the same shall be commenced within the space of six calendar months after the offence committed.

XV. And be it further enacted by the authority aforesaid, That this act shall continue in force until the expiration of three years, to be computed from the first day of this session of parliament; and from thence to the end of the then next session of parliament, and no longer.

C A P. XXXVII.

An act for better preventing the horrid crime of murder.

WHEREAS the horrid crime of murder has of late been more frequently perpetrated than formerly, and particularly in and near the metropolis of this kingdom, contrary to the known humanity and natural genius of the British nation: and whereas it is thereby become necessary, that some further terror and peculiar mark of infamy be added to the punishment of death, now by law inflicted on such as shall be guilty of the said heinous offence: 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 from and after the first day of *Easter* term, in the year of our Lord one thousand seven hundred and fifty two, all persons who shall be found guilty of wilful murder, be executed according to law, on the day next but one after sentence passed, unless the same shall happen to be the Lord's day, commonly called *Sunday*, and in that case on the *Monday* following.

Murderers to be executed the next day but one after sentence.

and their bodies to be delivered to Surgeons Hall.

II. And be it further enacted by the authority aforesaid, That the body of such murderer so convicted shall, if such conviction and execution shall be in the county of *Middlesex*, or within the city of *London* or the liberties thereof, be immediately conveyed by the sheriff or sheriffs, his or their deputy or deputies and his or their officers, to the hall of the *Surgeons Company*, or such other place as the said company shall appoint for this purpose, and be delivered to such person as the said company shall depute or appoint, who shall give to the sheriff or sheriffs, his or their deputy or deputies, a receipt for the same; and the body so delivered to the said company of *Surgeons*, shall be dissected and anatomized by the said *Surgeons*, or such person as they shall appoint for that purpose: and in case such conviction and execution shall happen to be in any other county or other place in *Great Britain*, then the judge or justice of assize, or other proper judge, shall award the sentence to be put in execution the next day but one after such conviction (except as is before excepted) and the body of such murderer shall in like manner be delivered by the sheriff, or his deputy, and his officers, to such surgeon

ſurgeon as ſuch judge or justice ſhall direct for the purpose aforesaid.

III. And be it further enacted by the authority aforesaid, That ſentence ſhall be pronounced in open court immediately after the conviction of ſuch murderer, and before the court ſhall proceed to any other buſineſſ, unleſs the court ſhall ſee reaſonable cauſe for poſtponing the ſame; in which ſentence ſhall be expreſſed not only the uſual judgment of death, but alſo the time appointed hereby for ~~the execution thereof, and the~~ marks of infamy hereby directed for ſuch offenders, in order to impress a juſt horro in the mind of the offender, and on the minds of ſuch as ſhall be preſent, of the heinous crime of muſter.

IV. Provided always, and be it enacted, That after ſuſtence pronounced as aforesaid, in caſe there ſhall appear reaſonable cauſe, it ſhall and may be lawful to and for ſuſh judge or justice, before whom ſuſh criminal ſhall have been ſo tried, to ſtay the execution of the ſentence, at the diſcretiōn of ſuſh judge or justice, regard being always had to the true intent and purpoſe of this a ct.

V. Provided also, That it ſhall be in the power of any ſuſh judge or justice to appoint the body of any ſuſh criminal to be hung in chains: but that in no caſe whatſoever the body of any murderer ſhall be ſuffered to be buried; unleſs after ſuſh body ſhall have been diſſected and anatomiſed as aforesaid; and every ſuſh judge or justice ſhall, and is hereby required to direct the ſame either to be diſpoſed of as aforesaid, to be anatomiſed, or to be hung in chains, in the ſame manner as is now praſtiſed for the moſt atrocious offences.

VI. And be it further enacted by the authority aforesaid, That from and after ſuſh conviction, and judgment given thereupon, the gaoler or keeper to whom ſuſh criminal ſhall be delivered for ſafe cuſtody, ſhall confine ſuſh criminal to ſome cell, or other proper and ſafe place within the priſon, ſeparate and apart from the other priſoners; and that no perſon or perſons whatſoever, except the gaoler or keeper, or his ſervants, ſhall have acceſs to any ſuſh criminal, without licence being first obtained for that purpoſe under the hand of ſuſh judge or justice, before whom ſuſh offender ſhall have been tried, or under the hand of the ſheriff, his deputy or under ſheriff.

VII. Provided always, That in caſe any ſuſh judge or justice ſhall ſee cauſe to reſpite the execution of ſuſh offender ſo con demned as aforesaid, ſuſh judge or justice may relax or reſeale any or all of the reſtraints or regulations herein before or herein after directed to be obſerved by the gaoler or keeper of the priſon where ſuſh criminal ſhall be confined, by any licence in writing ſigned by ſuſh judge or justice for that purpoſe, for and during the time of ſuſh ſtay of execution; any thing herein before contained to the contrary thereof notwithstanding.

VIII. And be it further enacted by the authority aforesaid, That after ſentence paſſed as aforesaid, and until the execution thereof,

Gaoler making default to forfeit his office, and 20l.

Penalty of rescuing a murderer.

Penalty of rescuing the body after execution.

This act not to extend to
11 Geo. 1.
c. 26.

thereof, such offender shall be fed with bread and water only, and with no other food or liquor whatsoever (except in case of receiving the sacrament of the Lord's supper, and except in case of any violent sickness or wound, in which case some known physician, surgeon or apothecary may be admitted by the gaoler or keeper of the said prison to administer necessaries; the christian and surname of such physician, surgeon or apothecary, and his place of abode, being first entered in the books of such prison or gaol, there to remain) and in case such gaoler or prison-keeper shall offend against or neglect to put in execution any of the directions or regulations hereby enacted to be observed, such gaoler or prison-keeper shall for such offence forfeit his office, and be fined in the sum of twenty pounds, and suffer imprisonment until the same be paid.

IX. And be it enacted by the authority aforesaid, That if any person or persons whatsoever shall by force set at liberty, or rescue or attempt to rescue or set at liberty, any person out of prison who shall be committed for, or found guilty of murder, or rescue or attempt to rescue any person convicted of murder going to execution, or during execution, every person so offending shall be deemed, taken and adjudged to be guilty of felony, and shall suffer death without benefit of clergy.

X. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall, after such execution had, by force rescue or attempt to rescue the body of such offender out of the custody of the sheriff or his officers, during the conveyance of such body to any of the places hereby directed, or shall by force rescue or attempt to rescue such body from the company of *Surgeons*, or their officers or servants, or from the house of any surgeon where the same shall have been deposited in pursuance of this act; every person so offending shall be deemed and adjudged to be guilty of felony, and shall be liable to be transported to some of his Majesty's colonies or plantations in *America* for the term of seven years, in like manner as is directed by the laws now in force relating to the transportation of felons; and shall be subject to the like punishment and methods of conviction, in case of returning into, or being found at large within *Great Britain*, within the said term of seven years, in all respects, as by law other felons are subject to, in case of unlawfully returning from transportation.

XI. Provided always, and it is hereby enacted by the authority aforesaid, That nothing herein contained shall extend to repeal or alter so much of an act made in the eleventh year of his late Majesty's reign (intituled, *An act for the more effectual disarming the Highlands in that part of Great Britain called Scotland; and for the better securing the peace and quiet of that part of the kingdom*) as relates to the suspension of the execution of persons convicted of capital offences within that part of *Great Britain* called *Scotland*, for the respective times in the said act mentioned; any thing herein before contained to the contrary notwithstanding.

C A P. XXXVIII.

An act for the more easy and speedy recovery of small debts within the borough of St. Albans, in the county of Hertford, and the several towns, parishes, wards, hamlets, and places within the liberty of St. Albans.

C A P. XXXIX.

An act to obviate doubts that may arise upon an act made and passed in the eleventh and twelfth years of the reign of his late majesty King William the Third, intituled, An act to enable his Majesty's natural born subjects to inherit the estate of their ancestors, either lineal or collateral, notwithstanding their father or mother were aliens.

W H E R E A S in and by an act of parliament made and passed in the eleventh and twelfth years of the reign of his late majesty King William the Third, intituled, An act to enable his Majesty's natural-born subjects to inherit the estate of their ancestors, either lineal or collateral, notwithstanding their father or mother were aliens; it is enacted, That all and every person or persons, being the King's natural-born subjects or subjects, within any of the King's realms or dominions, should and might thereafter lawfully inherit and be inheritable, as heir or heirs, to any honours, manors, lands, tenements or hereditaments, and make their pedigrees and titles by descent from any of their ancestors, lineal or collateral, although the father and mother, or father or mother, or other ancestor of such person or persons by, from, through, or under whom he, she or they should or might make or derive their title or pedigree, were or was, or should be born out of the King's allegiance, and out of his Majesty's realms or dominions, as freely, fully and effectually, to all intents and purposes, as if such father or mother, or fathers or mothers, or other ancestor or ancestors by, from, through, or under whom he, she or they should or might make or derive their title or pedigree, had been naturalized or natural-born subjects: and whereas many doubts and inconveniences may arise upon the said recited act, in case of persons gaining capacities to inherit and derive their pedigrees by virtue of the said recited act, after the deaths of their ancestors to whom they claim to be heirs, whereby estates well vested by descent, mortgages, purchases, and settlements duly made, may be defeated: for remedy whereof be it enacted and declared 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 statute shall not extend, or be deemed, taken, or construed to extend to give any right, or title to any person or persons to inherit as heir or heirs, or coheir or coheirs, to any person dying seised of any manors, lands, tenements or hereditaments, in possession, reversion or remainder, by enabling any such person or persons to claim or derive his, her or their pedigree through any alien ancestor or ancestors, unless the person or persons so claiming or deriving his, her, or their title as heir or heirs,

None to inherit by the recited act, but such as shall be in being at the death of the ancestor who shall die seised.

heirs, coheir or coheirs, was or were, or shall be in being, and capable to take the same estate as heir or heirs, coheir or coheirs, by virtue of the said statute, at the death of the person who shall so last die seised of such manors, lands, tenements or hereditaments, and to whom he, she or they shall so claim to be heir or heirs, coheir or coheirs, by force of the said statute.

If the descent shall be cast upon a daughter,

and the alien father, &c. shall afterwards have a son, the daughter to be divested,

and where no son, the daughters afterwards born in his Majesty's dominions shall jointly inherit.

II. Provided always, and be it enacted by the authority aforesaid, That in case the person or persons who shall be in being, and capable to take at the death of the ancestor so dying seised of any such honours, manors, lands, tenements or hereditaments, and upon whom the descent shall be cast by virtue of this act, or of the said recited act, shall happen to be a daughter or daughters of an alien, and that the alien father or mother, through whom such descent shall be derived by such daughter or daughters, shall afterwards have a son born within any of his Majesty's realms or dominions; the descent so cast upon such daughter or daughters shall be divested in favour of such son; and such son shall inherit and take the estate in like manner as is allowed by the common law of this realm in cases of the birth of a nearer heir; or in case such father or mother shall have no son or sons, but shall have one or more daughter or daughters afterwards born within any of his Majesty's realms or dominions, the daughter or daughters so born afterwards shall inherit and take in coparcenary with the daughter or daughters upon whom the descent shall be cast at the death of the ancestor last seized; any thing in this act contained to the contrary in any wise notwithstanding.

C A P. XL.

An act for the application of a sum of money therein mentioned, granted to his Majesty, for making compensation and satisfaction to the royal African company of England, for their charter, lands, forts, castles, slaves, military stores, and all other their effects whatsoever; and to vest the lands, forts, castles, slaves and military stores, and all other their effects in the company of merchants trading to Africa; and for other purposes in the act mentioned.

WHEREAS his late majesty King Charles the Second, by his royal charter or letters patent, under the great seal of England, bearing date the twenty seventh day of September in the twenty fourth year of his reign, in consideration of the surrender of a former grant in the said letters patent recited, did give and grant unto certain persons therein named, all and singular the regions, countries, dominions, territories, continents, coasts and places, lying and being within the limits and bounds in the said letters patent mentioned, that is to say, Beginning at the port of Sally in South Barbary, inclusive, and extending from thence to cape de bona Esperanza, inclusive, with all the islands near adjoining to those coasts, and comprehended within the limits aforesaid: which regions, countries, dominions, territories, continents, coasts and places, and islands, had been theretofore

fore called or known by the name of South Barbary, Guinny, Binny or Angola, or by some or any other name or names, and which were or had been reputed, esteemed or taken to be part, parcel, or member of any country, region, dominion, territory or continent, within the limits aforesaid; and all and singular ports, harbours, creeks, islands, lakes and places in the parts of Africa, to them or any of them belonging; or being under the obedience of any King, state or potentate of any region, dominion or country, within the limits aforesaid, to hold from the making of the said letters patent for the term of one thousand years, subject to such conditions and reservations as therein mentioned; and did in and by the said letters patent, incorporate the several persons therein named, by the name of The Royal African Company of England, and did declare such grant and demise to be in trust to and for the sole use, benefit and behoof of the royal African company of England, therein and thereby so incorporated, and their successors; and whereas the said royal African company of England have, since the granting the said charter, been at a very considerable expence in re-building and enlarging several of their forts and castles on the coasts aforesaid, and have there erected, built and purchased, several new forts: and whereas by an act of parliament made and passed in the twenty third year of the reign of his present Majesty, intituled, An act for extending and improving the trade to Africa, a new company was established by the name of The Company of Merchants trading to Africa; and the better to uphold, maintain and defend all such forts, factories and settlements, on the coast of Africa, as then were erected, or thereafter should be thought necessary to be erected, for the securing and better carrying on the said trade; it was enacted, among other things, That all and every the British forts, settlements and factories, on the coast of Africa, beginning at cape Blanco, and extending from thence to the cape of Good Hope inclusive, and all other the regions, countries, dominions, territories, continents, coasts, ports, bays, rivers and places, lying and being within the aforesaid limits, and the islands near adjoining to those coasts, and comprehended within those limits, which then were claimed by, or were in the possession of the said royal African company of England, or which might be thereafter in the possession of the company thereby established, shoul^d from and after the passing of an act of parliament for divesting the said African company of their said charter, forts, castles, military stores, canoe men, castle slaves, and all other their property on the coast of Africa (their goods and merchandizes only excepted) be absolutely vested in the said new company established by the said act, and their successors, to the intent and purpose that the said forts, settlements and premises should be employed at all times thereafter only for the protection, encouragement and defence of the said trade; and it was by the said act further enacted, That the accountant general of the high court of chancery for the time being, and such two of the other masters of the said court, as the lord high chancellor of Great Britain for the time being, or lord keeper of the great seal of Great Britain for the time being, or the lord's commissioners for the great seal of Great Britain for the time being, should from time to time nominate for that purpose, should be, and

