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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. inclusive.

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 *Astton under Line*, and parish of *Mottram Longdendale*, 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 Hammer-smith, in the said county.*

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

Cap. 12. For improving the naviga-

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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 *Ravenshaughburn* 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 empowering 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 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.

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

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 a better and more effectual provision for the relief of the poor, for the cleaning 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 loss 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 *Garstang* in the county of *Lancaster*, and of a messuage or tenement in *Newbigginge* in *Lonsdale*, 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 Mortlock*, 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 Obabanel*, *William de Drufina*, 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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- leaves of his real estate during his minority.
14. 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 *Percies* earls of *Northumberland*.
15. 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.
16. 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*.
17. 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*, and for discharging his debts, and also to make leases of mines in the said counties.
18. 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*.
19. An act for sale of the manor of *Murstep*, 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.
20. An act for making effectual an agreement for sale of a messuage at *Farley Hill* in the county of *Berks*, with the appurtenances, late the estate of colonel *Charles Lanoe*, deceased, to *Alexander Walker* esquire.
21. An act for sale of the estates devised by the will of *John Hilton* esquire, deceased, and for applying the money arising thereby in the payment of his debts and legacies.
22. 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.
23. An act to empower the executors and trustees of *Samuel Sheppard* 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.
24. 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.
25. 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*.
26. 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.
27. 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.
28. 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.
29. An

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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 *Suffex*, 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 *Culceth* 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, fullage, 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 *Isis*, 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 *Swind*, 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 Ouze*, 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 *Crosford 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 commonalty 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 *Afkrigg* 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 *Herton*, and the other through

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- through *Bowling and Wibsey*, to the town of *Holifax* 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 *Tedcaster* 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 abovesaid 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 *Worcester*, and parishes of *Hanborough* and *Bladen*, to *Campsfield*, in the parish of *Kidlington*, in the county of *Oxford*; and also the road from *Whitney*, through *Ensham*, *Cunner* and *Botley*, 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 *Bute Lane*, in the parish of *Low-ton*, in the county palatine of *Chester*, to *Lawton*; and from thence to *Hensholts* *Smisby*, upon *Granage 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 duchy of Lancaster, which adjoineth 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 waggon, 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 incumbered 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 *præmiums* 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 *Roydon* 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 Brate*, 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 Fer-rand*, *Charles Boucher* and *John Schnely*.
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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- viscount *Lansborough*, in the kingdom of *Ireland*, deceased, and for inrolling the said will, and making the exemplification thereof evidence in all courts in *Great Britain* and *Ireland*.
8. 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*.
9. 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.
10. 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.
11. An act for vesting divers lands, tenements and hereditaments in the county of *Corke* in the kingdom of *Ireland*, comprized 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.
12. 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.
13. An act to enable *John Primrose* esquire, commonly called lord *Dalmenie*, to secure a jointure to *Mary* countess of *Roseberry*, his mother, and make provisions for his brother and sister, out of the entailed estate late of *Sir Archibald Primrose* knight, deceased.
14. 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.
15. 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.
16. 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.
17. 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 *Risby* in the county of *York*, and the crest granted by King *Henry the Eighth*, to the said *Eaton Mainwaring Ellerker*, and his issue.
18. 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.
19. 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 tythes, 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 *Forthingstone* 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 *Dunsby* in the county of *Lincoln*, and for rendering the same more effectual, and for other purposes therein mentioned.
26. An act for impowering *Sir Thomas Saunders Sibright* 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 therein mentioned.

35. An act for compleating 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 *Measam* 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*, comprized 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 Oloon*, lord of *Rhynwick*.

46. An act for naturalizing *John Jugla*, *Stephan Cogigian*, *John Jacob Zornlin*, and *John Adolph Speck*.

Anno 25 Georgii II.

Cap. 1. For continuing and granting to his Majesty certain duties upon malt

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- 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 *Horsley 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 acquitants 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 *Wroth-*
am 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 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.
- 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 *Austrow 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 *Radborough 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 *Lancaster* 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 *Tittenfor*, 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*, *Welden Bridge* and *Whittingham*, to the river *Breamish*, and from thence to *Piercy's Cross* 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 *Farringdon*, and also from *Wantage* to *Idsen* in the said county.

Cap. 22. 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*.

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 *Kilfyth*, and to *Inch Bellie 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*, *Thropple*, *Long Witton*, and by the north side of *Rothley Park* wall, to *Sting Cross*, and to the *High Cross* in *Elfdon* 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

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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 *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*.
- 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 *Glenwald*, 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 *Brail Park* gate; and from *Offham*, to *Witch Cross* aforesaid, all lying within the county of *Suffex*.
- 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 *Suffex*; 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 *Cambridge* 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*, *Gauldsborough 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 Ash* in the parish of *Docklow*, *Herefordshire Lake* in the parish of *Whitburne*, *Perry Bridge* in the parish of *Stoke Blifs*, 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*, *Woosferwood 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 *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 rutts on the said moor.

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

the top of *Togg Hill* in the county of *Gloucester*; and from *Chippenhams Bridge* afore said, 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 *Tirley* 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*.

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 *Ancafter* and *Kesteven*, by enabling him to raise portions thereout for his daughters, in the manner therein mentioned.
4. An act for impowering 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 inrollment 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

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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 *Buffy*, 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*, comprized 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 *Lauston* and *Odcombe* in the counties of *Wilt*s 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 Hapton* 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*, comprized in the marriage settlement of *John Wicker* esquire, in him and his heirs, and for settling lands in the counties of *Suffex*, *Surry* 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 Whitehead* and *Thomas Whitehead*, a debt due to the crown for customs for tobacco.

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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 tithes.
28. An act to empower *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 Toepken*, and *Christian Gottfried Moser*.
35. An act for naturalizing *Christian Samuel Geledneki*.
36. An act for naturalizing *Philip Deneyer*.
37. An act for naturalizing *James Fremcaux* merchant.
38. An act for naturalizing *Andrew Girardot*.
39. An act for naturalizing *Peter Aurio* and *David Pratoiel* 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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STATUTES at Large, &c.

Anno vicefimo tertio www.libtool.com.cn GEORGE II. Regis.

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 sixteenth day of November, 1749, being the third session of this present parliament.

CAP. 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 thousand 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 several and respective principal sums do amount in the whole to the sum of fifty seven millions seven hundred three thousand four hundred seventy 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 Majesty's reign glorious to posterity, as 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 provisos, 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 Majesty's 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 or hereafter may be intereſted in, or intitled unto, any part of the ſaid national debt redeemable by law, incurred before *Michaelmas*, one thouſand ſeven hundred and forty nine, amounting in the whole to the ſum of fifty ſeven millions ſeven hundred three thouſand four hundred ſeventy five pounds, fix ſhillings and four pence halfpenny, which now carries an intereſt after the rate of four pounds *per centum per annum*, and who have or ſhall, on or before the ſaid 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 ſaid twenty fifth day of *December*, one thouſand ſeven hundred and fifty ſeven, ſubject to the ſame proviſoes, 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 ſaid 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.

II. 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 of fifty ſeven millions ſeven hundred three thouſand four hundred ſeventy five pounds, fix 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 nevertheless to redemption by parliament, from the ſaid twenty fifth day of *December*, one thouſand ſeven hundred and fifty ſeven, ſubject to redemption after 25 Dec. 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 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*

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.

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 impower 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, and impoſitions whatſoever, in the ſame manner as they now are.

Annuities ſecured to the ſubſcribers;

perſonal eſtate,

free from taxes.

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

&c. impower-
ed to sub-
scribe.

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, 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 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.

Clause of redemption.

CAP. 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 3s. in the pound.*

CAP. 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.

CAP. IV.

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

CAP. 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.

CAP. VI.

An act for repairing, improving, and maintaining the haven and piers of Great Yarmouth; and for deepthening, 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.

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, deepthning, repairing, extending, maintaining, and improving the haven and piers of Great Yarmouth; and for deepthning 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 deepthned, and the said piers repaired, extended, altered, improved, and maintained; and that the jettie 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 Braidon, leading from Great Yarmouth to the city of Norwich, and so much of the river Wenson, 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 deepthned 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. 2q. towards cleansing the river Yare, &c. and the expence of a commission of sewers. 2q. towards cleansing the north river, &c. and the expences of a commission of sewers. 2q. towards clearing the river Waveney, and the expences of a commission of sewers. 2q. towards repairing the bridge, and publick keys. Other 3d. in the following proportions: 2q. towards clearing the river Bure; 2d. 2q. 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 impowered 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 1d. to be raised. If the commissioners shall not audit the accounts yearly, the corporation is impowered 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 impowered to go on board to extinguish lights. No vessel to be moored with her side towards the key for longer than one tide, &c.

CAP. 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.

CAP. 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 Leicestershire; 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.