Geo. 2. c. 23.

sent Majes^ty, intituled, An act for extending and improving the

trade to Africa, a new company was established by the name of The Company of Merchants trading to Africa; and the better to uphold, maintain and defend all such forts, factories and settlements, on the coast of Africa, as then were erected, or thereafter should be thought necessary to be erected, for the securing and better carrying on the said trade; it was enacted, among other things, That all and every the British forts, settlements and factories, on the coast of Africa, beginning at cape Blanco, and extending from thence to the cape of Good Hope inclusive, and all other the regions, countries, dominions, territories, continents, coasts, ports, bays, rivers and places, lying and being within the aforesaid limits, and the islands near adjoining to those coasts, and comprehended within those limits, which then were claimed by, or were in the possession of the said royal African company of England, or which might be thereafter in the possession of the company thereby established, shoul^d from and after the passing of an act of parliament for divesting the said African company of their said charter, forts, castles, military stores, canoe men, castle slaves, and all other their property on the coast of Africa (their goods and merchandizes only excepted) be absolutely vested in the said new company established by the said act, and their successors, to the intent and purpose that the said forts, settlements and premises should be employed at all times thereafter only for the protection, encouragement and defence of the said trade; and it was by the said act further enacted, That the accountant general of the high court of chancery for the time being, and such two of the other masters of the said court, as the lord high chancellor of Great Britain for the time being, or lord keeper of the great seal of Great Britain for the time being, or the lord's commissioners for the great seal of Great Britain for the time being, should from time to time nominate for that purpose, should be, and

they were thereby constituted and appointed commissioners for examining into the claims of the creditors of the said royal African company, and to inquire and state how and when the same were respectively incurred, in such manner as in and by the said act is directed, together with their opinion of the justness and reasonableness of such debts respectively, and to lay accounts of their proceedings before the parliament with all convenient speed: and whereas the commissioners appointed by and in pursuance of the said act did lay accounts of their proceedings before the parliament the last session, but several claims of several of the company's officers and servants abroad, for salaries due to them, or for goods sold and delivered, and for monies laid out and expended for the said company's use, for want of proper vouchers from abroad could not be examined into within the time prescribed for that purpose by the said act: and whereas by an act of parliament made and passed in the twenty fourth year of the reign of his present Majesty, intituled, An act for allowing further time to the commissioners appointed by and in pursuance of an act of the twenty third year of his present Majesty's reign, intituled, An act for extending and improving the trade to Africa, to inquire into the claims of certain creditors of the royal African company therein mentioned, and for the relief of David Crichton, and for restraining the said company from disposing of such of their effects as are therein mentioned; and for staying all suits for money due from or on account of the said company for the time therein mentioned; it was enacted among other things, That all and every the powers, and authorities in and by the said above recited act of the twenty third year of the reign of his present Majesty granted to and vested in the said commissioners appointed by or in pursuance of the said act for enabling them to examine into the claims, of the creditors of the said company, and stating the same, with their opinion thereon, should, for the purposes of examining into and stating the claims therein particularly mentioned, and no other, be and continue in full force until the twelfth day of January one thousand seven hundred and fifty two, and the said commissioners, or any two of them, were thereby authorized and required, from and after the twenty fourth day of June, one thousand seven hundred and fifty one, to proceed with all convenient speed upon the examination of the several claims of the several persons thereafter named; and the said commissioners were thereby required to close and finish their examination of all the said claims on or before the twelfth day of January then next ensuing, and to lay accounts of their proceedings before the parliament with all convenient speed: and whereas the said commissioners have laid accounts of their proceedings, under the said last recited act, before the parliament: and whereas several other sums of money are due and owing to several other persons from the said royal African company: and whereas captain Thomas Pye, commander of his Majesty's ship Humber, did, in pursuance of directions given him by the commissioners for executing the office of lord high admiral of Great Britain for that purpose in the year one thousand seven hundred and forty nine, take a survey of the forts and castles of the said royal African company of England, on the coast of Africa, and of the quantity, number and quality of cannon and their military stores, canoe

24 Geo. 2.
c. 49.

noe men, caſtle ſlaves, canoes and veſſels then at each reſpective fort, which belonged to the ſaid royal African company of England, a pa-‐ticular account of which ſurvey is expreſſed and ſet forth in the firſt ſchedule to this act annexed, and whereas the ſaid royal African company of England are willing to ſurrender all and ſingular their lands, forts, caſtles, ſettlements, cannon, military ſtores, canoe men, caſtle ſlaves, canoes and veſſels, together with the ſaid charter, books of ac-‐count, papers, contracts and agreements, and all their property, eſtate, i-‐nter-‐eſt, and effects whatſoever, for ſuſh compenſation and i-‐taſfaction, and to be applied in ſuſh manner as herein after is expreſſed and direc-‐ted; be it therefore enacted by the King's moſt excellent Ma-‐jeſty, by and with the advice and conſent of the lords ſpiritual and tem-‐poral and commons in this preſent parliament asſembl-‐ed, and by the authority of the ſame, That the royal African company of England, from and after the tenth day of April one thouſand &c.

The African
company di-‐
veſted of their
charter, forts,
&c.

ſeven hundred and fifty two, ſhall be, and they are hereby ab-‐ſolutely di-‐veſted of and from their ſaid charter, lands, forts, caſtles and military ſtores, canoe men, caſtle ſlaves, and all other their eſtate, property and effects whatſoever; and that all and every the British forts, lands, caſtles, ſettlements and factories on the coaſt of Africa, beginning at Port Sally, and extending from thence to the cape of Good Hope in-‐cluſive, which were granted to the ſaid company by the ſaid charter, or which have been ſince erected or purchased by the ſaid company; and all other the regions, countries, dominions, territories, continents, coaſts, ports, bays, rivers and places lying and being within the afore-‐ſaid limits, and the islands near adjoining to thoſe coaſts, and comprehended within the limits deſcribed by the ſaid charter; and which now are, or at any time heretofore have been in the poſſeſſion of or claimed by the ſaid royal African company of England, together with the cannon and other military ſtores, canoe men, caſtle ſlaves at and belonging to the ſaid forts, caſtles, ſettlements and factories, particularly mentioned and ſet forth in the ſaid firſt ſchedule to this act annexed (ſuch ſtores as have been made uſe of in the ſervice of the forts, and ſuch canoe men and ſlaves, as may have died ſince the taking of the ſaid ſurvey, only excepted) and also all contracts and agreements made by or for, or on the behalf of the ſaid royal African company, with any of the kings, princes or natives of any of the countries or places on the ſaid coaſts; and all other the property, eſtate and effects whatſoever of the ſaid royal African company ſhall, from and after the ſaid tenth day of April one thouſand ſeven hundred and fifty two, be veſted in, and the company of same and every of them are and is hereby fully and abſolutely merchants veſted in the ſaid corporation called and known by the name of trading to Africa.

The company of merchants trading to Africa, and their ſucceſſors, freed and abſolutely di-‐charged of and from all claims and demands of the ſaid royal African company of England, and their creditors, and every of them, and of all and every per-‐ſon claiming under them, or any or either of them.

II. Provided always, and it is hereby enacted, That the di-‐

vesting the said royal *African company of England* of their charter, and vesting the said forts, settlements and factories, and all other the before-mentioned premises in the said company of merchants trading to *Africa*, shall not extend, or be construed to extend to give the said company of merchants trading to *Africa*, or their committee, any other right, privileges or powers, than such as are given to the said company of merchants, and their committee, by the said recited act made and passed in the twenty third year of the reign of his present Majesty.

III. And whereas it appears that a certain island situate in the river Sierra Leon, on the said coast of Africa, called Bance Island, with a fort and buildings thereon, having been formerly in the possession of the said royal African company, was in the year one thousand seven hundred and twenty eight deserted by the said company and their agents; and the said fort for some time past has been, and is now in the possession of Alexander Grant, John Sargent and Richard Oswald of London merchants, who have disbursed a considerable sum in the preservation and improvement of the said island and fort; and for which it is just and reasonable they should receive a recompence; be it therefore enacted, That they the said Alexander Grant, John Sargent and Richard Oswald shall be at liberty, notwithstanding this present act, to continue in the quiet possession of the said island, fort and buildings thereon, and that the same shall from henceforth continue, and be absolutely vested in them the said Alexander Grant, John Sargent and Richard Oswald, their heirs and assigns, to and for their own use and benefit; any thing herein, or in any former act or acts of parliament contained to the contrary thereof in any wise notwithstanding.

Bance island
vested in
Alexander
Grant, John
Sargent and
Richard
Oswald;

Proviso that
they grant
not the same
to foreigners.

The new com-
pany, with the
consent of the
commission-
ers for trade,
may raise mi-
litary forces,

IV. Provided always, That it shall not be lawful for them the said Alexander Grant, John Sargent and Richard Oswald, or any of them, or their heirs or assigns, to demise, grant or alienate their right and interest therein, to any person or persons whatsoever, being foreigners.

V. Provided always, and it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the said company of merchants, and their successors, or their committee for the time being, by and with the consent and approbation of the said commissioners for trade and plantations, or the majority of them, to authorize and empower such persons, as they shall think fit, at any of the said forts, castles, settlements and factories, or elsewhere in *Africa*, to raise, arm, train and muster such military forces, as to them shall seem requisite and necessary; and to execute and use within the said forts, castles, factories and settlements, such rules and regulations for the defence of the said places, and for the punishment of offences committed within the same, as from time to time shall be given them, by the said company of merchants or their committee, by and with the consent and approbation of the said commissioners for trade and plantations, or the majority of them, so as such punishment shall not extend to the loss or deprivation of life or limb; and that it shall and may be lawful for the persons autho-

rized as aforesaid, in any cases where it shall be thought proper, to send over in confinement, the person or persons of any offender or offenders, to be here tried according to the laws of this kingdom.

VI. And for the more effectual encouragement of merchants that shall trade unto or reside in the places aforesaid ; be it enacted by the authority aforesaid, That it shall and may be lawful, to and for the said company of merchants trading to *Africa*, or their committee, by and with the consent and approbation of the said commissioners for trade and plantations, or the majority of them, to erect, constitute and establish a court or courts of judicature, to be held at such place or places, fort or forts, plantations or factories, upon the said coast, as the said company shall from time to time direct and appoint, for hearing and determining all causes, the matter or matters whereof shall arise there, on account of mercantile or maritime bargains, buying, selling or bartering of wares ; or bills, bonds, or promises for payment of money, or mercantile or trading contracts, made, transacted or entered into upon the said coast, concerning any person or persons residing within the bounds and limits aforesaid.

VII. Provided nevertheless, and be it enacted by the authority aforesaid, That his Majesty, his heirs and successors, shall have full power at his will and pleasure, from time to time, by his or their sign manual, to revoke all such powers which shall be given to any persons, for raising, arming and training the military forces, and all such rules and regulations, as shall be given or established, and to grant all military powers on the said *African* coast, and establish such rules and regulations as he or they shall from time to time think fit ; and also to revoke and repeal all such courts of justice, as shall be erected ; and to erect and establish such other courts of justice there, as he or they shall from time to time think fit.

VIII. And be it further enacted by the authority aforesaid, That all the contracts and agreements which have been made by the said royal *African* company of *England*, with any of the Kings, princes or natives of any of the countries or places on the said coast ; and also all deeds, writings, evidences or muniments, books of account, and all papers of what kind or nature soever, belonging, or which did belong, to the said company, shall, on or before the said tenth day of *April* one thousand seven hundred and fifty two, be delivered over by the said royal *African* company of *England*, or their officers, servants, agents and all other persons, who have or shall have the custody of them, or any of them, to the said company of merchants trading to *Africa*, together with an inventory of the books, contracts, agreements, deeds, writings and evidences above-mentioned, to be by them kept and preserved, for the benefit and protection of the said trade, forts and settlements ; and the said company of merchants trading to *Africa* are, from time to time, to produce and transfer to the commissioners hereafter mentioned, such of the stock books to be

His Majesty may revoke any of the powers, and establish other regulations, &c.

the commis-
sioners.

112,142 l. 3 s.
3 d. to be ap-
plied out of
the supplies,
as a satisfac-
tion to the
old company,

whereof
1,695 l. 3 s. to
be paid to the
commission-
ers to state
the claims of
the creditors.

84,652 l. 12 s.
7 d. to the
creditors set
forth in the
second sche-
dule.

23,688 l. 15 s.
5 d. to the
persons nam-
ed in the
third sche-
dule.

leidger, and transfer books, of the said royal *African company* as they shall require.

IX. And for making a full compensation and satisfaction to the royal *African company of England*, for their said charter, lands, forts, castles, slaves, military stores, books, papers, and all other their effects whatsoever; be it enacted by the authority aforesaid, That out of all or any the aids or supplies granted to his Majesty in this session of parliament, there may and shall be applied and paid the sum of one hundred and twelve thousand one hundred and forty two pounds three shillings and three pence, without account, to such persons and in such proportions, and in such manner, as is herein after particularly directed and appointed.