CAP. 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

The preſent
duties payable
on importa-
tion of raw
ſilk from
China to ceaſe.

Raw ſilk from
China to pay
the ſame du-
ties as raw
ſilk of Italy.

The manner
of levying and
application of
the duties.

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

moſt humbly beſeech your 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 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.

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.

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.

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 Maſteſty, *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.

CAP. XI.

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

WHEREAS 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, or for corrupt bargaining or contracting with others to commit wilful and corrupt perjury, it shall be sufficient to set forth the 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.

Informations, &c. for subornation of perjury.

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

Justices of assize, &c. may direct prosecutions against persons examined before them being guilty of perjury.

and assign the
prosecutor
council.

The prosecu-
tion to be car-
ried on with-
out fees.

The clerk of
affize to give
the prosecutor
a certificate.

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.

CAP. XII.

An act 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: inasmuch 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 conveniencies, 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 seized of and in divers parcels of land and ground herein after-mentioned and described, which are very commodiously and conveniently situated for the purposes afore-mentioned; and the right reverend Samuel lord bishop of Chester, the ordinary, Edward Mar- ton 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; but under, and subject to the rents, reservations, provisions, and restrictions herein after expressed, pro- vided, 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 Ma- jesty, 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 Loyne, &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 divi- sion 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. Mer- chants, &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.

SCHEDULE 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.

CAP. 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 the reign 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, braſs, 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 convicted, 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 convicted as aforeſaid, ſhall offend again, and be ſo convicted a ſecond time of the like offence, then, and in ſuch caſe, the perſon ſo convicted 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 if 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, mohair,

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

hair, cotton, or silk, or of or in any manufactures made up of
wooll, mohair, cotton, or silk, or any of the faid materials mix-
ed one with another, or of or in iron, steel, brafs, or any other
metal, or any clock-maker, watch-maker, or any other manu-
facturer, workman, or artificer of or in any other of the manu-
factures 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 againft him, her, or them, in his Majeft-
ty's court of *King's Bench at Weftminfter*, or by indictment at the
affizes or general gaol delivery for the county, riding, or divi-
fion, wherein fuch offence fhall be committed (if fuch offence
fhall be committed in that part of *Great Britain* called *England*)
or by indictment in the court of jufticiary, or any of the circuit
courts in *Scotland* (if fuch offence fhall be committed in that
part of *Great Britain* called *Scotland*) or by indictment or infor-
mation in his Majeftty's court of *King's Bench at Dublin* (if fuch
offence fhall be committed in *Ireland*) the perfon or perfons fo
convicted, fhall, for every artificer, workman, or manufacturer,
fo by him, her, or them, refpectively contracted with, enticed,
perfuaaded, folicted, or feded, feverally forfeit the fum of five
hundred pounds of lawful money of *Great Britain*; and fhall
alfo fuffer imprifonment in the common gaol of the county, rid-
ing, divifion, fhire, or ftewartry, wherein fuch offender or offen-
ders fhall be refpectively convicted, for the fpace of twelve ca-
lendar months without bail or mainprize, and until fuch forfei-
ture fhall be paid; and in cafe of a further conviction, in man-
ner before prefcribed by this act, for or upon a fecond or other
fubfequent offence of the fame kind, the perfon or perfons fo
again offending, fhall, upon every fecond or other fubfequent
conviction, feverally forfeit for every perfon fo by him, her, or
them refpectively contracted with, enticed, perfuaaded, folicted,
or feded, the fum of one thoufand pounds of lawful money of
Great Britain; and fhall alfo fuffer imprifonment in the com-
mon gaol of the county, riding, divifion, fhire, or ftewartry,
wherein fuch offender or offenders fhall be refpectively convict-
ed, for the fpace of two years, without bail or mainprize, and
until fuch forfeiture fhall be paid; any thing in the faid in part
recited act of the fifth year of his faid late Majeftty's reign to the
contrary notwithstanding.

II. Provided nevertheless, That no perfon fhall be profecuted
for any of the offences aforefaid, unlefs fuch profecution fhall be
commenced within the fpace of twelve calendar months next af-
ter fuch offence fhall be committed.

III. And whereas the exportation of the feveral tools or utensils
made ufe of in preparing, working up, and finifhing the woollen and
filk manufactures, or any or either of them, will enable foreigners to
work up fuch manufaetures, and thereby greatly diminifh the exporta-
tion of the fame from this kingdom: therefore, for preferving as
much

to forfeit 500l.
and to be im-
prifoned for 12
months.

and for a fe-
cond offence
to forfeit
1000l.

prifoned for 2
years.

Profecution to
be commenc-
ed within 12

Persons exporting utensils of the woollen 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 laden 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 laden 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 essoin, protection, privilege, or waiver of law shall be allowed, or more than one imparlance.

shall forfeit the tools and 200l.

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

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 publicly 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.

to be sold after condemnation.

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

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

ed in the same manner as the penalties by this act inflicted upon persons exporting the said tools or utensils are to be sued for and recovered; and if the said ship, vessel, or boat 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.

Captains of his Majesty's ships to forfeit 100l. and to be cashiered.

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VI. And be it further enacted by the authority aforesaid, That if any customer, comptroller, surveyor, searcher, waiter, 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 cocket, 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, directly 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.

Officer of the custom house, signing cockets, &c for the exporting such tools.

to forfeit 100l. and his employment.

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 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 and prosecute for the same respectively.

One moiety to the King, the other to the prosecutor.

VIII. And be it further enacted by the authority aforesaid, That if any suit or action shall be commenced against any person for what he shall do in pursuance of this act, such action shall be commenced within six 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 pass against him, or if, upon demurrer judgment be given against him, the defendant shall recover treble costs.

Limitation of actions.

General issue.

Treble costs.

IX. And whereas by an act made in the last session 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, fustian, 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,

22 Geo. 2. c. 27.

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 inconveniencies have arisen and may arise in the bearing ~~and determining of such appeals~~, 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 inconveniencies 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)

A form of conviction on the recited act.

Middlesex, **B**E it remembered, That on the day of
to wit, 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 transmitted to the sessions.

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 aſſigning a place proper for holding a market in the city of Weſtmiſter, in lieu of the ancient market place called the Round Woolſtiple ; and for regulating the ſaid market.

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WHEREAS the market for the city of Weſtmiſter, bath, from ancient times, been held from or under the dean and chapter of the collegiate church of Saint Peter, Weſtmiſter, by their leſſee, of the office of keeper and ſweeper of the ſaid market, in a place called the Round Woolſtiple, in the pariſh of Saint Margaret, in the ſaid city of Weſtmiſter ; 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 Woolſtiple, or thereabouts, in the pariſh of Saint Margaret, Weſtmiſter, 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 Weſtmiſter, 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 Weſtmiſter, 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 ſl. Juſtices may mitigate the penalties. Perſons aggrieved may appeal to the quarter ſeſſions. Proceedings not to be removed by Certiorari. If any perſon reſuſe 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 act for taking down ſeveral buildings, and enlarging the ſtreets and market places in the city of Glouceſter.

WHEREAS 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 ſtraightened 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 buſineſs 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, ſemes covert, infants, and others, who by law are diſabled to make an abſolute ſale and conveyance thereof in fee-ſimple, 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, &c.

Commiſſioners impowered to contract for the purchaſe of ſuch houſes and grounds as are deſcribed in the ſchedule. Perſons intereſted, impowered to make ſale thereof. If any reſuſe 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 meeting. The purchaſe money of the eſtates of infants and ſemes 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

of the estates of infants and femes 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.

CAP. 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.

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 surplusses, excesses, or overplus monies of the fund, commonly called the *sinking fund*; and the said surplusses, excesses, or overplus monies are hereby appropriated for that purpose accordingly.

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

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

The annuities payable in respect thereof to be charged on the sinking fund.

Natives or foreigners may contribute to the said sum of 1,000,000*l.*

for the purchase of annuities.

Cashier of the bank to give security.

Annuities to be at 3 per cent.

Times of payment of the contribution money.

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

Cashier to give contributors receipts,

which shall be assignable;

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 before-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, 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: 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

dred and fifty, and no longer: and the said cashier or cashiers shall, from time to time 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, 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 advanced and paid to him or them in his Majesty's court of exchequer, according to the due course thereof.

and to pay the monies into the exchequer.

III. And it is hereby enacted, That in the office of the accomptant 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 respective 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 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.

Contributors names to be entered in a book, with the sums paid;

which may be inspected gratis.

Duplicate to be transmitted to the exchequer.

IV. And it is hereby enacted by the authority aforesaid, That all and every contributor and contributors upon this act, duly paying the consideration or purchase-money at the rate aforesaid, at or before the respective days or 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 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 whatsoever.

Contributors paying the purchase money to be intitled to the annuities;

which shall be free of taxes.

V. Provided always, That in case any contributor or contributors, 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 accomptant general, and that the principal money, and the annuity

Accomptant general to give credit to the contributors for the principal sums paid.

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 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.

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

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 accomptant 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 Maſteſty's treaſury, or any three or more of them now being, or of the high treaſurer, or commiſſioners of the treaſury of his Maſteſty, 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.

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

Accomptant general to inſpect the caſhiers receipts and payments.

Annuities to be a perſonal eſtate.

VII. And it is hereby alſo enacted, That the ſaid accomptant 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 thereunto, 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-

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 act, for or towards the ſaid ſum not exceeding one million, ſhall 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, 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 transferable as this act directs, and not otherwiſe; and that there ſhall conſtantly be kept at all ſeaſonable times in the office of the ſaid accountant 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 attaeſted 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 duties whatſoever, ſhall be charged on the ſaid transfers, or any of them; any other law or ſtatute to the contrary notwithstanding.

The monies contributed to be deemed a joint ſtock,

which may be transferred.

Method of transferring.

without ſtamps.

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.

No annuities to be obtained, unleſs 10l. per cent. be paid before 20 April, 1750.

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,

to forfeit their
first payment.

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 annu-
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 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.

No fee to be
taken, &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 Majeſty's ſubjects for receiving or paying the ſaid contribution 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 offending, 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 Majeſty's courts of record at *Weſtmiſter*.

upon penalty
of 20 l.

Treafury to
defray charg-
es, &c.

XIII. Provided always, and it is hereby enacted, That the commiſſioners of the treafury, or any three or more of them now being, or the high treaſurer, or any three or more of the commiſſioners of the treafury for the time being, ſhall have power, and they are hereby authorized to reward all ſuch perſons as ſhall be any ways employed in the execution of this act, for their ſervice, pains, and labour, and alſo to defray ſuch incident charges as ſhall neceſſarily attend the ſame, out of the ſaid ſurpluſſes, exceſſes, or overplus monies; and alſo to appoint 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 impowered 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 Dungleas Bridge to the town of Haddingtoun; and from thence to Ravensthaughburn 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 nightly 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 Majesty's dock yard and victualling office at Deptford, and also the East India warehouse at Rotherhithe; and where-

as

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 repositied 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 10d. 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.

CAP. 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 tenth years of the reign of his late majesty King William the Third, ^{9 & 10 W. 3.} ^{c. 19.} 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 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 enacted, 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 choaked 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 3 d. 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.

CAP. 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, imposition, or other duty 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, manned 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.

Raw silk of the growth of the British colonies in *America*, to be imported free, so as entry be made,

and the same imported in vessels that may lawfully trade.

II. Provided always, and be it further enacted by the authority aforesaid, That in order to intitule 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 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 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,

Oath to be made before clearing that the silk is of the growth of the British plantations, &c.

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 empowered 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 arise, whether the said raw silk, or any part thereof, so to be imported as aforesaid, is of the growth or culture of the *British* colonies or plantations in *America*, or of foreign growth or culture, 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.

In doubts about the growth of the silk, the *Onus Probandi* is to lie on the owner.

V. 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 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 same, as defendants have in other cases by law.

General issue.

Treble costs.

CAP. 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 cheerfully 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.

900,000 l.
granted out
of the sinking
fund, towards
the supply.

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

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

71,116 l. 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 Maſteſty 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 Maſteſty's land forces, ariſing from the pay of his Maſteſty'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 Maſteſty in this ſeſſion of parliament, towards defraying the extraordinary expences of his Maſteſty'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 Maſteſty'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 ſaid paymaſter general of his Maſteſty'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 Maſteſty, under his royal ſign manual in that behalf, towards defraying the ſaid extraordinary expences of his Maſteſty'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 Maſteſty's land forces, ariſing from the contingencies of the army, have been granted to his Maſteſty 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,

to be applied
for the ſervice
of the year
1750.

46,849 l. 11s.
10d. ſavings
from the pay
of the land
forces,

65,674 l. 8s.
6d. ſavings on
forage, &c.
for the troops
of Ruſſia, and
the ſubſidies
to the Land-
grave of Heſſe
Caſſel, elector
of Bavaria,
and duke of
Wolfenbuttle,

65,481 l. 4s.
7d. granted
for the ſervice
of the year
1750.

to be applied
towards the
expences of
the land
forces in
1749.

15,000 l. ſav-
ings from the
contingencies
of the army,

49,848 l. 7s.
6d. of the
ſupplies for
the year
1750.

to be applied
to the out-
pensioners of
Chelsea Hos-
pital.

5 Geo. I. C. 20.

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

Proviso.

pence, are to be applied for the defraying the charge of the said out pensioners 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.

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 in case the said 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 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 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 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 *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 registred in course according to the dates respectively; and that all and every person and persons shall be paid in course, according as their orders shall stand registred 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,

Clause of loan
at 3 l. per
cent.

Tallies and
orders for
repayment,
to carry 3 l. per
cent. interest.

Orders to be
register'd, and
paid in course.

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 essoin, 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 registred, 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 assign-
 perſons to whom any money ſhall be due for loans to be regi- able.
 ſtered 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 or-
 der, 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 be-
 nefit 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. The assign-
 ment not to be
 voided.

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 men-
 tioned, & by both or either of thoſe ways or means for the pub-
 lick 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 exche-
 quer bills, inſtead of ſuch loans as aforeſaid, that then they re-
 ſpectively 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 ac-
 cording 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 hun-
dred and fifty) are enacted and preſcribed concerning the exche-
 quer bills to be made in purſuance of the ſaid act. Commiſſion-
 ers of the
 treasury may
 make new ex-
 chequer bills
 for the ſaid
 ſum of
 900,000l.

XII. And be it further enacted by the authority aforeſaid, Subject to the
 That all and every the claules, proviſoes, powers, privileges, regulations
 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 claules
 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
 Subject to the
 regulations
 contained in
 the land tax,
 &c.

said several clauses or provisos 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, mum, 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

Malt tax,

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, 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.

out of the aids
to be paid,

1,111,521l. 5s.
10d. towards
naval services.

XV. 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 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.

10,000l. to
Greenwich
hospital.

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 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.

144,708l. 16s.
4d. towards
the office of
Ordnance.

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

1,238,704l.
9s. 11d. to
the land for-
ces.

hun-

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

236,420l. 18s.
6d. 2q. for
Garrifons, &c.
in the planta-
tions, Minor-
ca and Gibrat-
tar, Nova Sco-
tia, New-
foundland,
and Provi-
dence.

29,993l. 3s.
7d. to the
duke of Brunſ-
wick Wolfen-
bottle;

8,620l to the
elector of
Mentz.

22,372l. 3s.
1d. 2q. to the
elector of Ba-
varia.

65,481l. 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 Maſteſty'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 com- miſſion and non-commiſſion officers, and one thouſand eight hundred and fifteen invalids, for guards, garrifons, and other his Maſteſty'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 Maſteſty's forces and garrifons in the plantations, *Minorca*, and *Gibraltar*, and for proviſions for the garrifons in *Nova Scotia*, *Newfoundland*, *Gibraltar*, and *Providence*, for the year one thouſand ſeven hun- dred 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 Maſteſty's en- gagements with his moſt ſerene highneſs the duke of *Brunſwick Wolfenbottle*, purſuant to treaty; and any ſum or ſums of mo- ney, not exceeding eight thouſand ſix hundred and twenty pounds, to make good his Maſteſty's engagements with the elec- tor of *Mentz*, purſuant to treaty; and any ſum or ſums of mo- ney, not exceeding twenty two thouſand three hundred and ſe- venty two pounds, three ſhillings, and one penny halfpenny, to make good his Maſteſty's engagements with the elector of *Ba- varia*, 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 Maſteſty's land forces, and other ſervices incur- red 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 ſe- venteen pounds, eleven ſhillings, and eight pence, for defray- ing 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 Maſteſty'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 ex- ceeding 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 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 cross 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

122,246l. 16s. 4d. for services during the war in North America, &c.

36,476l. 3s. 10d. charges of settling Nova Scotia.

39,778l. 19s. 2d. for Nova Scotia.

8000l. for the Bridge at Westminster.

1,000,000l. to pay the like ſum; charged on the firſt aids raiſed after 29 Sept. 1749.

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

10,000l. for ſupport of the Britiſh forts, &c. upon the coaſt of Africa.

3,304l. 3s. 4d. for Georgia.