X. And it is hereby further enacted by the authority aforesaid, That out of the said sum of one hundred and twelve thousand one hundred and forty two pounds three shillings and three pence, the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, do issue and pay, or cause to be issued and paid, the sum of one thousand six hundred and ninety five pounds and three shillings, to *Richard Edwards* esquire, and *Elmund Sawyer* esquire, two of the masters of the high court of *Chancery*, and *John Waple* esquire, one other of the masters, and also accountant general of the said court; being the commissioners appointed to examine and state the claims of the creditors of the said royal *African company*, by an act of parliament of the twenty third year of the reign of his present Majesty, for their trouble, and in satisfaction of the expences of executing the said commission.

XI. And it is hereby further enacted by the authority aforesaid, That out of the said sum of one hundred and twelve thousand and one hundred and forty two pounds, three shillings and three pence, the further sum of eighty four thousand six hundred and fifty two pounds, twelve shillings and seven pence, be distributed and paid to the several creditors mentioned and set forth in the second schedule to this act annexed, in the respective sums and proportions in the said schedule mentioned, in full satisfaction of all and every their demands.

XII. And it is hereby further enacted by the authority aforesaid, That out of the said sum of one hundred and twelve thousand one hundred and forty two pounds, three shillings and three pence, the sum of twenty three thousand six hundred and eighty eight pounds, fifteen shillings and five pence, be paid and divided to and amongst the persons named in the third schedule to this act annexed, in the sums and proportions therein mentioned, being such of the proprietors of *African transferable stock*, as were possessed of the same on the thirty first day of *December* in the year of our Lord one thousand seven hundred and forty eight, the same being computed to be at and after the rate of ten pounds *per centum* on the said stock, so possessed by them

them at that time, in full of all their right and title to the same, or any part thereof.

XIII. And be it further enacted by the authority aforesaid, 2,105 l. 12s. That the sum of two thousand one hundred and five pounds, 3d. to the twelve shillings and three pence, residue of the said sum of one persons named in the fourth schedule to this act annexed, in the sums and proportions therein mentioned, being such of the proprietors of African transferrable stock, as have become possessed of the same since the said thirty first day of December one thousand seven hundred and forty eight, being computed to be at and after the rate of five pounds, *per centum* on the stock so possessed by them, in full of all their right and title to the same, or any part thereof.

XIV. And be it further enacted by the authority aforesaid, *The old company to cease,* That from and after the said tenth day of April one thousand seven hundred and fifty two, the said royal African company of England shall cease to be a corporation, and be incapable of doing or exercising any corporate act; and all claims and demands against the said company, or any of their officers, agents, or servants, or other person or persons, for or in respect of any debt due, or pretended to be due from, or contracted for or on the behalf of the said company, are hereby declared to be null and void; and if any action, suit or process is now depending, or shall hereafter be commenced or prosecuted for any such claims declared void; or demands as aforesaid, then and in such case, it shall and may be lawful to plead the general issue, and give this act in evidence may plead in bar thereto; and if the plaintiff be nonsuited, or verdict pass the general against him, or judgment be given on demurrer, the defendant issue, &c. shall have full costs.

XV. And be it further enacted by the authority aforesaid, *Commissioners appointed* That the said Richard Edwards esquire, and Edmund Sawyer esquires appointed squire, two of the masters of the high court of Chancery, and for two years, John Waple esquire, one other of the masters, and also accountant general of the said court, or such other of the masters of the high court of Chancery as may be hereafter appointed in pursuance of this act, shall be, and they are hereby, constituted and appointed commissioners for the making out and delivering certificates to all and every the creditors of the said royal African company of England, and the proprietors of their stock, in the said schedules particularly mentioned, and for other the purposes in this act contained, for the space of two years, to be computed from the first day of January one thousand seven hundred and fifty two; and the said commissioners or any two of them, are hereby empowered and required, with all convenient speed, to make out under their hands, or the hands of two of them, and to deliver, or cause to be delivered, to all and every the creditors of the said company mentioned in the second schedule to this act annexed, and to the several proprietors of African transferrable stock mentioned in the third and fourth schedules to this act annexed,

Certificates
may include
any number
of creditors,
under 100l.

nected, in respect of the sums in and by this act directed to be paid to them respectively, certificates of what is due or allowed to them respectively as aforesaid, and to take proper receipts for the same, in full satisfaction of all their claims and demands on the said company; in which said certificates, and each and every of them, it shall and may be lawful to and for the said commissioners to include as many of the said creditors and proprietors, whose demands shall be respectively under the sum of one hundred pounds, as they shall think fit; and shall and may make all and every such their respective certificates in the name or names of the attorney or attorneys of the said creditors or proprietors, for their use; provided such letters of attorney shall be executed in the presence of one or more of the said commissioners, or in such manner as they shall direct.

Creditors dy-
ing, or de-
clared bank-
rupt, certifi-
cate to be de-
livered to the
executors or
assignees.

XVI. And be it further enacted by the authority aforesaid, That in case any of the said creditors, proprietors or other persons, as aforesaid, are now dead, or hath been duly declared bankrupt, or shall, before the making out and delivering of such certificates as herein before directed, happen to die, or be duly declared bankrupt, then the said commissioners, or any two of them, shall deliver, or cause to be delivered, to the executors or administrators of such creditor, proprietor or other person, as aforesaid, so dead or dying, as aforesaid, or to the assignee or assignees of the estate and effects of such creditor, proprietor or other person, as aforesaid, so declared, or to be declared, bankrupt as aforesaid, the certificate or certificates herein directed to be made out as aforesaid, and to which such creditor, proprietor or other person, as aforesaid, would have been respectively intitled.

Creditors to
deliver up on
oath to the
commission-
ers all securi-
ties.

XVII. And be it further enacted by the authority aforesaid, That all and every the said creditors of the said company, and proprietors of their stock, on receipt of the certificates herein before directed to be made out and delivered to them respectively, shall and do, upon their respective corporal oaths, which the said commissioners, or any two of them, are hereby authorized to administer for that purpose, produce and deliver up to the said commissioners, or any two of them, as aforesaid, all and singular the bonds, bills, notes, receipts or other securities whatsoever, relating to their respective debts, which at the time of the examination of the claims of the said respective creditors by the said commissioners, were produced before them, or which, at the time of receiving the said certificates, shall be in the hands, custody, power or possession of the said creditors respectively, or of any person or persons in trust for them; which said several bonds, bills, notes, receipts or other securities, so to be produced and delivered up as aforesaid, the said commissioners, or any two of them, are hereby impowered and required forthwith to cancel and destroy, and the said commissioners are hereby impowered to stop and retain the certificate or certificates of such creditor or creditors, as shall not deliver up the securities to their satisfaction or as they shall require.

XVIII. And

XVIII. And be it further enacted by the authority aforesaid, Creditors to That for the purposes aforesaid, all and every the said creditors attend the of the said company, and the said proprietors of *African trans-* commissioners according ferable stock, or the executors or administrators of such of them to notice in as are dead, or may hereafter die, or the assignees of such of the London them as are or may be duly declared bankrupt, shall attend Gazette. the said commissioners on such days and times, and at such place within the cities of *London* or *Westminster*, or the suburbs thereof, as the said commissioners, or any two or more of them, shall from time to time appoint ; of which notice shall be given in the *London Gazette*.

XIX. And be it further enacted by the authority aforesaid, That the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and impowered on tender to them of the certificates herein before directed to be made out by the said commissioners, or any two of them, to issue and pay, or cause to be issued and paid, to the person or persons named in the said certificates, the several sums in the said certificates respectively contained.

XX. And be it further enacted by the authority aforesaid, That in case of the death of two of the said commissioners, or of any other commissioner to be hereafter appointed, by and in others to pursuance of this act, such other master or masters of the said court of *Chancery*, as the lord high chancellor of *Great Britain* for the time being, or lord keeper of the great seal of *Great Britain* for the time being, or the lords commissioners for the great seal of *Great Britain* for the time being, shall from time to time nominate for that purpose, shall be, and he or they is and to be laid before parliament, are hereby constituted and appointed a commissioner or commissioners for the purposes in this act contained ; and the said commissioners are hereby required to lay accounts of their proceedings before the parliament.

XXI. And it is hereby further enacted by the authority aforesaid, That the said company of merchants trading to *Africa*, and their successors, shall and do, and they are hereby required, with all convenient speed, to sell and dispose of all and every the goods, wares and merchandize of the said royal *African company* of *England*, which now are or hereafter shall come to the hands, custody or possession of the said company of merchants, their agents, officers or servants, (the military stores, slaves, canoes and vessels, in the first schedule to this act annexed, excepted) for the best price that can be got for the same ; and that the said company of merchants do every session of parliament, until the whole shall be disposed of, lay before both houses of parliament an account of the disposition of the said goods, wares and merchandize.

XXII. And it is hereby further enacted, That the said commissioners shall and may take for each certificate from the parties obtaining the commis- and the a-
mount to be laid before parliament. Allowances to the commis-
sioners for

obtaining the same, a sum not exceeding the rate of two pounds *per centum*, upon the money contained therein, where the sum shall not be more than one hundred pounds; and a sum not exceeding one pound *per centum*, where the money contained therein is above one hundred pounds, and not exceeding one thousand pounds; and a sum not exceeding ten shillings *per centum*, where the money contained therein does exceed one thousand pounds; which respective sums, and no more, the said commissioners shall and may demand and take, in full recompence for all trouble and expences which they, their clerks, agents or servants, shall be at in the execution of the powers thereby given them.

XXIII. And whereas at a general meeting of the creditors of the said royal African company, held the fourth day of March which was in the year of our Lord one thousand seven hundred and forty seven, the following creditors, to wit, Robert Myre of London merchant, William Mills of London merchant, and John Leapidge of London stationer, with others, were chosen and appointed by the said creditors to solicit a satisfaction, for the just debts due and owing to all the creditors of the said company: and whereas it is just and reasonable that all the said creditors should contribute to the charges and expences of such solicitation, and also to a proportionable part of the charges and expences of obtaining and passing the said *act of the last session of parliament*, and this present *act*; be it further enacted by the authority aforesaid, That each and every creditor of the said company, whose name is expressed in the second schedule to this *act* annexed, shall pay to the said Robert Myre, William Mills, and John Leapidge, or one of them, a contribution at and after the rate of two pounds *per centum*, for or upon the sum in the said schedule expressed, to be allowed to him or her respectively, to be by them the said Robert Myre, William Mills, and John Leapidge, applied in payment of all such charges and expences, as they on behalf of themselves, and the rest of the said creditors, have been or shall be at in soliciting and obtaining the satisfaction aforesaid, and in re-payment of all such contributions as have been heretofore paid by the said creditors, or any of them, to them the said Robert Myre, William Mills, and John Leapidge, or any of them, and also in payment of a proportionable part of the charges and expences of obtaining the said *act of parliament* passed the last session, and of the charges and expences of passing this present *act*, in such manner as shall be adjudged and directed by the said commissioners, or any two of them, in writing under their respective hands; and no one of the said creditors shall have, or be intitled to have, a certificate of or for his or her said debt or claim from the said commissioners, or any of them; by virtue of this *act*, until he or she shall produce to such commissioners, a note in writing under the hands of the said Robert Myre, William Mills, and John Leapidge, or one of them, expressing the receipt of the said contribution; and the said Robert Myre, William Mills, and John Leapidge, shall on or before the tenth day of May which shall be in the year

Creditors to
pay 2 l. per
cent. to Ro-
bert Myre,
William Mills,
and John
Leapidge, for
soliciting
their debts.

year of our Lord one thousand seven hundred and fifty four, or within three calendar months next after all the contributions aforesaid shall have been paid in as aforesaid (if the same shall be sooner paid) lay and submit an account thereof, and of their payments and disbursements, in writing under their hands, before the said commissioners for their examination and allowance; and shall dispose of the ballance then remaining in their hands (if any) in such manner as the said creditors at a general meeting to be summoned for that purpose, by advertisement in the *London Gazette*, or the major part in value of the creditors present at such meeting, shall resolve, agree or direct.

XXIV. And whereas there is a considerable sum of money due to William Newland, the solicitor of the royal African company, for his fees, labour and disbursements in divers solicitations, for and on account of the said company, in their general business since the one and thirtieth day of December one thousand seven hundred and forty nine: and whereas it is just and reasonable, that all the proprietors of the transferrable stock of the said company, should contribute to a proportionable part of the charges and expences of obtaining and passing the said act of the last session of parliament, and also of this present act; be it therefore enacted by the authority aforesaid, That each and every proprietor of the said company, whose names are expressed in the third and fourth schedules to this act annexed, shall pay to *John Vaughan* esquire, *Solomon Ashley* esquire, *Bibye Lake*, esquire, captain *Thomas Collett*, and *Samuel Exell* gentleman, or one of them, a contribution at and after the rate of two pounds per centum, for and upon the respective sums in the said respective schedules expressed, to be payable to the persons therein mentioned, to be by them the said *John Vaughan* esquire, *Solomon Ashley* esquire, *Bibye Lake* esquire, captain *Thomas Collett* and *Samuel Exell* gentleman, applied in payment of such sums of money as are now due to the said *William Newland*, on the account before mentioned; and in payment of a proportionable part of the charges and expences of obtaining the said act of parliament passed the last session, and of the charges and expences of passing this act, in such manner as shall be adjudged and directed by the said commissioners, or any two of them, in writing under their respective hands; and no one of the said proprietors shall have or be intitled to have a certificate, of or for his or her said share and proportion from the said commissioners, or any of them, by virtue of this act, until he or she shall produce to such commissioners a note in writing under the hands of the said *John Vaughan* esquire, *Solomon Ashley* esquire, *Bibye Lake* esquire, captain *Thomas Collett* and *Samuel Exell* gentleman, or one of them, expressing the receipt of the said contribution; and the said *John Vaughan* esquire, *Solomon Ashley* esquire, *Bibye Lake* esquire, captain *Thomas Collett* and *Samuel Exell* gentleman, shall, on or before the tenth day of *May* one thousand seven hundred and fifty four, or within three calendar months next after all the contributions aforesaid shall have been paid in as aforesaid, (if the same shall be sooner paid) lay an account thereof, and of

Proprietors of
transferrable
stock to pay
2l. per cent.
to be applied
in payment of
the company's
solicitor, &c.

After the
contributions
are paid in, an
their account there-

of, and of the their payments and disbursements, in writing under their hands, before the said commissioners, for their examination and allowance; and shall dispose of the balance then remaining in their hands (if any) in such manner as the said proprietors at a general meeting to be summoned for that purpose, by advertisement in the *London Gazette*, or the major part of them in value, present at such meeting shall direct and appoint.

XXV. And it is hereby further enacted by the authority aforesaid, That if any action or actions shall be commenced or brought against any person or persons, for what he or they shall do or cause to be done in pursuance of this act, then, and in every such case, such person or persons shall and may plead the general issue, and give this act and the special matter in evidence; any law or usage to the contrary thereof, in any wise notwithstanding.

General issue.

Publick act.

XXVI. And be it further enacted by the authority aforesaid, That this act shall be taken and deemed 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 fame.

The First SCHEDULE referred to in this ACT.

An Account of the Castle Slaves, Canoe Men, Military Stores, Canoes and Vessels belonging to the Royal African company of England, at their several Forts on the Coast of Africa, according to the Surveys made by the Order of Thomas Pye, Esquire, Commander of his Majesty's Ship *Humber*, in the Year 1749.

Cape Coast Castle.

Names of Forts.	Caste Slaves.	No	Guns.	Pound.	Where mounted.	Shot.	No	Powder.	Musquets.	No	Military Stores.	No	Vessels.	No
Carpenters —	—	10	12	13	On the Platform	Diffrt Size.	4616	300lb. dam- ged.	Queen Ann's Point	21	Bayonets	—	Lively School- er	—
Blacksmiths —	7	10	12	13	On the S. E. Ba- ttion.	Car- touch	23	Sword-	19	Schoo- ler	—	Launch	—	
Armourers —	3	4	9	10	On the S. W. Round Battion.	Boxes	2	Touch	2	Seven- teen-	—	Canoe	—	
Brickmakers —	3	2	6	7	On the N. W. Battion.	Halberds	6	Hand	6	hand D°	—	hand D°	—	
Bricklayers —	9	2	9	10	On the N. E. Ba- ttion.	Bells	16	Drums	6	hand D°	—	hand D°	—	
Gunner —	1	4	6	7	At Fort Royal	Daggers	2	Hand D°	2	hand D°	—	hand D°	—	
Goldsmiths —	3	5	6	7	dismounted and nailed up.	Partizans	9	Hand D°	9	hand D°	—	hand D°	—	
Slaves Cooks —	2	5	1	3	At Phipps Tow- er, Carriages broke, &c.		5	Hand D°	5	hand D°	—	hand D°	—	
Cheef Cooks —	3	3	1	3	In the Spun un- serviceable.		1		1		—		—	
Doctors Servants	2	2	2	6	Brafs on the Pa- rade.									
Coopers —	3	1	4	3	In the Spun un- serviceable.									
Chapel Servants	7	2	2	3	Brafs on the Lieu- tenants Room.									
Gold-takers —	2	1	6	3										
Men —	137	3	4	5										
Canoe Men —	20	1	3	3										
Women —	79	3	1	1										
Children —	76	3	2	6										
			9	12										

Dick's Cove.

Succondee.

Commenda.

Names of Forts.	Cattle Slaves.	No	Guns.	Where mounted.	No	Powder.	Musquets	No	Military Stores.	No	Vessels.	No
Bomb Boy—	—	—	7	S. W. Baffion.	—	—	Mulquets	6	Grenado Shells	42	—	—
Sawyers—	—	1	3	From 9 pounders to 2 pounders	800	From 9 pounders to 2 pounders	Car- touch Boxes	6	Formers	6	3 hand Canoe	1
Women—	—	10	2	800lb.	390lb.	Car- touch Boxes	10	Copper Ladies	2	7 hand Do	1	
Children—	—	6	3	800lb.	390lb.	Car- touch Boxes	10	Swords	6	5 hand Do	1	
Children—	—	5	1	800lb.	390lb.	Car- touch Boxes	10	Fathom 2 $\frac{1}{2}$ 3	30	3 hand Do	1	
Men—	—	5	1	800lb.	390lb.	Car- touch Boxes	10	Buck- ander	9	Lead Ball—	30	
Women—	—	3	2	800lb.	390lb.	Car- touch Boxes	10	Guns	30	Gun Flints—	538lb.	
Children—	—	3	3	800lb.	390lb.	Car- touch Boxes	10	Danes	30	Iron Bars—	347	
Sawyers—	—	8	3	N. Baffion.	360	From 2 pounders to 6 pounders	Musquets	6	Power horns—	11 hand Canoe	1	
Carpenters—	—	4	4	W. Baffion.	360	From 2 pounders to 6 pounders	Brats Ladies—	2	Priming wires—	13 hand	—	
Smiths—	—	4	3	S. Baffion.	360	From 2 pounders to 6 pounders	Worms—	7	Brats Ladies—	13 hand	—	
Masons—	—	2	6	E. Baffion.	360	From 2 pounders to 6 pounders	Country Match	40	Fathom	1		
For all Utens—	—	2	2	N. E. Baffion.	360	From 2 pounders to 6 pounders	Cochoin—	1	Cochoin—	6		
Sick—	—	5	5	N. E. Curtain.	360	From 2 pounders to 6 pounders	Bayonets—	6	Bayonets—	6		
Swivel—	—	10	4	S. W. Platform.	150	Differ ^l Sizes from 3 pounders to 6 pounders	Swords—	6	Swords—	6		
N. W. Baffion,	—	3	4	S. Platform.	104lb.	Musquets	6	Copper Ladles—	2	—	—	
							Worms—	6	Worms—	6		
							Formers—	3	Formers—	3		
							Match—	6	Match—	6		
							Musquet Ball—	50lb.	Musquet Ball—	50lb.		
							Swords—	3	Swords—	3		
							Bayonets—	6	Bayonets—	6		
							Cartouch Boxes	6	Cartouch Boxes	6		
							Halbert—	1	Halbert—	1		

Accra.

Winnebab.

Tanjumquerry.

Names of Ports.	Cattle Slaves.	No Guns.	point.	Wheremounted.	Shot.	No	Powder.	Musquets	No	Military flores.	No	Vessels.	No
Men. —	6	2	4	S. E. Baſtions.	From 1 pound er to 9 pound ers.	1	Danes Guns.	6	Grandoes	10	None.	1	
Women. —	4	1	3	S. W. Baſtions.	241	3 C. wt	Copper Ladles	1	Copper Ladles	1	None.	1	
Children —	2	4	3	N. E. Baſtions.	3	3	Worms.	3	Worms.	5	Fathom	1	
Cute men —	2	1	1	S. W. Baſtions.	4	1	Country Match	3	Country Match	10	Powder Horn	1	
	4	1	1	Unſerviceable in the Tower.	4	1	Powder Horn	1	Powder Horn	1			
	4	1	1	N. B. All hardly fit for uſe.	4	1		5		5			
Men. —	8	2	3	From 3 pound er to 6 pound ers.	197	2 C. wt.	Mus. quets	5	Hand Gra- nadoes	8	None.		
Women. —	5	1	4	S. E. Baſtions.	600	5 C. wt.	All foris of bayo- nets and flings	5	All foris of military flores	5			
Children —	2	8	6	S. W. Baſtions.	5	5	Swords.	5	Hand Gra- nadoes	5			
Cute men —	2	4	3	N. E. Baſtions.	3	1		5	All foris of bayo- nets and flings	5			
	3	1	1	N. W. Baſtions.	2	1		5	Hand Gra- nadoes	5			
	3	1	1	Plaſtorm.	1	1		5	All foris of bayo- nets and flings	5			
	2	1	1	Over the Gate.				5	Hand Gra- nadoes	5			
	2	1	1					5	All foris of bayo- nets and flings	5			
	2	1	1					5	Hand Gra- nadoes	5			
	2	1	1					5	All foris of bayo- nets and flings	5			
	2	1	1					5	Hand Gra- nadoes	5			
	2	1	1					5	All foris of bayo- nets and flings	5			
	2	1	1					5	Hand Gra- nadoes	5			
	2	1	1					5	All foris of bayo- nets and flings	5			
	2	1	1					5	Hand Gra- nadoes	5			
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	2	1	1					5	Hand Gra- nadoes	5			
	2	1	1					5	All foris of bayo- nets and flings	5			
	2	1	1					5	Hand Gra- nadoes	5			
	2	1	1					5	All foris of bayo- nets and flings	5			
	2	1	1					5	Hand Gra- nadoes	5			
	2	1	1					5	All foris of bayo- nets and flings	5			
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	2	1	1					5	All foris of bayo- nets and flings	5			
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	2	1	1					5	All foris of bayo- nets and flings	5			
	2	1	1					5	Hand Gra- nadoes	5			
	2	1	1					5	All foris of bayo- nets and flings	5			
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James Island, Gambia.

Wbydab.

Name of Forts.	Cattle	Slaves.	No. Guns.	Wheels mounted.	Shot.	No. Powder.	Musquets.	No. Military Stores.	No. Vessels.	No. Wagons.
Men—	33	7	3	5. W. Battalion.	From 2 pounds to 9	380	Musquets	Copper Ladies.	6	Eleven hand Cane,
Women—	46	2	4	S. W. Battalion.	40 lb.	240	Blunderbusses.	Worms—	2	3
Children—	27	3	2	S. E. Battalion.						
Canoe Men—	12	2	6							
	1	1	4							
	2	4	9	N. E. Battalion.						
	3	3	3							
	7	2	3	N. W. Battalion.						
	2	4	6							
	1	4	4	Parade.						
Sawyers—	5	6	6	N. W. Battalion, one of the 4 rail different pounds out of repair.	Of twelve sizes	900	Barrels, No 12, Miniquet Cartridges filled,	Match—	0	
Carpenters—	4	2	4	N. E. Battalion, the S. E. Battalion, the 4 pounds very bad, and 2 guns wanting.		200.	45	Hand-spikes, Hammer.	17	10
Smiths—	4	6	6	S. W. Battalion, 1 Gun wanting.	45			heads	9	and 5
Masons—	5	6	6	Gun wanting.					0	Guns
For all Uses—	3	1	4	Gun wanting.						Long Boats
Sick—	5	5	6	N. Half Moon.						Canoes—
	1	4	4	W. Half Moon.						4
	4	2	2	Swivels unmounted.						6
	1	1	1	Not fit for use.						
	3	3	3							
	2	2	2							
	15	8	8							
	0	0	0							

N. B. *The Gun Carriages in good Repair, the Trucks most of them Iron; but in want of all Military Store, except what is mentioned under that Article.*

The Second SCHEDULE referred to in this ACT.

l. s. d.

To George Arnold esquire, and company, the sum of 1321 l. 15 s. and also the sum of 500 l. making together the sum of —

1821	15	0	£.
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The Third SCHEDULE referred to in this ACT.

www.libtool.com.cn

Stock. The sum of

l. s. d. l. s. d.

To John Asb of Alderbroke, for 6 17 6 0 13 9 £.

The Fourth SCHEDULE referred to in this ACT.

Stock. The sum of

l. s. d. l. s. d.

To Solomon Asbley esquire, James Street, Westminster, for —

350	0	0	17	10	0	£.
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C A P. XLI.

An act for annexing certain forfeited estates in Scotland to the crown unalienably; and for making satisfaction to the lawful creditors thereupon; and to establish a method of managing the same; and applying the rents and profits thereof for the better civilizing and improving the big-blands of Scotland, and preventing disorders there for the future.

WHEREAS by an act made in the twentieth year of his Ma^t 20 Geo. 1. c. 41. jesty's reign, (intituled, An act for vesting in his Majesty the estates of certain traitors; and for the more effectually discovering the same; and applying the produce thereof to the use of his Majesty; and for ascertaining and satisfying the lawful debts and claims thereupon) it is (among other things) enacted, That in case his Majesty, his heirs and successors, shall not make effectual provision for the payment and satisfaction of all such debts and claims upon the estates real and personal, by the said act vested in his Majesty, as shall be decreed to be just and lawful, in the manner by the said act directed, within the space of twelve months after the same shall be respectively adjudged, then it shall be lawful for the barons of the court of exchequer in Scotland, or any three of them, and they are hereby required to sell, or cause to be sold, so much of the estates of the attainted persons, as they shall judge necessary to be sold for satisfaction of the debts and claims affecting the same, and apply the money arising by the sale thereof respectively, in discharge of the several debts or claims to which they shall be adjudged to be liable: provided nevertheless, That if his Majesty, his heirs or successors, shall, after the expiration of the said time, make effectual provision for the payment or satisfaction of all the debts or claims upon any such estate, and shall, before the same is sold, by warrant or warrants under his or their sign manual, at any time or times, direct any such