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

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

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

7,196l. 4s. 5d. 2q. to make good the additional duties on wines.

and may be iſſued and applied any ſum or ſums of money, not exceeding one million, to diſcharge the ſum of one million raiſed in purſuance of an act paſſed in the laſt ſeſſion of parliament, and charged on the firſt aids or ſupplies to be granted in parliament, after the twenty ninth day of *September*, one thouſand ſeven hundred and forty nine; and any ſum or ſums of money, not exceeding ninety four thouſand ſix hundred fifty five pounds, ſeven ſhillings, and four pence, for making good the deficiency at *Chriſtmas*, one thouſand ſeven hundred and forty nine, of the half ſubſidy of tonnage and poundage, for paying the annuity and charges of management of the *South Sea* company, for ſubſcriptions into their capital of annuities, granted by the ſecond act *Anno* one thouſand ſeven hundred and eight; 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 Maſteſty ſhall think proper; and there ſhall and may be iſſued and paid to the truſtees for eſtabliſhing the colony of *Georgia* in *America*, any ſum or ſums of money, not exceeding three thouſand three hundred and four pounds, three ſhillings, and four pence, by them to be applied for the further ſettling and improving the ſaid colony.

XXI. And it is hereby alſo enacted by the authority aforeſaid, That out of ail 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 haltpenny, 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 four pounds, three 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 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, and ten 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 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 good the deficiency at *Christmas*, one thousand seven hundred and forty nine, of the said duties on glass and spirituous liquors; and any sum or sums of money, not exceeding two hundred seventy 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.

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.

XXIII. And as to the said sum of sixty seven 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 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

5,724l. 3s. 9d. to make good the duty on licences for retailing spirituous liquors.

21,564l. 2s. 10d. 2q. deficiency of the duties on glass and spirituous liquors.

39,631l. 6s. 10d. 2q. deficiency at Christmas, 1749;

275,736l. 5s. 3d. deficiency of the grants for 1749;

The supplies to be applied only as this act directs.

Rules to be observed in the application of the half pay.

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.

Clause for re-
lief of persons
who have
omitted to
pay the duties
charged on in-
dentures.

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 mistress 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, stampd 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 re-*

lation

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 manuſacture*; in order therefore to ſecure the due and regular payment 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.

The bounty upon exportation of Britiſh ſail cloth, to be paid for the future out of the old ſubſidies.
26 Geo. 2.
c. 32. ſ. 9.

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,

to be forfeited,
and the master
to pay 50l.
26 Geo. 2.
c. 32. f. 8.

Officers may
seize the same.

Officers of ex-
cise may go on
board vessels,

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

Cocquets to
exprefs the
quality, quan-
tity, and
weight, &c.
of those com-
modities, un-
der penalty of
the goods
being forfeit-
ed, &c.

under the penalties and forfeitures following (that is to say) that all the candles, soap, or starch so imported, in any ship or vessel 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 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 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.

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.

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 exprefs 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.

Officers may seize those commodities suspected to have been made in private workhouses, or clandestinely imported, &c.

and the possessor not proving the payment of the duty,

to forfeit the goods, and 5*l.* for every C. weight.

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 and 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.

Foreign candles, soap, or starch unshipped before entry,

or relanded, after shipped for exportation,

forfeited, and the vessels, horses, and carriages, &c.

and the possessor to pay 5*l.* for every C. weight.

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,

Persons harbouring any of those commodities unlawfully imported, &c.

to forfeit the
goods,

and sol. for
every C. wt.

Method of
proceeding
when no per-
son appears to
claim the
goods within
20 days.

Judgements to
be final.

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.

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

time or times of the seizure or seizures thereof, had been respectively summoned to attend the said commissioners of excise or justices of the peace, in the manner herein before prescribed, and shall not be liable to any appeal, or to be removed by *Certiorari*; and not removeable by *Certiorari*. any thing in this present act contained, or any law, statute, 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 excise, shall have cause to suspect that any candles, soap, or starch shall be fraudulently hid or concealed in any place whatsoever, either entered for keeping the same, or not entered, with an intent to defraud his Majesty of the duties thereon, then and in such case, if such place shall be within the cities of *London* or *Westminster*, or within the limits of the weekly bills of mortality, upon oath made by such officer or officers before the commissioners of excise 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, division, 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 such 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 empower such 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 such place or places, where he or they shall so suspect such candles, soap, or starch to be so fraudulently hid or concealed, and seize and carry away all such candles, soap, or starch, which he or they shall then and there find so fraudulently hid and concealed, as forfeited, together with all the casks, chests, boxes, bags, or other package whatsoever, wherein 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, performing, or executing any of the powers or authorities by this act given to such officer or officers; every such person or persons offending therein, shall, for every such 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 be so seized for non-payment of duties or non-entry, and any dispute shall arise, whether the customs, excise, or inland duties have been paid for the same, or the same have been duly entered, then, and in such cases, the proof thereof shall lie on the owner or claimer of such goods, and not on the officer who shall seize or stop such goods.

XXXVI. And be it further enacted by the authority aforesaid, That from and after the said first day of *May*, one thousand seven hundred and seventy

made in Ire-
land, &c.

seven hundred and fifty, no person who shall export from any 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
proceeding to
condemnation
of such seiz-
ures.

XXXVII. And be it further enacted by the authority afore-
said, That when any candles, soap, or starch shall be seized by
any officer of excise, or any other persons authorized thereto,
on board any ship or vessel, or unshipping or unshipped, as for-
feited 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 di-
rected) and the several penalties and forfeitures by this act re-
spectively 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 informa-
tions for the condemnation of such seizures, and for the penal-
ties 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 pro-
ceeded upon, heard, and determined by the commissioners of
excise for the time being, or any three of them, or by the com-
missioners of appeals, or the major part of them, in case of ap-
peal, and not otherwise: and all informations for the condem-
nation 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 judge-
ment 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,

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 thereupon 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, waggon, 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, waggon, carts, and other carriages, as shall be so by them respectively condemned; and where the party accused shall be convicted of the offence alleged 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.

Application of the penalties.

Execution, &c. not to be superseded by *Certiorari*.

CAP. 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. **W**HEREAS 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 intituled 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 provisos, notices, and clauses of redemption, which their respective four per cents are now liable to; should, in lieu of their present interest, be intituled 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 completing 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 corporate, who now are, or hereafter may be, interested in, or intituled unto, such part of the national debt, incurred before Michaelmas, one thousand seven hundred and forty nine, redeemable

Time given to
30 May, to the
proprietors of
the four per
cent annui-

able 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 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 provisions, 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; and from and after the said twenty fifth day of *December*, one thousand seven hundred and fifty, an interest of three pounds and 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, until after 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 now carries an interest of four pounds *per centum per annum*, and which shall not be subscribed on or before the thirtieth day of *May*, one thousand seven hundred and fifty, be redeemed and paid off; and that your Majesty be enabled to borrow of 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 the said act, and shall not be subscribed according to the foregoing 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 unsubscribed 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 hundred 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

Such part of the four per cent annuities as shall not be subscribed, to be paid off.

His Majesty empowered to borrow money on the sinking fund to pay off the same.

the feveral acts of parliament for creating the faid annuities refpectively; that fo much of the annuities transferrable at the bank of *England*, created in the year one thoufand feven hundred and forty eight, as have not been fubfcribed, purfuant to an act paffed this feflion of parliament, and fhall not be fubfcribed on or before the thirtieth day of *May*, one thoufand feven hundred and fifty, will be redeemed and paid off, on the twenty fifth day of *March*, one thoufand feven hundred and fifty one, agreeable to the claufes and powers of redemption, contained in the act of parliament for creating the faid annuities; that fo much of the annuities transferrable at the bank of *England*, created in the year one thoufand feven hundred and forty nine, as have not been fubfcribed, purfuant to an act paffed this feflion of parliament, and fhall not be fubfcribed on or before the thirtieth day of *May*, one thoufand feven hundred and fifty, will be redeemed and paid off on the twenty ninth day of *September*, one thoufand feven hundred and fifty one, agreeable to the claufes and power of redemption, contained in the feveral acts of parliament for creating the faid annuities refpectively; that fo much of the annuities charged upon wrought plate, and payable at the exchequer, as have not been fubfcribed, purfuant to an act paffed this feflion of parliament, and fhall not be fubfcribed on or before the thirtieth day of *May*, one thoufand feven hundred and fifty, will be redeemed and paid off on the twenty fifth day of *March*, one thoufand feven hundred and fifty one, agreeable to the claufes and powers of redemption contained in the act made in the fixth year of the reign of King *George* the Firft, for laying a duty upon wrought plate; that the fum of four million two hundred thoufand 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 thoufand pounds, on the twenty fifth day of *March*, one thoufand feven hundred and fifty one; one million and fifty thoufand pounds, on the twenty fourth day of *June*, one thoufand feven hundred and fifty one; one million and fifty thoufand pounds, on the twenty ninth day of *September*, one thoufand feven hundred and fifty one; and the remaining fum of one million and fifty thoufand pounds, on the twenty fifth day of *December*, one thoufand feven hundred and fifty one, unlefs the fum of three million two hundred thoufand pounds be fubfcribed on or before the thirtieth day of *May*, one thoufand feven hundred and fifty: and therefore your faithful commons do moft humbly befeech your Majefty that it may be enacted; and be it enacted by the King's moft excellent majefty, by and with the advice and confent of the lords fpiritual and temporal, and commons, in this prefent parliament affembled, and by the authority of the fame, That fuch notices as aforefaid

Notices given by the fpeaker, &c. to be deemed good. fhall be and be deemed, adjudged, and taken to be good and fufficient notice or notices, within the true intent and meaning of the feveral acts of parliament for the redemption of the faid feveral annuities, and the fame fhall 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 intituled 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 provisos, notices, and clauses of redemption, which their respective four *per cents* are now liable to, shall, in lieu of their present interest, be intituled 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 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 shall be liable to be redeemed, till after the said twenty fifth day of *December*, one thousand seven hundred and fifty five.

The proprietors subscribing within the time limited, to be allowed an interest after the several rates mentioned.

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.

Such part of the said annuities as shall not be subscribed, to be 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.

The East India company not subscribing to be 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 East India company subscribing within the time limited,

the

are impower-
ed, with con-
sent of the
treafury, to
borrow
4,200,000l. at
the feveral
rates of inte-
reft granted
by this act,
&c.

the faid united company, in refpect of the faid principal fum of three million two hundred thoufand pounds, to the feveral rates of intereft before mentioned, redeemable by parliament, as afore-
faid, and alfo that the faid fum of one million, due and owing to the faid united company, at an intereft after the rate of four pounds *per centum per annum*, by virtue of the faid act of the feventeenth year of his Majefty's reign, fhall remain and continue at the faid rate of three pounds *per centum per annum*, until the fame fhall be redeemed and paid off, according to the proviso contained in the faid act of the feventeenth year of his Majefty's reign, in that behalf; that then it fhall and may be lawful to and for the faid united company, and they are hereby authorized and impowered by and with the confent and approbation of the commiffioners of his Majefty's treafury, or any three or more of them now being, or the high treafurer, or any three or more of the commiffioners of the treafury for the time being, at fuch time or times, and in fuch manner, as they fhall find to be moft for the advantage of the faid united company, to borrow, or take in by fubfcription, or otherwife, from any perfon or perfons, bodies politick or corporate, who are willing to advance the fame, any fum or fums of money, not exceeding in the whole the fum of four million two hundred thoufand pounds, by fale of annuities, after the feveral rates of intereft following; that is to fay, any fum or fums, not exceeding three million two hundred thoufand pounds, by fale of annuities, after the feveral rates of intereft herein before propofed to be paid, for the faid fum of three million two hundred thoufand pounds, in cafe the fame fhall be fubfcribed on or before the faid thirtieth day of *May*, one thoufand feven hundred and fifty; and any fum or fums, not exceeding one million more, by fale of annuities, after the rate of three pounds *per centum per annum*; all which faid annuities fhall be paid and payable to the refpective perfons and corporations intituled thereunto, their executors, administrators, or affigns, at the office of the faid united company, out of the fame duties and revenues, as the prefent annuities payable to the faid united company, in refpect of the faid principal fums of three million two hundred thoufand pounds, and one million, are now payable, and fhall commence and be paid at fuch feaft days, as fhall be agreed upon between the faid united company, and the faid feveral contributors refpectively; and that the faid fum of four million two hundred thoufand pounds, fo to be advanced, or fo much thereof as fhall be advanced as aforefaid, and all and every the annuities payable for or in refpect of the fame, fhall be free of all taxes, charges, and impositions whatfoever; and fhall be assignable or transferrable in a book or books to be provided for that purpofe, in the office of the faid united company, in fuch manner as the faid commiffioners of the treafury, or any three or more of them now being, or the faid high treafurer, or any three or more of the commiffioners of the treafury for the time being, fhall direct in that behalf, without fee or gratuity, and free from all charges; and that

The annuities
to be free of
taxes, and
assignable;

that the ſaid annuities ſhall be deemed and taken 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 intituled 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 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.

and a perſonal eſtate;

ſubject to redemption by parliament.

VI. And be it enacted by the authority aforeſaid, That the 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.

The powers given to the company of raiſing money by bonds, &c. continued; the money to go to paying their preſent bond debt.

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 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 aforegoing propoſal mentioned.

Power given to his Majeſty to borrow money on the ſinking fund, to pay off unſubſcribed annuities.

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

The reduced annuities made payable and transferable as the four per cents.

persons and corporations intituled 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 intituled 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 empower, 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.

offices 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 forthwith 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.

Notice to be
published of
the books be-
ing opened.

X. 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 thirtieth day of *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 *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*, 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, 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, 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, and impoſitions whatſoever, in the ſame manner as they now are.

Subſcribers in-
titled to the
ſeveral rates
of intereſt
mentioned in
this act.

Annuities to
be a perſonal
eſtate,

and free from
taxes.

XI. And it is hereby enacted and declared, That it ſhall and 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 Maſteſty's court of exchequer, to make, or cauſe to be made, ſubſcriptions in the ſaid book or books,

Executors,
&c indemni-
fied for not
ſubſcribing.

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 same.

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 appropriated 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, 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 *per centum per annum*, 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 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 authority aforesaid, That from and after the said twenty fifth day of *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 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.

CAP. XXIII.

An act to continue several laws for preventing the spreading of the distemper which now rages amongst the horned cattle; and for empowering his Majesty to prohibit the killing of cow calves.

CAP. XXIV.

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

WHEREAS the carrying on, and improvement of, the British white herring fisheries, are of great importance to these kingdoms, as they may be of great advantage to the trade and navigation 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 reasonable encouragements be given to such persons as are willing to carry on the said fisheries: therefore for the encouragement of such persons 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 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 his Majesty, his heirs and successors, by letters patent under the great seal of Great Britain, to incorporate the right honourable Sir Samuel Pennant lord mayor of the city of London; Sir James Lowther baronet, Sir Nathaniel Curzon baronet, Sir Bouchier Wrey baronet, Sir Walter Blacket baronet, Sir Ciril Wych baronet, Sir Richard Lloyd knight, Edward Vernon esquire, William Whitaker, Stephen Theodore Janssen, and Slingsby Bethell, esquires, aldermen of the city of London; lieutenant general Roger Handasyd, lieutenant general Richard Onslow, lieutenant general James Oglethorpe, Thomas Fonnerneau esquire, Velters Cornwall esquire, William Willy esquire, George

See 26 Geo. 2. c. 9.

His Majesty empowered to grant letters patent to incorporate the persons herein mentioned,

*George Doddington esquire, William Northey esquire, Charles Gray esquire, William Davis esquire, Edward Stevenson esquire, Paul Humfrey esquire, John Edwards esquire, Francis Crasfeyne 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 John Clark of the Old Jewry, Michael Wilkins Conway esquire, Archibald Stuart esquire, John Spooner esquire, Arthur Beardshy 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 Watfon esquire, Thomas Salusbury esquire, Richard Gildart esquire, John Hardman esquire, Lawrence Dundas 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 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 offence, to be recovered by action, plaint, or information, in any of his Maſteſty's courts of record at Weſtmiſter, 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.

and to direct what ſeals or marks ſhall be put on every barrel of fiſh.
Penalty of counterfeiting the ſame.

IV. And be it further enacted, That it ſhall and may be lawful for his Maſteſty, 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 ſubſcribing may be aſcertained, transferred, and alienated.

The ſociety impowered to raiſe a capital of 500,000l.

V. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for his ſaid Maſteſty, 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 reſuſe 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 reſuſing, 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.

and to make calls for payment of the ſubſcriptions.

The times of payment, and the ſums.

The ſociety may ſell the ſhares of thoſe who reſuſe to pay, after notice of call in the *Gazette*.

Subſcriptions to be paid into the bank.

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 the

3l. per cent. per annum, for the ſums employed in

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

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.

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.

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.

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

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

No transfer to be made of the ſtock for five years.

X. Provided always, That it ſhall and may be lawful for the 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 aſſignees under any commiſſion of 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.

Executors and aſſignees of bankrupts, &c. may tranſfer.

XI. And be it further enacted, That as a further encouragement to all perſons whatſoever, as well bodies politick and corporate 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 Maſteſty'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.

30 s. *per ton* bounty to be paid out of the cuſtoms, for decked veſſels built for the fiſheries.