20 Geo. 2.
c. 50.

estates not to be sold, then the said barons shall not proceed in the sale of any estates so prohibited to be sold: and whereas by another act of the twentieth year of the King, (intituled, An act for taking away the tenure of wardholding in Scotland, and for converting the same into blanch and feu-holdings; and for regulating the casualty of non-entry in certain cases; and for taking away the casualties of single and life-rent escheats incurred there, by horning and denunciation for civil causes; and for giving to heirs and successors there, a summary process against superiors; and for discharging the attendance of vassals at head courts there; and for ascertaining the services of tenants there; and for allowing heirs of tailzie there, to sell lands to the crown for erecting buildings, and making settlements in the highlands) upon a recital that it hath been, and may be found necessary for the publick service, to erect buildings, and make settlements in certain places in the highlands of Scotland; it is enacted, That it shall and may be lawful for any person who is seized in, or possessed of, a tailzed estate in Scotland, to sell, dispose or resign, ad perpetuam remanentiam, any part thereof, which his Majesty, his heirs and successors, shall think fit to purchase, for erecting of buildings, or making settlements within the same, and byone other act of the same year of the King, (intituled, An act to enlarge the time limited by an act of the last session of parliament, for restraining the use of the highland dres, and to enable heirs of tailzie, guardians, tutors, curators, and trustees in Scotland, to sell lands to the crown) upon a recital that it may be necessary for the preservation of the publick peace, and the further civilizing of the inhabitants of the highlands of Scotland, that lands should be purchased there by his Majesty, his heirs and successors, which lands may be subject to strict tailzie, or belong to infants, pupils, minors, ideots, lunaticks, fatuous or furious persons; it is enacted, That it shall and may be lawful for any person who is seized in, or possessed of, a tailzed estate in Scotland, or for any guardian, tutor, curator or trustee of an infant, pupil, minor, ideot, lunatick, fatuous or furious person, to sell, dispose or resign, ad perpetuam remanentiam, the whole or any part of such tailzed estate, or the estate of such infant, pupil, minor, ideot, lunatick, fatuous or furious person, which his Majesty, his heirs or successors, may think fit to purchase for the purposes aforesaid; which lands so purchased shall remain in his Majesty, his heirs and successors, unalienable for ever, except as to the power of granting leases for seven years, with a diminution of a fifth part of the usual rent only: and whereas to prosecute more effectually the good purposes intended by the said in part recited acts, in orae to strengthen the foundations of the future tranquility of this kingdom, it is necessary that some farther provisions and regulations be made; be it therefore 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 all and every the lands, lordships, baronies, patronages, tithes, fishings, and other like heritages, which became forfeited to his Majesty by the attainder of the several persons after named of high treason,

for

Certain for-
feited estates
annexed to
the crown un-
alienably,

For their being engaged in the late unnatural and wicked rebellion and which were vested in his Majesty by the above-mentioned act of the twentieth year of his reign: that is to say, the lands and other premisses which became forfeited by the attainer of Simon late lord Lovat; John Drummond, taking upon himself the title or title of lord John Drummond, brother to James Drummond, taking on himself the title of duke of Perth; George late earl of Cromarty; and Archibald Mac Donald, son of Col Mac Donald of Barrisdale; as the same lands, lordships, baronies, and other premisses, are more particularly enumerated and described in the title-deeds, rights and infeoffments of the said attainted persons, or their predecessors, or in the surveys already taken, or hereafter to be taken thereof, by the barons of exchequer in Scotland, in pursuance of the powers given to them by the aforesaid act of the twentieth year of the King, by which the said forfeited estates were vested in his Majesty, shall, together with all the parts and pertinents of the same, from and after the twenty fifth day of December one thousand seven hundred and fifty two, be, and be deemed to be, annexed to the imperial crown of this realm, and shall be and remain for ever unalienable from the same; and all grants, charters or other rights, made or to be made, or granted, of all or any of the said lands, baronies and other premisses, by his Majesty, his heirs or successors, excepting as is herein after excepted, shall be void to all intents and purposes.

II. Provided always, and be it enacted by the authority a- Right of foresaid, That nothing in this act contained shall extend, or be claims not injured. construed to extend, to take away any right, title or benefit whatsoever, which any person or persons are, shall or may be intitled to, in virtue of any claim or claims that have been, or shall be duly entered in the court of session in Scotland, pursuant to the aforesaid act, or in virtue of any decree or decrees that hath been or shall be made upon such claims.

III. And to the end that payment may be made to the just Satisfaction to and lawful creditors on the forfeited estates hereby annexed to be made to the crown, so far as the value of such lands and premisses, creditors, so whereupon such claim shall have been sustained, shall respect- far only as the value of such foreid, That actions may be brought before the court of session, in the name of his Majesty's advocate, against such creditors, which shall and may be served against the defendants, under the general description of the claimants upon such estates, by one edictal citation, upon thirty days notice, to be affixed on the walls of the inner and outer house of the court of session where the rolls of causes in that court are usually affixed, in order to have the value of such forfeited estates ascertained, upon a proof brought before the said court of the rental and value thereof; and in every such action it shall and may be lawful for the creditors on the said estates to bring a joint proof, and the said lords of session are hereby authorized and required to proceed in valuing the said estates summarily, in setting which va- lu-

luation regard shall be had to the ordinary rates, at which like lands and estates have been sold in the same county; and the said lords of session shall thereafter, without loss of time, certify to the barons of exchequer in *Scotland*, the amount of the several claims on such forfeited estates, with the value of the lands and real estate, upon which respectively the claimants are just and lawful creditors; and in such cases where the claims that have been sustained exceed the value of the lands and other premisses out of which they ought to be paid, that the said lords of session shall at the same time certify the order of preference by which the said claims ought to be paid, to the extent of the value that shall be certified as aforesaid; and the said barons of exchequer are hereby authorized and required to transmit such certificate or certificates to the high treasurer, or commissioners of the treasury for the time being; and upon such certificate or certificates being made and transmitted, the creditors respectively shall be paid out of the then next aids to be granted in parliament, according to the order of preference specified in such certificate; so that the sum to be paid to the creditors upon each of the said estates shall not exceed the value of such estates certified as aforesaid.

Expences of
the agents for
the crown to
be paid.

IV. Provided always, That out of the value to be certified as aforesaid, it shall and may be lawful in the first place to deduct or retain the expence that shall have been laid out by the agents for the crown, in raising and prosecuting the actions of valuation and ranking, and adjusting the schemes of division of the value among the creditors, as the same shall have been taxed and settled by the said court of session.

Decrees con-
cerning such
valuation to
be final.

V. And be it further enacted by the authority aforesaid, That every such decree of the court of session concerning the valuation of such estates, or the ranking or order of preference of the creditors thereon, shall be final and binding upon all persons concerned, in case thirty days, on any of which such proceedings as are usual and competent by the laws of *Scotland*, for reversing or amending such decrees may be had, shall elapse without such proceedings being had, made or commenced by either party.

VI. And whereas in such cases, wherein the claims upon the lands, and other the premisses hereby annexed, shall clearly fall short of the value of such lands and premisses upon which respectively they shall have been entered and sustained, it will not be necessary to raise and prosecute actions of valuation and ranking in the manner before prescribed; be it therefore enacted by the authority aforesaid, That in every case where the total claims upon any estate or estates shall not exceed twenty years purchase, of the clear surveyed rental, returned into the court of exchequer, of such estate or estates, the said lords of session are hereby authorized and required to certify to the barons of exchequer the amount of the claims sustained upon such estate or estates, which do not exceed the value as aforesaid; and the said barons of exchequer are hereby authorized and required to transmit such certificate

Where the
claims do not
exceed 20
years purchase
the same to
be certified,

or certificates, and also the clear annual value of such estate, appearing by such surveyed rental as aforesaid, to the high treasurer, or commissioners of the treasury for the time being; and upon such certificate or certificates being transmitted, the creditors respectively, whose claims shall have been sustained, shall be paid out of the then next aids to be granted in parliament.

VII. And whereas certain other lands and estates became vested in his Majesty by virtue of the before mentioned act of the twentieth year of his reign, and the attainer of high treason of the persons following, namely, Donald Cameron of Lochiel, Charles Stuart of Ardsheil, Donald Mac Donald of Kenloch Moydart, Evan Mac Pherson of Clunie, Francis Buchannan of Arnsprior, Donald Mac Donald of Lochgarry, Allan Cameron of Callart, Francis Farquharson of Monaltry, and Alexander Mac Donald of Keppoch; which lands and estates were holden of subject superiors, who have entered claims in the court of session to the property thereof. And whereas it would be highly conducive to the good purposes intended by this act, that the said lands and estates should remain with his Majesty, his heirs and successors: be it therefore enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs and successors, by proper persons to be appointed for that purpose, under his or their sign manual, to transact or compound with such subject superiors, or any of them, concerning their claims to the property of the said forfeited estates held of them respectively, and also to treat and agree with the said subject superiors for the purchase of the superiority of the said lands and estates, and that the agreed prices of such superiorities, and also the sums to be paid by way of composition for such claims of property, shall be from time to time certified by the persons authorized to treat for the same on the part of the crown, to the high treasurer, or commissioners of the treasury, for the time being.

VIII. Provided always, That in every case where such superiority was subject to a strict tailzie, the monies to be paid as the price thereof shall be laid out and settled in the manner directed by the before mentioned act of the twentieth year of the King for enabling heirs of tailzie, and others in Scotland, to sell lands to the crown.

IX. And be it further enacted by the authority aforesaid That in case the property of any of the said lands or estates so claimed by such subject superiors as aforesaid, shall be finally determined to be forfeited to his Majesty, or such subject superior shall be agreed or compounded with for such claim in manner herein before mentioned; then and in either of the said cases, until such superiorities shall be purchased as aforesaid, it shall and may be lawful to his Majesty, his heirs and successors, to vest, in such manner as shall be agreeable to the laws of Scotland, the said lands and estates held of subject superiors, or such parts of the lands and other the premisses herein before annexed to the crown, as shall appear to have been formerly held of subject superiors, in one or more trustee or trustees, their heirs and

and the creditors to be paid out of the next aids.

and to be applied as this act directs.

Heirs of such trustees not to incur the passive titles, &c.

Trustees may be changed.

Such superiorities as shall be forfeited,

or purchased to be annexed unalienably to the crown.

The barony of Strowan annexed to the crown.

Debts thereon to be paid.

The rents of the said estates how to be applied.

successors, to be renewed from time to time by his Majesty, his heirs and successors, and which trustee and trustees, their heirs and successors, shall, according to the forms of the law of Scotland, be from time to time entered and received vassals in the lands, and other the premisses by the respective superiors thereof, and shall hold the same in trust for the uses and purposes of this act; and the said lands and estates, with all the rents, issues and profits thereof, shall be disposed of, and applied to the uses and purposes in this act mentioned, and to none other, and shall be under the same management, and subject to the same rules, orders and directions, and the same provisions for payment of the lawful debts thereon shall take place, that are by this act made concerning the other lands and estates hereby annexed to the imperial crown of this realm.

X. Provided always, That the heirs of such trustee or trustees by making up titles to such trust estates, shall not incur the passive titles, nor represent their predecessors universally; any law or custom to the contrary notwithstanding.

XI. Provided also, That his Majesty, his heirs and successors, may change such trustees, at his or their pleasure, and present new ones from time to time, who shall be received by the immediate superiors respectively for the time being, without payment of a year's rent, or any other composition.

XII. And be it further enacted by the authority aforesaid, That whosoever the property of any of the lands or estates so claimed by any subject superior, shall have been finally determined to be forfeited to his Majesty, or such subject superior shall have been agreed or compounded with for the same as aforesaid; and also the superiority of such lands shall have been purchased by his Majesty, his heirs or successors, then the lands and estates, whereof the superiorities are so purchased, shall both property and superiority be from that time annexed to the imperial crown of this realm, and shall remain for ever unalienable from the same.

XIII. And whereas the barony of Strowan, and other the lands, tenements and hereditaments which formerly belonged to Alexander Robertson of Strowan, now deceased, became forfeited to the crown, by decree or sentence of forfeiture past in the parliament of Scotland, in the year one thousand six hundred and ninety, and now belong to and remain the property of his Majesty: be it further enacted by the

authority aforesaid, That the said barony and lands be and are hereby annexed to the imperial crown of this realm, and shall be and remain for ever unalienable from the same, and the lawful debts thereon shall be paid in the same manner as is provided concerning the lands and premisses before mentioned.

XIV. And be it further enacted by the authority aforesaid, That the clear rents and produce of the lands and estates hereby annexed to the crown, or directed to be held in trust as aforesaid, shall be applicable in the manner herein after mentioned, or in such other manner as his Majesty, his heirs or successors shall from time to time, by warrants under his or their sign manual,

manual, be pleased to direct, to the purposes of civilizing the inhabitants upon the said estates, and other parts of the highlands and islands of *Scotland*, the promoting amongst them the protestant religion, good government, industry and manufactures, and the principles of duty and loyalty to his Majesty, his heirs and successors, and to no other use or purpose whatsoever.

XV. And to the end that the said lands and estates may be managed, and the produce thereof applied in the most beneficial manner for the ends and purposes aforesaid; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, his heirs and successors, by commission under the privy seal of *Scotland*, to authorize and empower such person or persons as his Majesty, his heirs and successors shall think fit, from time to time, to be commissioners and trustees for managing the said estates, and applying the produce thereof for the ends and purposes appointed by this act.

XVI. Provided always, and be it enacted by the authority without salary, aforesaid, That no commissioner to be appointed for executing the trusts in this act as aforesaid, shall receive any fee, salary, pension or reward for the same.

XVII. And be it further enacted by the authority aforesaid, That the commissioners to be appointed as aforesaid, shall have power to grant leases of the said estates, or any part thereof, for any term not exceeding twenty one years; or if the lessee shall enter into proper covenants to lay out upon the premises any sum not less than five years rent, in buildings or other improvements, within the space of seven years from the date of such lease, then, and in such case, and upon such condition, for any term not exceeding forty one years; all which leases shall be subject to the provisions, conditions and limitations herein after mentioned, and such other as his Majesty, his heirs and successors shall, from time to time, by his or their sign manual, direct and appoint.

XVIII. Provided always, That upon every such lease there shall be reserved not less than three fourths of the real annual value of the premises so let; and that every lease to be granted by such commissioners, shall contain a clause for making the same void, in case the lessee, or his or her heirs shall assign or let the premises, or any part thereof, to any other person, or shall suffer the same to be adjudged at the suit of any creditor, or shall not occupy, cultivate and be resident upon the premises, or shall pay or cause to be paid, directly or indirectly, to or for the use of any person or persons whatsoever, any gratuity or fine, or any annual rent or prestation, for or in consideration of his obtaining or holding the lands or other premises comprehended in such lease, other than the rent in such lease expressed and covenanted to be paid to the said commissioners for the purposes in this act directed.