XII. And be it further enacted, That every ſuch buſ 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 buſ 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 buſ 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 buſ 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 Maſteſty'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,

Conditions of the bounty.

that such bufs or vessel shall proceed refpectively, fo manned, furnished, and accoutred, either to *Brassley's Sound* in *Shetland*, and be at the rendezvous of the faid fishery there, on or before the eleventh day of *June*, and shall not shoot or wet their net before the thirteenth day of the faid 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 faid fisheries, on or before the first day of *September*, and shall continue fishing amongst 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 faid 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 jagers 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 faid 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 faid master, and ship's company, in regard to the faid 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 bufs 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 bufs 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 bufs 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 jager

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

XIV. And be it further enacted, That every such vessel of twenty tons, which shall be employed in the said fishery, shall 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.

Vessels of 20 tons to have on board 6 men, &c.

XV. And be it further enacted by the authority aforesaid, That on the return of such vessel into any port of *Great Britain*, for her discharge, the chief officer of the customs, or such other officer of the customs as he shall appoint at such port, shall immediately repair on board such vessel, and view the condition of such vessel and her lading, and certify the same, together with their observations thereon, and also the real tonnage of the said bufs 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 certify the same; and the master shall make oath before the collector and comptroller of such port (who are hereby impowered 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 fishing 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 bufs 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 fishing, 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.

Officer of the customs to go on board every vessel at her return; who is to certify the tonnage, and names of the master, &c. The master to make oath, that his vessel was at one of the places before mentioned.

Certificate, &c. to be transmitted to the commissioners from whence the vessel departed;

who are to cause payment to be made of 30 s. *per* ton.

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

Bounty of 30s. *per* ton to be paid yearly for 14 years.

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,

This act not to exclude any of his Majesty's subjects.

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,*

Persons sub-
scribing
10,000l. under
the name of
*The Fishing
Chamber,*

who shall send
their accounts
to the society
of London,

shall be inti-
tled to 3l.
per cent. per
annum.

*Fishing Cham-
bers not to
have any pro-
fit, &c. from
the trade of
the society.*

Receiver ge-
neral to pay
yearly 3l. per
cent. to the
society in
London, who
are to pay
over the same
to the respec-
tive *Fishing
Chambers.*

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 said 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 transmitted to the governor and council of the said society at *London*; and the accomptant of the said society at *London* shall be empowered, 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 intituled 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.

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 empowered 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 intituled thereto, or to such person or persons as shall, by the said chambers respectively, be empowered to receive the same.

CAP. 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 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 produced 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 Westminster, 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 sheriffs 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

9 Geo. 2. c. 32.

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 thereby 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 raiſed 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 thereafter directed by parliament: and whereas 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, ſubject to the diſpoſition of parliament: and whereas the office of keeper or clerk of the Hanaper in Chancery is a very ancient office, held and enjoyed by grant from his Maſeſty's royal predeceſſors, Kings and Queens of this realm; and the yearly revenue thereof, conſiſting of ſeveral certain yearly rents or ſums, reſerved upon grants made by the crown of the ſeveral offices, commonly called the Seal or Green Wax Office, the Alienation Office, and the Sixpenny Writ Office, in Chancery (the grant of which laſt-mentioned office is now expired and determined) and alſo of fees paid upon grants, commiſſions, and other patents paſſing under the great ſeal, which are uncertain and contingent, hath conſtantly been iſſued and applied in and for the payment of ſeveral ancient fees, ſalaries, and allowances, belonging 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 always paid and allowed out of the revenues of the Hanaper office: and whereas the office of maſter or keeper of the rolls, is an office of great truſt and conſequence to the publick, and the revenue belonging thereto is not adequate to the trouble, dignity, and importance of the ſaid office: and whereas the income or revenue of the ſaid office of the Hanaper, hath not for ſeveral years laſt paſt been ſufficient to answer and pay the ſeveral fees, ſalaries, allowances, 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 intitled to ſuch fees, ſalaries, allowances, and diſburſements reſpectively, 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 deficient, not only the preſent debt upon the ſaid office will be loſt, but the ſervices to which the ſame for the future are to be applied, will remain unprovided for: wherefore, and in order to make a provision for the payment of the ſaid debt, and arrears incurred upon the Hanaper office; be it enacted by the King's moſt excellent maſeſty, 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 Hana-
per, &c.

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

Duties payable
upon writs,
&c. granted
by 12 Geo. 1.
continued for
ever;

this preſent parliament aſſembled, and by the authority of the ſame, That out of the ſaid ſum of thirteen thouſand ſix hundred ninety 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 reſerved 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 account 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 account general (which certificates he is hereby required 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 Maſteſty'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 Maſteſty, 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 Maſteſty, that it may be enacted; and be it further enacted by the King's moſt excellent 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 the ſaid duties granted by the ſaid act of the twelfth year of the reign of his late Maſteſty, for the term of ſixteen years, and continued by the ſaid act of the ninth year of the reign of his preſent Maſteſty, 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 ~~paying the expenses thereof~~, 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.

to commence
from 24 June,
1750.

III. And it is hereby further enacted by the authority aforesaid, 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.

Officers to
keep distinct
accounts of
the duties,
and to pay the
same into the
exchequer
weekly.

IV. And be it further enacted by the authority aforesaid, 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.

Books to be
kept for enter-
ing the monies
arising by the
duties.

3,000l. to be
paid yearly
out of the
same to the
clerk of the
Hanaper,
half-yearly.

V. And be it further enacted, That the residue of the said thirteen thousand six hundred ninety eight pounds, one shilling, 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 privy of the accomptant general

Residue to be
put out at in-
terest, on go-
vernment se-
curities;

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 surplusses.

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 fuch overplus to be afcertained by fuch certificate as aforefaid, will be fufficient to answer and pay the faid yearly fum of twelve hundred pounds to the mafter or keeper of the rolls for the time being, and the feveral fees, falaries, and allowances paid and payable out of the fame.

VIII. And it is hereby further enacted, That in cafe the yearly income and revenue of the faid office of keeper or clerk of the *Hanaper*, augmented by virtue of this prefent act as aforefaid, fhall, at any time or times hereafter, fall fhort or prove deficient to answer and pay the faid yearly fum of twelve hundred pounds, to the mafter or keeper of the rolls for the time being, and the feveral fees, falaries, and allowances paid and payable out of the fame as aforefaid, then and in fuch cafe, from time to time, as it fhall fo happen, it fhall and may be lawful to and for the lord high treafurer, or commissioners of the treasury, or any three of them for the time being, out of any money that is or fhall be in the exchequer, that hath arifen or fhall arife, by and from the faid revived duties granted and directed to be paid by this act, not otherwife applied by parliament, to direct fuch fum and fums of money not exceeding what fhall have been faved in former years, by lefs having been paid to the faid keeper or clerk of the *Hanaper* or his deputy, than the annual fum of three thoufand pounds as aforefaid, to be iffued and paid unto the keeper or clerk of the *Hanaper* for the time being, or his deputy, as fhall be neceffary for the answering and fupplying fuch deficiency, fo from time to time happening, to be afcertained by a certificate from one of the auditors of the impreft, to be directed to the lord high treafurer or commissioners of the treasury in that behalf, in the manner aforefaid, and that the receipts of fuch keeper or clerk of the *Hanaper* or his deputy, fhall be a good and fufficient difcharge for all fuch fum and fums of money as fhall be fo iffued and paid as aforefaid.

Deficiencies in the Hanaper office, how to be made good.

IX. Provided always, and it is hereby enacted and declared, That in cafe the faid revived duties, and the intereft or yearly proceed of the faid furplus cash in the bank of *England*, fhall in any one year produce lefs, and in another more than the fum of three thoufand pounds, then, and in fuch cafe, from time to time, as it fhall fo happen, it fhall and may be lawful to and for the lord high treafurer, or commissioners of the treasury, or any three of them, for the time being, to order fuch deficiencies to be made good out of fuch furplufes, fo as the whole money to be iffued, paid, and applied to the keeper or clerk of the *Hanaper* or his deputy, out of the faid monies arifing from the faid revived duties, and the intereft and yearly proceed of the faid furplus cash in the bank of *England*, do not one year with another, exceed the yearly fum of three thoufand pounds, defigned to be provided for the faid office by this act.

Deficiencies of one year to be made good out of the furplufes of another year.

X. And it is hereby further enacted, That all the refidue and furplus of the money arifing by the duties and other provifions, given, granted, made, or directed by this act, which fhall, from time to time remain after, and fhall not be iffued and applied

The furplus of the duties to be difpofed of by parliament.

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.

CAP. 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 Maſteſty, for better regulation of attornies and ſolicitors.

3 Geo. 1. c. 13. **W**HEREAS the laws herein after-mentioned (which have by experience been found uſeful and beneficial) are near expiring; may it therefore pleaſe your 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 ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That an act made in the third year of the reign of his late Maſteſty, 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*, in an act passed in the seventh year of the reign of his late Majesty, 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 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 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 from thence to the end of the then next session of parliament.

7 Geo. 1. c. 21.

f. 14.

10 Geo. 1. c. 17.

8 Geo. 2. c. 21.

further continued to 25 March, 1764.