XIX. Provided also, That every such lease shall be absolutely void, unless the lessee shall, before the making thereof, have taken the oaths requisite by law to qualify persons to execute offices

None to hold lands above the rent of 20*l.*

Commissioners may sue for the rent, and breach of covenant.

Commissioners with approbation of the treasury may appoint receivers.

Factors to be appointed.

Penalty on factors taking any gratuity.

Commissioners with approbation of the treasury, may appoint

offices of publick trust in *Scotland*, at the quarter-sessions of the county where the premisses lie, or before the sheriff depute, or his substitute; and that no person shall be capable of taking or enjoying, directly or indirectly, any lands or tenements, other than mines or fishings, by virtue of such lease or leases, of greater annual rent than twenty pounds at the utmost.

XX. And be it further enacted by the authority aforesaid, That the said commissioners shall and may have power and authority to bring actions in their own names, either in the court of session or sheriffs court, not only for payment of the rents into the hands of the factors appointed for levying the same, but also for breach and non-performance of the several covenants contained in the leases, under which the lands shall be possessed.

XXI. And be it further enacted by the authority aforesaid, That the said commissioners shall and may have power, by and with the approbation of the high treasurer, or commissioners of the treasury for the time being, to appoint stewards, receivers or factors on the said estates, with an allowance not exceeding five pounds *per centum* of the rental, who shall be bound respectively, with one or more sufficient surety or sureties, in a sum not less than two years rent of the estate to be put under their collection, to account to the said commissioners for the full rents of such estates, and to pay in the clear residue thereof to his Majesty's receiver general of the crown rents and casualties in *Scotland*, after deduction and allowance of the publick burthens and necessary charges of management; and upon their so accounting and paying in the residue of the rent as aforesaid, the said commissioners are hereby impowered to grant acquittances or discharges to such factors from time to time.

XXII. Provided always, That the said commissioners shall have power to appoint persons to officiate as factors in the interim, until the factories granted by them shall be approved or disapproved of by the high treasurer or commissioners of the treasury as aforesaid.

XXIII. And be it further enacted by the authority aforesaid, That if any steward, receiver or factor on the said estates, shall, during the continuance of his office, by himself or by any other person whatever on his account, directly or indirectly take, accept or receive from any of the tenants or possessors of such estates, any money, gift, present, service or other gratuity whatsoever, to the use of such factor, he shall incur the penalty of fifty pounds sterling, *toties quoties*, one moiety thereof to the use of his Majesty, and the other to any person who shall sue for the same, to be recovered by summary petition or complaint, upon fifteen days notice before the court of session, or before the sheriff's court of the county.

XXIV. And be it further enacted by the authority aforesaid, That the said commissioners shall be, and are hereby impowered, by and with the approbation of the high treasurer, or of the commissioners of the treasury for the time being, to appoint

point clerks and other necessary officers, with proper and rea- clerks, &c. ſonable ſalaries: and that the ſaid commissioners ſhall cauſe ſuch and cauſe fur- lands to be ſurveyed, and proper plans to be made thereof, ſett- vey to be made. forth the extent and diſſerent qualities of the grounds, the ſeveral advantages and diſadvantages arifing from their ſituati- on, and what improvements may be made upon the ſame; which, with all other their proceedings, ſhall be entered in books to be by them kept for that purpose, and a faithful ab- ſtract thereof ſhall by them be reported annually, or oftner if required, to the high treasurer, or the commissioners of the trea- ſury for the time being, who ſhall cauſe copies of ſuch reports to be laid before both houses of parliament in every ſeſſion.

XXV. And be it further enacted by the authority aforesaid, Where estates That it ſhall and may be lawfuſ for his Maſteſty, his heirs and comprehend ſucceſſors, where any one or more of the estates aforesaid com- whole parifh- prehend whole parifhes, belonging in property to the crown, may divide es, the crown which they ſhall judge to be of too large an extent to be under the ſame into the charge of one miſtrefs, to divide ſuſh parifhes into two or more parifhes; more, by warrant or grant to be paſſed under the privy ſeal of Scotland, which ſhall preſcribe the bounds of the new erected parifhes, and grant competent proviſions to the miſtrefs of ſuſh parifhes, to be paid out of the preſent maſteneaue for the miſtrefſer of the old parifh, and the remainder out of the rents of the ſaid estates, but ſo as the ſtipend to be ſettled on one miſtrefſer ſhall not exceed fifty pounds ſterling *per annum*, in money or to the miſtrefſer. with a ſtipend value; and upon production of ſuſh grant before the commiſſi- oners for plantation of kirks and valuation of tythes, they are hereby required and impoWer to interpoſe their authority thereto, in ſuſh manner as to render the proviſion thereby made effectual to the miſtrefses ſerving the cure in ſuſh new erected parifhes.

XXVI. Provided always, That the patronage of ſuſh new pa- Patronage of trated parifhes, whereof the ſtipend ſhall be wholly, or the ſuſh new pa- greater part thereof paid out of the rents of the ſaid estates, ſhall riſhes to be- belong to and for ever remain united to the crown; ſaving and long to the reſerving to all persons their riſhes and titles to the tythes of crown, &c. ſuſh old parifhes, and to the patronage of the diſjoined or new Reſervation of parifhes to the miſtrefſer whereof the old ſtipend ſhall be allocat- tithes, &c. ed, as the whole or greater part of his proviſion; and also ſaving and reſerving to the incoim- bident for the time being, when ſuſh diſiion or new erection ſhall be made during his incoim- bency, the ſtipend or maſteneaue he ſhall then be poſſeſſed of, although the ſame ſhould exceed fifty pounds ſterling in money or value.

XXVII. And whereaſ it may happen that other persons may have interest or property in ſome of the parifhes which his Maſteſty, his heirs or ſucceſſors, may judge proper to be diſjoined; be it enacted by the authority aforesaid, That all ſuſh new diſiions or erec- The new erec- tions of parifhes, in which other persons beſides his Maſteſty ſhall have tions of ſuſh an interest, either as heretors, patron or titulars of the tythes in parifhes, in the parish or parifhes to be diſjoined, or in the new parish to which other persons have be

in interest, to be erected, shall be made by authority of the court of commission for plantation of kirks and valuation of tythes in *Scotland*, upon an action to be raised and pursued in the name and at the instance of his Majesty's advocate for *Scotland*, and which he is hereby enabled to raile and carry on, whether any of the other heretors who have an interest in the said disjunction and new erection shall consent or not, and which court of commission shall have power, and is hereby required to settle and determine, according to the rules of law and justice, all such questions, debates and controversies as may arise touching the said new erections; and every such decree of the said court of commission shall be final and binding upon all parties concerned, in case thirty days, on any of which such proceedings as are usual and competent by the laws of *Scotland* for reversing or amending such decrees may be had, shall elapse, without such proceedings being had, made or commenced by any of the parties therein concerned.

Crown may erect schools;

XXVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, his heirs and successors, to erect publick schools on the said estates, or in other parts of the highlands or islands of *Scotland*, for instructing young persons in reading and writing the *English* language, and in the several branches of agriculture and manufactures, and to erect houses for the reception of such young persons, and for carrying on such manufactures by them, and for the accommodating such masters as shall be appointed by the said commissioners to instruct and teach them, and to apply such parts of the produce of the said estates as shall be necessary for erecting such schools, providing competent salaries for such teachers, and for the cloathing and maintaining such young persons, and for supplying such schools with utensils and materials for agriculture and manufactures, and for the raising of flax, and for such other like uses as by his Majesty, his heirs or successors shall be thought proper for promoting the purposes aforesaid.

and impower the commissioners to allot or purchase lands to the use thereof;

XXIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs and successors, to impower the said commissioners to allot portions of land out of the said estates to the use of such schools as may be erected on the said estates, or to apply such part of the clear rent of such estates as his Majesty, his heirs and successors shall think proper, in the purchase of portions of land to be allotted to the use of such schools as shall be erected in other parts of the highlands or islands of *Scotland*.

and to grant lands to be held feu of the crown, for building houses, and for gardens, &c.

XXX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to his Majesty, his heirs and successors, to authorize and impower the said commissioners to grant out in property such parts and portions of ground, not exceeding ten acres to one person, as may be sufficient for building convenient dwelling-houses, out-houses and gardens, to persons well affected to his Majesty's person and government, and who shall be duly qualified by taking the oaths to the government,

ment, who shall oblige themselves to erect buildings, and make gardens thereupon; which portions of ground shall be by the grantees held feu of his Majesty, his heirs or successors, for payment of a yearly feu duty, equal to such a proportion of the rent as the said commissioners shall find to correspond to the ground to be feu'd out by them: and in respect that such small feus cannot bear the charges of passing the seals, and other charges necessary for making out the titles of lands held of the crown; it shall and may be lawful for his Majesty, his heirs and successors to authorize and empower the said commissioners to grant charters, containing precepts of fassine, to be held feu of his Majesty as aforesaid, and also to grant all charters, precepts of *Clare constat*, and other writings necessary for entering their heirs and singular successors.

XXXI. Provided always, That any person who shall reside in any dwelling-house erected upon any portion of land, which shall have been granted for that purpose in manner as aforesaid, shall, during his residence in such house, be capable of holding a lease from the said commissioners of any other part of the said of the estates, within the distance of five miles from such house, subject to all the other conditions and limitations of this act; any thing herein before contained to the contrary notwithstanding.

XXXII. And whereas it hath been found a great obstruction to the course of justice in the highlands, that many parts thereof are far remote from any royal burgh or county gaol; be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs and successors, by and out of the rents and profits of the lands and estates aforesaid, to cause prisons to be erected and maintained on such parts of the aforesaid lands, or other parts of the highlands or islands of Scotland as they shall think fit, for the custody of prisoners for crimes or offences; and that such prisons so erected shall be held to be lawful prisons for the purpose aforesaid; and the commissioners to be Commissioned as aforesaid, are hereby impowered to appoint gaolers for keeping of such prisons, and to assign them reasonable wages, to be paid by the factors on such estates, with proper allowances from time to time, for the maintenance of indigent prisoners; and the said commissioners are hereby further impowered to appoint baillies over the said estates, or any village or district thereof; which baillies shall have all the powers over such estates, that are now by law competent to baron baillies, and shall further have power to commit offenders to the next sure prison within the county, although not within the territory of such baillie himself.

XXXIII. And be it further enacted by the authority aforesaid, That his Majesty's receiver general for Scotland shall reserve the rents to be received that shall come into his hands out of the rents of the said estates, for answering such orders as shall be made upon him by the said commissioners, in pursuance of the powers that shall be granted, and the warrants and directions that shall be given to them from time to time by his Majesty, his heirs

heirs and successors, concerning the application of the rents of the said estates, for the ends and purposes aforesaid, and for no other ends or purposes whatsoever.

Till the claims
be determined
the treasury
may apply the
rents for de-
fraying the
expence of
managing the
estates.

XXXIV. Provided always, and be it enacted by the authority aforesaid, That until the final determination of the claims that have been or shall be duly made or entered in the court of session in Scotland to or upon the aforesaid estates, it shall and may be lawful for the high treasurer, or commissioners of the treasury for the time being, to cause to be applied so much of the rents and profits of the estates aforesaid as they shall find necessary for defraying the expences of management thereof, and of litigating and discussing such claims; any thing herein contained to the contrary notwithstanding.

C A P. XLII.

An act to render valid and effectual all contracts and agreements which shall be made by the commissioners or governors of the royal hospital for seamen at Greenwich, for the purchase of lands, tenements and hereditaments, for the finishing and compleating the said hospital; and for ascertaining the recompence that shall be made for the same.

8 Geo. 2. c. 29.

WHEREAS by an act of parliament made and passed in the eighth year of the reign of his present Majesty, intituled, An act for the application of the rents and profits of the estates forfeited by the attainders of James late earl of Derwentwater, and Charles Radcliffe, the commissioners or governors of the royal hospital for seamen at Greenwich were required to contract and agree with able and sufficient tradesmen, artificers, or other persons, for finishing and compleating the said royal hospital in a workman-like manner, on the easiest and most reasonable terms, according to the plan laid before the house of commons in that session of parliament: and whereas one parcel of land on the west side of the said hospital, whereon a small house lately stood, in the occupation of Benjamin Hopkins, barber, and commonly known by the name of Carr's House, containing at the south end eleven feet six inches, at the north end ten feet seven inches, on the east side fifteen feet five inches, and on the west side fourteen feet eleven inches, be the same more or less; and one other parcel of land on the east side of the said hospital, whereon several houses formerly stood, belonging to the trustees of Morden College, and now in the possession of the said commissioners or governors of the said hospital, are necessary to be purchased, in order to finish the said royal hospital according to the said plan; which by reason of infamy, and other disabilities, the commissioners or governors of the said royal hospital have not been able to purchase: may it therefore 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 it shall and may be lawful to and for the commissioners or governors of the said royal hospital, or any seven or more of them,

Governors
empowered to
contract for

them, to purchase, and also for all bodies politick, corporate or the purchase collegiate, corporations aggregate or sole, mortgagee and mortgagor of the lands, gagees, trustee and trustees, teofee and feoffees, in trust for any bed. before described.