II. And be it further enacted by the authority aforesaid, That so much of an act made in the fifteenth and sixteenth years of his present Majesty's reign, intituled, *An act to impower the importers or proprietors of rum or spirits of the British sugar plantations to land the same before payment of the duties of excise charged thereon, and to lodge the same in warehouses at their own expence; 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 plantations, before payment of the duties of excise, and to the lodging 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 continued, from the expiration thereof, until the twenty ninth day of *September*, one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament.

Part of 15 Geo.

2. c. 25 relating to the landing of rum, &c. before payment of the duties,

continued to 29 Sept. 1757.

III. And be it further enacted by the authority aforesaid, 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 duchy 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, shall be, and the same is hereby further continued, from the expiration thereof, until the twenty fourth day of *December*, one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament.

19 Geo. 2. c. 35.

continued to 24 Dec. 1750.

Further continued by 24 Geo. 2. c. 57. f. 12.

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

Penalty on the principal land coal-meters, not ſtationing labouring coal-meters; and on the labouring coal-meters not attending.

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 Maſteſty, intituled, An act for reviving and amending an act made in the ſixth and ſeventh years of the reign of his late maſteſty 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 Maſteſty, 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 Maſteſty, 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 Maſteſty, 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 Maſteſty's reign, (intituled, An act for the better regulation and government of ſea-men in the merchants ſervice) which was to be in force for five years, from the twenty fourth day of June, one thouſand ſeven hundred*

13 Geo. 2. c. 18.

20 Geo. 2. c. 47.

21 Geo. 2. c. 46.

continued to

1 June, 1751.

E X P. Sec.

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 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 turbutts 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, betwixen 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* 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 intituled 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 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 peel, or salmon kind, 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.

Liberty given
to take salmon
in the river
Ribble, be-
tween 1 Jan.
and 15 Sept.
yearly.

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 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*

Penalty of tak-
ing salmon in
the said river
out of the
time limited.

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.

Fees upon *Nisi Prius* records issuing out of the exchequer, to be the same as in other courts.

X. And where the taking of larger fees by the officers of office 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 subject; 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.

If an offender escape out of the jurisdiction of the justice who issued his warrant, 24 Geo. 2. c. 55. the justice where he shall have escaped, may indorse the warrant, &c.

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.

12 Car. 2. c. 24. s. 22.

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 if any person or persons shall, from and after the twenty fourth day of June, one thousand seven hundred and fifty, steal and take away, or maliciously pull up and destroy any turnips, growing or being in any lands or grounds belonging to any person or persons, and 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 person or 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

Penalty on persons stealing or destroying turnips growing in private grounds.

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 correſtion 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 Maſteſty, (intituled, An act for the better regulation of attornies 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 Maſteſty'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 ſineſs 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) attornies of any of his Maſteſty'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 Maſteſty's courts of equity at Weſtmiſter, in ſuch manner as by the ſaid act is directed, may be ſworn, admitted, and inrolled to be an attorney of his Maſteſty's court of King's Bench or Common Pleas at Weſtmiſter, 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 ſineſs 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
attornies
without fees.

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

C A P. XXVII.

An act for the more eaſy and ſpeedy recovery of ſmall debts within the city and liberty of Weſtmiſter, 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 Weſtmiſter, and that part of the dutchy of Lancaſter which adjoineth thereto, and reſuſe 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 Weſtmiſter, 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 Weſtmiſter, 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 the ſeveral and reſpective pariſhes within the ſaid city and liberty of Weſtmiſter, 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 im- powered 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, 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 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 Weſtmiſter 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 church- wardens 20.

The pariſhioners of Weſtmiſter, to meet in their veſtries on 1 May yearly,

and nominate 242 commiſſioners, viz.

St. Margaret 30,
St. John 20,
St. James 42,
St. George Hanover Square 30,
St. Anne 24,
St. Martin in the Fields 40,
St. Clement Danes 24,
St. Mary le Strand 12,
St. Paul Covent Garden 20.

Churchwardens to make 2 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 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.

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.

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 if any person or persons summoned by virtue of this act, shall not perform such order as the said commissioners, or any three or more of them shall make and set down for or concerning 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 perform such order, so as no person so imprisoned shall remain in prison for a longer space of time than forty days.

Persons summoned, not conforming, may be committed.

IV. And for the more orderly and regular proceeding in the said court, and to prevent any undue preference or delay, in summoning the said commissioners to attend the business of the said court, be it further enacted by the authority aforesaid, That the said high bailiff, who is hereby impowered and required 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 containing 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 divisions, for the month of *May*, and so the like number of persons 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.

The high bailiff to summon a certain number of commissioners monthly.

V. 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 and returned for commissioners 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 respectively think fit, sit and give judgement therein; any thing herein before contained to the contrary thereof notwithstanding.

Such commissioners as are not in rotation, may sit.

VI. 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, 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, inhabiting

Power given to resiants to sue for debts under 40 s.

Clerks to summon the debtor.

inhabiting or seeking a livelihood within the said city and liberty of *Westminster*, or in that part of the said dutchy aforesaid, to 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 livelihood as aforesaid, to be warned or summoned by the said high bailiff, or his officer or officers (who are hereby appointed, authorized, 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 reside 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 registred 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 summons, the commissioners to give judgement.

Orders, &c. to be registred and observed.

Commissioners may administer oaths to the parties, &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 thereunto, if the same commissioners, or any three or more of them, shall think it meet.

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

VIII. And be it further enacted by the authority aforesaid, That if any action of debt, or action on the case upon an *Assumpsit* 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 resident 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

The fine to be levied by distress and sale,

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 last clauses to be stuck up in the courts.

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 premises.

Penalty of perjury.

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.

Clerks of the court,

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 empowered and required to issue out and register all summons, warrants, precepts, acts, orders, decrees, judgements, attachments, and proceedings of the said court; and shall keep proper books, wherein shall be entered and registred 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.

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.

XV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners 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, That no person or persons shall be capable of acting as commissioner or commissioners, in the execution of the powers given by this act, until such time as he and they shall have respectively 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 city and liberty of Westminster, 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.*

The oath.

Which oath the said clerks, or one of them, are or is hereby impowered and required to administer in open court; a memorial whereof shall be entered in the registers of the said court.

to be administered by a clerk, and registered.

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

Fees allowed to be taken by the high bailiff 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 wife notwithstanding.

Certain debts not liable to be ſued by this act.

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.

No ſuit for debts recoverable by this act, to be brought in any other court.

XXII. And whereas the ſour council of the ancient court of the Marſhalſea, and court of his Majeſty's palace of Weſtmiſter, 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 Weſtmiſter, 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.

20l. per annum to be paid yearly, to each of the four council of the court of Marſhalſea.

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

Limitation of actions.

- 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. 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.

CAP. 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. f. 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 unfeigned 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 donors 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 declared, or which shall hereafter be given and declared, in pursuance of the said act, by any archbishop, bishop, or ordinary, to any person for or in respect of not reading in the church, chapel, or place of publick worship, belonging to his benefice or promotion, 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 of a lawful impediment extended to the not reading the certificate and declaration within the time limited.

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 publicly 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 unfeigned 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 unfeigned 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.*

Persons who shall read the articles and declaration at the time of reading the morning and evening prayer;

are declared to have complied with the intent of 13 Eliz.

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 sitting 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.

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 woollen, 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 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.

Pig iron made in the British colonies in America, may be imported free; and bar iron into the port of London.

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

Penalty of exporting, or carrying bar iron coastwise, except for the King's yards.

Officers grant-
ing any coc-
quet for ex-
porting there-
of,

to forfeit 200l.

and his office.

No bar iron
to be carried
coastwise, un-
less the duty
be paid.

Penalty of car-
rying 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 con-
signed.

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, tranfire, let-pafs, 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 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 same, 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, tranfire, let-pafs, warrant, or certificate whatsoever, shall be signed or granted, the same shall be void, and of no effect whatsoever.

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 same 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, 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.

Certificate to be given.

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.

Rules to be observed in the importation of iron.

VII. Provided always, and be it enacted by the authority aforesaid, That all pig or bar iron imported into *Great Britain*, which shall not be so stamped and certified as aforesaid, to be made 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.

Iron not marked, and certified, to pay the duties.

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.

Penalty of false certificates,

or oaths;

and of counterfeiting the stamps, or certificate.

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 hun-

No mill for flitting of iron; or plate-

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

Penalty of
200 l.

to be deemed
a common
nuifance ;

and the go-
vernor to caufe
it to be abat-
ed,

Penalty of
500 l. &c.

Method of re-
covering the
penalties.

Application of
the penalties.

dred and fifty, no mill or other engine for flitting or rolling of iron, or any plateing-forge 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 caufe to be erected, or after such erection, continue, or caufe 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*.