charity, or otherwise, guardian or guardians, committee or committees, of any infant, ideot or lunatick, and all executors and administrators, and other persons whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of their cestuique trusts, and the respective mortgagor and mortgagors, ~~and other person and persons~~ entitled to any equity of redemption, who are or shall be seized or possessed of, or interested in, all or any of the premisses herein before described, or any part or parts thereof, to convey the same respectively to the said commissioners or governors of the said royal hospital, or any seven or more of them, or to such person or persons as the said commissioners or governors, or any seven or more of them, shall appoint, in trust for the commissioners or governors of the said royal hospital: and that all contracts, agreements, bargains, sales and conveyances, which shall be made by such persons as aforesaid, shall be good and valid in law, to all intents and purposes, not only to convey the estate and interest of the person and persons conveying, but also to convey all right, estate, interest, use, equity of redemption, property, claim and demand whatsoever, of their several and respective cestuique trusts, whether infants, or issue unborn, lunaticks, ideots or feme covert, or other persons whatsoever, and all claiming or to claim by, from or under them, or any of them: and the said premisses so conveyed shall be, and are hereby declared to be vested in the said commissioners or governors, or in such person or persons as by the said commissioners or governors, or any seven or more of them, shall be so appointed as aforesaid, from the time of such conveyance made in fee-simple, freed and discharged of all claims, demands and equity of redemption, of any person or persons, either at law or in equity; any law, statute, usage or other matter or thing to the contrary thereof in any wise notwithstanding: and that all such persons as aforesaid, so conveying as aforesaid, are and shall be indemnified for what they do, or shall do, by virtue of or in pursuance of this act: and if it shall happen that any person or persons, bodies politick or collegiate, or other person or persons, seized or possessed of or interested in the said two parcels of land and premisses before particularly described, or any part or parts thereof, upon notice to them given, or left in writing at the dwelling house or houses, or place or places of abode of such person or persons, or of the head officer or officers of such bodies politick, corporate or collegiate, or at the house of the tenant in possession of the said parcels of land respectively; or, in case the same be untenantanted, by affixing the same on some notorious part thereof, shall for the space of twenty one days after such notice given, left or affixed as aforesaid, refuse or delay to treat and agree for the sale and conveyance thereof, or of their respective estates and interests therein, with the said commissioners or governors,

Where parties
refuse to treat,
&c.

a jury is to be impanelled.

governors, or any seven or more of them, or with any person or persons authorized by them or any seven or more of them; or shall refuse to produce a title to such of the premisses before described as they are in possession of, or to the interest they claim, to the satisfaction of the said commissioners or governors, or any seven or more of them; that then and in every such case it shall and may be lawful to and for the said commissioners or governors, or any seven or more of them, and they are hereby impowered and authorized ~~to issue a warrant or warrants, precept or precepts, directed to the sheriff of the county of Kent, for the time being, who is hereby authorized, directed and required accordingly to impanel, summon and return a competent number of honest, substantial and disinterested persons, qualified to serve on juries, not less than twenty four, nor more than forty eight; and out of such persons so to be impanelled, summoned and returned, a jury of twelve persons shall be drawn by the said commissioners or governors or any seven or more of them, or by some person to be by them, or any seven or more of them, for that purpose appointed, in such manner as juries for the trial of issues in his Majesty's courts at Westminster, by an act made in the third year of the reign 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 as aforesaid, are hereby required to come and appear before the said commissioners or governors, or any seven or more of them, at such time and place as in such warrant or warrants, precept or precepts, shall be directed and appointed; and to attend there from day to day till discharged by the said commissioners or governors, or any seven 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 governors, or any seven or more of them, are hereby authorized by precept or precepts, under their hands, from time to time, as occasion shall require, to call before them all and every person and persons whatsoever, who shall be thought proper or necessary to be examined as a witness or witnesses before them, on their oath or oaths, or on their solemn affirmation, if the persons or persons so to be examined be of the profession of the people called Quakers, touching and concerning the premisses; and the said commissioners or governors, or any seven or more of them, if they think fit, shall and may likewise authorize the said jury to view the place or places, or matters in question, in such manner as they shall direct; and the said commissioners or governors, or any seven 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 all such affairs for which they were summoned shall be concluded; and the said jury upon their oaths (which oaths, as also the oaths or solemn affirmation to such person or persons as shall be called upon to give evidence, the said commissioners~~

Jury may view
the place in
question;

or governors or any seven or more of them, are hereby authorized and empowered to administer) shall inquire of the value of such premises before particularly described, and shall assess the sum or sums to be paid for the purchase thereof respectively; and the said commissioners or governors, or any seven or more of them, shall and may give judgement for such sum and sums of money so to be assessed; which said verdict or verdicts, and the said judgment, decree or determination thereupon, (notice in writing being given to the person or persons interested, at least twenty days before the time of such assessment, declaring the time and place of the meeting of the said commissioners or governors, and jury, by leaving such notice at the dwelling house of such person or persons, or at his, her or their usual place or places of abode, or with some tenant or occupier of the said parcels of land intended to be valued and assessed, or by fixing such notice on some notorious place on the same premises, in case the premises are untenanted, and such party cannot be found in the said county of Kent to be served with such notice) shall be binding and concluding, to all intents and purposes whatsoever, against the King's majesty, his heirs and successors, and all and every other person and persons, bodies politick and corporate, claiming any estate, right, title, use, trust, equity of redemption or interest in, to or out of all or any of the premises before particularly described, either in possession, reversion, remainder or expectancy, or otherwise whatsoever; and the said verdicts, judgements and decrees so to be made, given and pronounced as aforesaid, shall be fairly written on parchment, and signed and sealed by any seven of the commissioners or governors present at the making and pronouncing the same; and such verdicts, judgements and decrees of the said commissioners or governors, and juries, shall be transmitted to and kept amongst the records of the quarter-sessions for the county of Kent; and shall be deemed and taken to be records to all intents and purposes whatsoever; and the same, or true copies thereof, shall be taken to be good and effectual evidence and proof in any court of law or equity whatsoever; and all persons may have recourse to the same *gratis*, and take copies thereof, paying for every copy, not exceeding two hundred words, six pence, and so in proportion for any greater or less number of words.

II. And it is hereby further enacted and declared, That upon payment of such sum or sums of money so to be awarded or adjudged for the purchase of the said premises, or any part thereof, the person or persons intitled thereto shall make and execute, or procure to be made and executed, good, valid and legal conveyances, assignments and assurances in the law, to the said commissioners or governors, or any seven or more of them, shall appoint, in trust for the said commissioners or governors, of the said premises, for which such sum or sums of money were so awarded; and shall procure all necessary parties to execute such conveyances, assignments and assurances; and shall do all acts, matters and things, necessary or requisite to make a clear

The judgment
of the com-
missioners and
verdict of the
jury to be
binding;

and entered
among the re-
cords of the
sessions, &c.

Conveyance
to be made on
payment of
the sum a-
warded.

If the title
shall not be
evinced, or
good convey-
ance made,

or the party
cannot be
found, &c.

the purchase
money to be
paid into the
bank;

and the right
to vest in the
trustees.

clear, good and perfect title to, or in trust for, the said commissioners or governors; and such conveyances, assignments and assurances, shall contain all such reasonable and usual covenants as shall, on the part of the said commissioners or governors, be required; and in case any such person or persons, to whom such money shall be awarded as aforesaid, shall not evince a title to the said premises to the said commissioners or governors, and make, or procure to be made, good and legal conveyances thereof, or shall refuse so to do, being thereunto required, such sum and sums of money so awarded as aforesaid, being ready to be paid to him, her or them, on making such title and executing and procuring to be executed such conveyances, assignments or assurances as aforesaid, and for that purpose tendered at the council chamber of the said royal hospital at Greenwich; or if in case any person or persons intitled to the premises, for which such sum or sums of money shall be so awarded as aforesaid, cannot be found in the said county of Kent; or in case that by reason of disputes depending in any court of law or equity, or for defect of evidence, it shall not appear to the said commissioners or governors, or any seven or more of them, what person or persons is or are intitled to the premises in question; that then, and in all and every or any such case and cases as aforesaid, it shall and may be lawful to and for the said commissioners or governors, or any seven or more of them, to order such sum or sums of money so awarded as aforesaid, as the value of, and purchase money for, the said premises, to be paid into the bank of England, for the use of the parties interested in the said premises, to be paid to them, and each and every of them, according to their respective estates and interests in the said premises, at such times as the said commissioners or governors, or any seven or more of them shall, by warrant or warrants under their hands, order and direct; and the cashier and cashiers of the bank of England, who shall receive such sum and sums, is and are hereby required to give a receipt or receipts for such sum and sums, mentioning and specifying for what premises, and for whose use the same is or are received, to such person or persons as shall pay such sum or sums into the bank of England as aforesaid; which receipt or receipts shall be entered on record, and registered amongst the records of the quarter sessions for the county of Kent; and immediately on such payment and registry, all the estate, right, title, use, trust, property, equity of redemption, claim and demand, in law and equity, of all and every person and persons for whose use such money was paid, of, in, to, from and out of the said premises, or any part thereof, shall vest in such person or persons as shall be named for that purpose by the said commissioners or governors, or any seven or more of them; and such person or persons shall be deemed in law to be in the actual possession thereof, and to be seized thereof in fee-simple, freed and discharged from all claims, demands and equity of redemption, either at law or in equity, to all intents and purposes, as fully and effectually as if all and every person and persons, having

any estate, right, title, trust, interest or equity of redemption, or, in, to, from or out of the said premises, had actually conveyed the same by lease and release, bargain and sale inrolled, feoffment with livery of seisin, fine and recovery, or any other conveyance whatsoever; and such payment shall not only bar all right, title, interest, equity of redemption, claim and demand of the person or persons to whose use such payment was made, but also shall extend to, and be deemed and construed to bar the dower and dowers of the wife or wives of such person or persons, and all estates tail, and remainders, as fully and effectually as a fine or recovery would do or would have done, if levied by proper parties in due form of law.

III. Provided always, and it is hereby declared and enacted, That it shall and may be lawful to and for the said commissioners or governors, or any seven or more of them, after such payment into the bank, and registry as aforesaid, on the petition of any person or persons in possession of the premises, at the time the money was so paid into the bank, to place out or invest, or cause to be placed out or invested, such sum or sums of money, or any part thereof, in some of the publick funds, or on government security, at interest, in the name of the said commissioners or governors, or any seven or more of them, or in the name or names of any person or persons appointed by the said commissioners or governors, or any seven or more of them, for that purpose, in trust to transfer and assign the same to such person or persons to whom the premises belong, on his, her or their executing proper conveyances thereof; and in the mean time in trust to pay the interest and dividends arising therefrom, to such person or persons as was or were in possession of the said premises at the time of the said payment into the bank; and the said commissioners or governors, or any seven or more of them, are hereby authorized and impowered to make such order as aforesaid on the bank, for the payment of such sum or sums of money, or any part thereof as shall be necessary, in order to their being so invested in publick securities: and the said commissioners or governors shall be quieted in the possession of the lands and premises, for which such money is so paid as aforesaid; and shall not be answerable or accountable for the same, in any court of law or equity, otherwise than according to the true intent and meaning of this act.

IV. Provided always, and it is hereby enacted and declared, That if any contract shall be made for the purchase of any premises in mortgage, or any sum or sums shall, in manner as before-mentioned, be assessed or awarded as the value of such mortgaged premises, and the person or persons intitled to the equity of redemption thereof cannot be found, that then, and in every such case, the money so contracted for, or assessed or awarded, shall, by the said commissioners or governors, or any seven or more of them, be vested in any of the publick funds; and the interest or dividends thereof shall be paid to such mortgagee, until the person intitled to such equity of redemption

shall make out his title thereto; and in case any such person or persons so intitled to such equity of redemption, shall not, within five years next after the investing such monies in the publick funds, exhibit his, her or their bill in the high court of chancery, or in his Majestys court of exchequer at *Westminster*, in order to litigate the same, he, she or they shall for ever then after be debarred therefrom; and at any time after the end of such five years (no bill being exhibited as aforesaid) such money so invested in the publick funds shall be paid, on the securities for the same assigned to such mortgagee or mortgagees, or their legal representative or representatives; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Possessor to
deliver up the
premises, up-
on 21 days
notice:

and on refusal,
the sheriff is to
deliver the
same.

Monies paid
to bodies cor-
porate, or o-
ther trustees,
to be laid out
in the purchase
of lands, &c.

V. And be it further enacted, That all and every person and persons who is, are or shall be in possession of the lands and premises, or any part thereof, so to be purchased by the said commissioners or governors, or any seven or more of them, or for which any purchase-money shall be so assessed or awarded as aforesaid, shall, upon twenty one days notice in writing, left at or affixed on the said premises, or any part thereof, peaceably and quietly deliver up the possession of the said premises to the said commissioners or governors, or any seven or more of them, or to any person or persons who shall, by the said commissioners or governors or any seven or more of them, be authorized to receive the same; and in case any person or persons shall refuse so to do, that it shall and may be lawful to and for the said commissioners or governors, or any seven or more of them, to issue their precept or precepts to the sheriff of the county of *Kent*, to deliver possession of the premises to such person or persons as shall in such precept or precepts be nominated to receive the same; and the said sheriff is hereby required to deliver possession thereof accordingly, and to levy such costs, which shall accrue from the issuing and execution of such precept or precepts, on the person or persons so refusing to give possession as aforesaid, by distress and sale of his, her or their goods.

VI. And it is hereby further enacted and declared, That all and every sum and sums of money, to be paid to any body corporate or collegiate, corporation aggregate or sole, feoffee or feoffees in trust, guardian, committee, or other trustee or trustees, in pursuance of this act, shall be by them respectively laid out in the purchase of lands, tenements and hereditaments, and settled to and upon, and subject to such titles, uses, trusts, limitations, remainders and contingencies, as the said lands and premises, so to be purchased by the said commissioners or governors as aforesaid, were settled, limited and assured at the time of such sale so made respectively, and shall and may be held and enjoyed accordingly; and that in the mean time, until such purchase made, such money shall be vested in some of the publick funds or government securities at interest, and the interest shall be paid to such person or persons as would have been intitled to the rents and profits of such lands, tenements and hereditaments.

ditaments so to be purchased; in case the same were purchased and settled, pursuant to the true intent and meaning of this act.

VII. And it is hereby enacted and declared, That in case of any default of a sufficient number of jurymen to be sworn, pursuant to this act, the sheriff for the county of Kent shall return other honest and indifferent men of the standers-by, or that can speedily be procured to attend that service, subject to such challenges as aforesaid; and the commissioners or governors, or any seven or more of them, shall from time to time have power to impose any reasonable fine on the said sheriff, his under-sheriff, bailiffs or agents respectively, or on any of the persons who shall be summoned and returned on such jury or juries as shall not appear or refuse to be sworn on such jury, or being sworn, shall refuse to give a verdict, or in any other manner wilfully neglect his duty, contrary to the true intent and meaning of this act; and likewise upon such person or persons summoned to give evidence, who shall refuse to appear or give evidence, and from time to time to levy such fine or fines, by warrant or warrants under the hands and seals of the said commissioners or governors, or any seven or more of them, by distress and sale of the offender's goods, rendering the overplus, if any; and all such fines shall be applied to the use of the said royal hospital.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners or governors of the said royal hospital, or any seven or more of them, to purchase any other messuages, lands, tenements or hereditaments, which shall be thought necessary for the finishing the said royal hospital, according to the said plan; and that it shall and may be lawful to and for all bodies politick, corporate or collegiate, corporations aggregate or sole, mortgagees or mortgagees, trustee and trustees, feoffee and feoffees in trust for any charity or otherwise, guardian or guardians, committee or committees of any infant, ideot or lunatick, and all executors and administrators, and other persons whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of their cestuique trusts, and the respective mortgager and mortgagors, and other person and persons intitled to any equity of redemption, who are or shall be seized or possessed of or interested in any such houses, lands or hereditaments, to convey the same respectively to the said commissioners or governors, or any seven or more of them, or to such person or persons as the said commissioners or governors, or any seven or more of them shall appoint, in trust for the said commissioners or governors; and that all contracts, agreements, bargains, sales and conveyances which shall be made by such person or persons as aforesaid, shall be good and valid in law, not only to convey the estate and interest of the person and persons conveying, but also to convey all right, estate, interest, use, equity of redemption, property, claim and demand whatsoever, of their several and respective cestuique trusts, whether infants, or issue unborn, lunaticks, ideots, or femes covert, or other persons whatsoever, and all claiming, or to claim, by, from or under them, or any of them: and the

ſaid premisses ſo conveyed ſhall be, and are hereby declared to be, vested in the ſaid commissioners or governors, or in ſuch person or persons as by the ſaid commissioners or governors, or any ſeven or more of them ſhall be ſo appointed as aforſaid, from the time of ſuch conveyance made, in fee-simple, freed and discharged of all claims, demands and equity of redemption, of all and every person and persons, either at law or in equity; any law, ſtature, usage or other matter or thing to the contrary thereof in any wife notwithstanding; and that all ſuch persons as aforſaid, ſo conveying as aforſaid, are and ſhall be indemnified for what they do or ſhall do by virtue of or in purſuance of this act: and in case the ſaid commissioners or governors of the ſaid hospital cannot, on or before the twenty fifth day of March one thouſand ſeven hundred and fifty seven, purſue ſuch other meſſuages, lands and premisses as may be thought neceſſary for the finishing the ſaid royal hospital according to the ſaid plan, upon ſuch terms as they ſhall think reasonable; that then, and in ſuch caſe, it ſhall and may be lawful to and for the commissioners or governors of the ſaid royal hospital, and they are hereby authorized and impowered to finish the ſaid royal hospital in ſuch manner as moſt conveniently may be, without waiting for or expecting to purſue any ſuch premisses.

If ſuch other lands cannot be purſued before 25 March 1757, the finishing the hospital not to be delayed.

Poſſeſſion of the commissioners not to be diſturbed.

Claimants may ſue the receivers of purſue money.

Publike a&t.

IX. And be it further enacted by the authority aforſaid, That the ſaid commissioners or governors, or ſuch person or persons to whom they, or any ſeven or more of them, ſhall appoint any conveyances to be made, or in whom the ſaid premisses ſhall be vested by virtue of this act, ſhall not be diſturbed or hindered in the quiet poſſeſſion and enjoyment thereof, on pretence of any want of form or other defect in the proceedings hereby directed; but that it ſhall and may be lawful to and for any person or persons, barred of any right, title, interest, equity of redemption, claim or demand whatſoever, in, to or out of the ſaid premisses, or any part thereof, to bring any action or actions for money had and received to his, her or their use, againſt any person or persons who received the purſue-money for ſuch premisses reſpectively; and, on proof of ſuch title as would have enabled them to recover ſuch lands, tenements or hereditaments, or any part thereof, or any estate or interest in the ſame, that then and in every ſuch caſe, they ſhall recover the ſaid purſue-money, or ſo much thereof as shall be equivalent to their interest in the ſaid premisses, together with ſuch interest as shall be equivalent to their interest therein, which they might have been intituled unto in caſe this act had not been made.

X. And it is hereby further enacted and declared, That this act ſhall be deemed and allowed to be a publike act, and be judicially taken notice of as ſuch, by all judges, justices and other perſons, without ſpecially pleading the ſame.

C A P. XLIII.

An act for the more easy and ſpeedy recovery of ſmall debts in the town and port of Liverpoole, and liberties thereof, in the county palatine of Lancaster.

C A P. XLIV.

An act to explain and amend an act passed in the fifth year of his present Majesty's reign, intituled, An act to enlarge the pier and harbour of Scarborough in the county of York; and for making the said act more effectual.

WHEREAS by an act made and passed in the fifth year of the reign of his present Majesty, intituled, An act to enlarge the pier and harbour of Scarborough in the county of York, it was enacted, That to the end that the said pier might be enlarged, extended and improved, and kept in repair, that from and after the twenty fourth day of June one thousand seven hundred and thirty two, until the twenty fourth day of June one thousand seven hundred and sixty three; and also from the said twenty fourth day of June seventeen hundred and thirty two, to the twenty fourth day of June seventeen hundred and eighty three, the several duties therein mentioned should be respectively answered and paid to the bailiffs and burgesses of Scarborough aforesaid, and their successors, as they in common council assembled, or the major part of them, should from time to time, under their common seal, order and appoint; and by the said act several powers and authorities were granted to and vested in the said bailiffs and burgesses, and their successors, for the better collecting the said duties, and carrying on the said work, and executing the several trusts thereby in them reposed: and whereas great frauds and abuses have of late years been committed in the execution of the several trusts reposed in the said bailiffs and burgesses of Scarborough aforesaid by the said act, particularly by the misapplication of the sum of three thousand pounds, which had been raised by the said bailiffs and burgesses of Scarborough, in common council assembled, by mortgage of the new pier duties payable at Newcastle; which said sum of three thousand pounds, and also the sum of three hundred and seventy nine pounds eight shillings and four pence, have been by the said bailiffs and some of the burgesses and members of the said borough of Scarborough, applied in discharge of their own bonds and private debts and engagements, or retained in their hands, and no part thereof applied according to the directions of the said act; whereby the works of the said pier have been in a great measure neglected, and the laudable intentions of the legislature frustrated, and rendered ineffectual, to the manifest detriment of the publick: to the end therefore that the like frauds and abuses may be prevented for the future, and that the several sums of money arising from the several duties given and granted by the said last recited act, for and towards the enlarging, extending, improving and repairing the said pier, may be duly applied to the purposes designed by the said act, and for the better maintaining and supporting the harbour of Scarborough aforesaid; which cannot effectually be done, but by divesting the said bailiffs and burgesses of all powers and authorities given them by the said act, and by vesting the same in other trustees; may it please your Majesty that it may be enacted, &c.

The

The powers granted by the recited act to the bailiffs and burgesses to cease. New commissioners appointed; with power to audite the accounts of all monies received and disbursed by virtue of the recited act. Duties and forfeitures to be paid to the commissioners or their order. The commissioners at their first meeting, to choose a clerk, surveyor and receiver of the duties. Accounts to be stated yearly, and to lie open for publick inspection. Accounts to be laid before the justices, and passed by them. Penalty on persons prejudicing the harbour by emptying ballast, &c. or otherwise, and to be levied by distress and sale. For want of distress the offender to be committed. Stones may be taken from waste grounds &c. for the works of the pier, paying ~~100~~ by the year to the corporation. Bailiffs, &c. to deliver upon oath, all books and writings relating to the duties, on penalty of 20l. Bailiffs, &c. not repaying their proportions of the monies misapplied, or retained in their hands, with interest, may be sued by the commissioners, and the charges thereof to be paid out of the duties, &c. No part of the act of 5 Geo. 2. hereby repealed, except what relates to the appointment of the bailiffs, &c. The powers thereby granted, to vest in the commissioners. Rights, &c. of the burgesses reserved.

CAP. XLV.

An act for the more easy and speedy recovery of small debts within the city and county of the city of Canterbury, and the liberties and precincts of the same.

CAP. XLVI.

An act for repairing and widening the road from Alemouth through the town of Alnwick to Rothbury, and from thence to the town of Hexham; and also the road leading out of the aforesaid road between Alnwick and Rothbury, to Jockey's Dike Bridge in the county of Northumberland. *Certain tolls granted for 21 years.*

CAP. XLVII.

An act for repairing and widening the roads from the east end of Monk Bridge, near the suburbs of the city of York, to New Malton, and from thence to Scarborough in the north riding of the county of York; and also from Spittle house, in the east riding of the said county, to Scarborough aforesaid. *Certain tolls granted for 21 years.*

CAP. XLVIII.

An act for repairing and widening the road leading from a part of the road (directed to be repaired by an act passed in the last session of parliament, from Carlisle to Newcastle upon Tyne) near Glenwelt, to another part of the road (so making from Carlisle to Newcastle) upon Shildon Common in the county of Northumberland. *Certain tolls granted for 21 years.*

CAP. XLIX.

An act for repairing the high road from the town of Shrewsbury, through Cressage, Harley, Much Wenlock, by Muckley Cross, and through Morville to Bridgenorth in the county of Salop. *Certain tolls granted for 21 years.*

CAP. L.

An act for repairing the roads from the north end of Malling Street, near the town of Lewes, to Witch Cross, and from the north end of Malling Street aforesaid, to the Broil park gate; and from Offham to Witch Cross aforesaid, all lying within the county of Sussex. *Certain tolls granted for 21 years.*

CAP. LI.

An act for amending and making more effectual several acts for amending the roads from the city of London to East Grinstead in the county of Sussex; and to the towns of Sutton and Kingston in the county of Surrey; and for more effectually repairing the road from Newington through Camberwell in the said county to New Cross in the county of Kent;

Kent; and for repairing and widening the road from Camberwell Green to the Fox under the Hill in the parish of Camberwell. *The act 6 Geo. 2. c. 26. &c. amended.*

C A P. LII.

An act for widening and repairing the road from Combe Bridge in the county of Somerset to Bradford in the county of Wilts; and from thence through Hilperton; and so far over Ashton Common as to join the road which leads from Steeple Ashton to Trowbridge; and also the road leading from Bradford aforesaid to Cockhill Gate in the said county of Wilts. *Certain tolls granted for 21 years.*

C A P. LIII.

An act for repairing the road from Knaresborough in the county of York, by Longflat Lane, Gouldsborough Fields, Flaxby, Allerton, Mauleverer, and Scate Moor, to Green Hammerton in the same county; and for making the same a high carriage road. *Certain tolls granted for 21 years.*

C A P. LIV.

An act for amending the several roads leading from the town of Taunton in the county of Somerset. *Certain tolls granted for 21 years.*

C A P. LV.

An act for explaining and amending so much of an act passed in the fourteenth year of the reign of his present Majesty, for the repairing and enlarging the roads from the town of Selby in the west riding of the county of York to the town of Leeds, and from thence in two several branches, one through Bradford and Horton, and the other through Bowling and Wibsey, to the town of Halifax in the same riding, as relates to that part of the said roads which lies between Leeds and Halifax. *The act 14 Geo. 2. c. 32. amended.*

C A P. LVI.

An act for repairing the several roads leading from the town of Bromyard in the county of Hereford, to the several places called the Halfway Ash in the parish of Docklow, Herefordshire Lake in the parish of Whitburne, Perry Bridge in the parish of Stoke Blis, leading through the several parishes of Edwin, Ralph, Collington, and the hamlet of Little Kyre, Sapey wood in the parish of Upper Sapey, Bishop's Froome, Wooferwood Gate, and Herefordshire Lake, in the said parish of Bromyard, in the counties of Hereford and Worcester. *Certain tolls granted for 21 years.*

C A P. LVII.

An act for repairing and widening the road leading from Market Harborough in the county of Leicestershire through Desborough, Rowell, Kettring, Barton Seagrave and Thrapton in the county of Northampton; and through Bythorne, Spaldwick and Ellington, to the Pound in the parish of Brampton in the county of Huntingdon. *Certain tolls granted for 21 years.*

C A P. LVIII.

An act for repairing the roads from the town of Leeds, through Harwood, to the south west corner of the inclosures of Harrowgate; and from thence in two branches (one through Ripley over Burage Green, and the other through Knaresborough and Boroughbridge) to Ripon; and from thence to the first rill of water, or watercourse, on Hutton Moor in the county of York; and for repairing the sloughs or ruts on the said Moor. *Certain tolls granted for 21 years.*

C A P. LIX.

An act for repairing and widening the roads leading from Chippenham Bridge in the county of Wilts to the top of Togg Hill in the county of Gloucester; and from Chippenham Bridge aforesaid to the top of

Old

Anno vicesimo quinto GEORGII II. c.60. [1752.]
Old Sodbury Hill in the said county of Gloucester. Certain tolls granted
for 21 years.

C A P. L X.

An act for repairing and amending the several roads leading from the west end of Upton Bridge in the county of Worcester to the parish of Tiverton in the county of Gloucester, and to the parish of Colwall in the county of Hereford; and to the further side of a place called The Rid Green, in the road to the city of Worcester, and through a place called Roberts End Street to Malvern Chase in the said county of Worcester.
Certain tolls granted for 21 years.

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