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 nuifance ; 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 caufe 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.

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 ufe of his Majesty, his heirs and fucceffors, and the other moiety to fuch perfon or perfons as fhall fue for the fame.

XIII. And it is hereby further enacted by the authority afore-
 said, That all bar iron which fhall be imported from any of his
 Majesty's colonies in *America* into the port of *London*, by virtue
 or under the authority of this prefent act, fhall be entered at
 the custom-houfe in *London*; and every bar of the faid iron fo
 entered, fhall be marked or ftamped with fuch mark or ftamp
 as the commiffioners of his Majesty's customs fhall for that pur-
 pofe order or direct, in three different parts of every fuch bar
 (that is to fay) two of the faid marks or ftamps at the diftance
 of one yard from each end of fuch bar, and the other of them
 at or near the middle thereof.

Iron imported
 on this act, to
 be entered at
 the custom-
 houfe in Lon-
 don,
 and to be
 ftampd in 3
 different
 parts.

XIV. And it is hereby further enacted, That if any perfon
 fhall counterfeit, or willfully deftroy or deface, any of the faid
 marks or ftamps, with an intent to convey or carry the fame to
 any place ten miles from any part of the port of *London*, contrary
 to the true meaning of this act, every perfon fo offending, and
 being thereof legally convicted, fhall forfeit the fum of one hun-
 dred pounds, to be recovered by action of debt, bill, plaint, or
 information, in any of his Majesty's courts of record at *West-
 minfter*; one moiety thereof to his Majesty, his heirs and fuc-
 ceffors, and the other moiety to fuch perfon or perfons who
 fhall fue for the fame.

Penalty of
 counterfeiting
 or defacing
 the ftamps.

XV. And be it further enacted by the authority aforefaid,
 That from and after the faid twenty fourth day of *June*, every
 governor or lieutenant governor, or commander in chief of any
 of his Majesty's colonies in *America*, fhall forthwith tranfmit
 to the commiffioners for trade and plantations, a certificate under
 his hand and feal of office, containing a particular account of
 every mill or engine for fplitting and rolling of iron; and every
 plateing forge to work with a tilt hammer; and every furnace
 for making fteel, at the time of the commencement of this act,
 erected in his colony; expreffing alfo in the faid certificate fuch
 of them as are ufed, and the name or names of the proprietor
 or proprietors of each fuch mill, engine, forge and furnace, and
 the place where each fuch mill, engine, forge, and furnace is
 erected, and the number of engines, forges, and furnaces in the
 faid colony; and if any governor, lieutenant governor, or com-
 mander in chief, fhall neglect or refufe fo to do within fix
 months after the faid twenty fourth day of *June*, every fuch go-
 vernor, lieutenant governor, or commander in chief fo offend-
 ing, fhall be fubject to fuch penalties and forfeitures, as any
 governor, or lieutenant governor of any of the faid colonies is
 liable to for any offence committed againft this act, to be re-
 covered in like manner, as is by this act directed for the fame.

Governors to
 tranfmit certi-
 ficates of mills
 for fplitting
 iron, &c.

XVI. And be it further enacted by the authority aforefaid,
 That if any action or fuit fhall be commenced againft any per-
 fon or perfons for any thing done in purfuant of this act, the
 defendant or defendants in any fuch action or fuit may plead the
 general iffue, and give this act and the fpecial matter in evi-

Limitation of
 actions.

General iffue,

Treble coſts.

Publick act,

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 defendants hath or have in other caſes by law.

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.

CAP. 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 reſuſe 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, hamlets, and places within the ſaid *Tower Hamlets*, (the precinct of the ſaid *Tower*-within only excepted) as have a right to aſſemble and meet for the choice of officers in their ſeveral and reſpective veſtries, or other places of meeting for tranſacting the publick buſineſs of ſuch pariſhes, liberties, precincts, hamlets, or places, and they or the greater number of them ſo aſſembled as aforeſaid, are hereby reſpectively impowered and required on the *Tueſday* next after the feaſt of *Eaſter*, or within one month 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 in the whole, the number of two hundred and forty of the moſt ſubſtantial and diſcreet perſons reſiding within their reſpective pariſhes, liberties, precincts, hamlets, and places, who ſhall each be ſeiſed of lands, tenements, or hereditaments, of the value

Pariſhioners to meet on *Tueſday* after *Eaſter* yearly, and to nominate 240 commiſſioners, viz. St. Mary Whitechapel, 31; Chriſt Church, 21; St. Leonard Shoreditch 20; St. John Hackney 18; St. Matthew Bethnal Green 8;

lue of twenty pounds *per annum*, clear of all incumbrances, or poſſeſſed of a perſonal eſtate of the value of five hundred pounds or more, clear of all incumbrances, to be commiſſioners for the purpoſes herein after mentioned and expreſſed in manner following; *videlicet*, ſuch pariſhioners of the pariſh of *Saint Mary Whitechapel*, to nominate, aſſign, and appoint thirty one of the ſaid perſons; ſuch pariſhioners of the pariſh of *Chriſt Church* other twenty one; ſuch pariſhioners of the pariſh of *Saint Leonard Shoreditch*, other twenty; ſuch pariſhioners of the pariſh of *Saint John Hackney*, other eighteen; ſuch pariſhioners of the pariſh of *Saint Matthew Bethnal Green*, other eight; ſuch pariſhioners of the pariſh of *Saint Mary, Stratford Bow*, other four; ſuch pariſhioners of the pariſh of *Bromley Saint Leonard*, other three; ſuch pariſhioners of the pariſh of *Saint Anne*, other eight; ſuch pariſhioners of the pariſh of *Saint Paul Shadwell*, other ſixteen; ſuch pariſhioners of the pariſh of *Saint George*, other eighteen; ſuch pariſhioners of the pariſh of *Saint John Wapping*, other ſeventeen; ſuch pariſhioners of the pariſh of *Saint Botolph without Aldgate*, commonly called the liberty of *Eaſt Smithfield*, other fifteen; ſuch pariſhioners of the pariſh of *Trinity Minories*, other three; ſuch pariſhioners or inhabitants of the hamlet of *Mile End Old Town*, other eight; ſuch pariſhioners or inhabitants of the hamlet of *Mile End New Town*, other three; ſuch pariſhioners or inhabitants of the hamlet of *Radcliffe*, other fifteen; 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 *Stepney*, 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, within two days next after every ſuch nomination, cauſe two liſts to be made out, of the ſeveral perſons ſo reſpectively nominated, aſſigned, and appointed as aforeſaid; and the ſaid reſpective churchwardens ſhall cauſe one of the liſts, or a true copy thereof, to be fixed and ſtuck up at the church door of each reſpective pariſh; and the overſeers of the poor of each liberty, precinct, or place aforeſaid, not being a pariſh of itſelf, ſhall alſo 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 poor reſpectively ſhall forthwith give or cauſe to be given notice to all and every the commiſſioners ſo nominated, aſſigned, 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

St. Mary,
Stratford Bow
4;
Bromley St.
Leonard 3;
St. Anne 8;
St. Paul Shad-
well 16;
St. George 18;
St. John Wap-
ping 17;
St. Botolph
without Ald-
gate 15;
Trinity Mino-
ries 3;
Mile End Old
Town 8;
New Town 3;
Radcliffe 15;
Poplar and
Blackwall 7;
Tower with-
out 6;
St. Kather-
ine's 7;
Well Cloſe 3;
Old Artillery
Ground 4;
Norton Fal-
gate 5;

Two liſts to
be made out;

One to be
fixed on the
church door,
and one in
ſome publick
place.

Notice to be
given to the
commiſſion-
ers.

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.

Commiffion-
ers conſtituted
a court.

Three to ſit
Tueſday and
Friday week-
ly,

and to give
judgement,
&c.

Perſons not
appearing on
ſummons,

or not con-
forming,

may be com-
mitted,

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 bea- dles 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, reſuſe 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 afore- ſaid,

ſaid, That the ſaid beadles, or one of them, who are hereby impowered 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.

Commiffion-
ers to attend
monthly.

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.

Commiffion-
ers not in ro-
tation may ſit.

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 beadles, who is hereby appointed, authorized, and required to execute all 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;

Power to ſue
reſiants for
any debt un-
der 40s.

Beadle to ſum-
mon the debt-
or, &c.

After ſum-
mons the com-
miſſioners to
give judge-
ment.

Orders, &c.
of the court to
be registred.

orders, decrees, judgements, and proceedings, shall be entred and registred 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.

Commission-
ers may admi-
nister 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 thereunto, 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 resident 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 ac-
tion.

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.

then the plain-
tiff to have
costs.

Method of
proceeding
when any shall
insult the
court.

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 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 beadles, 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 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 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, hamlet, or place.

Fine not to exceed 20s.

nor the imprisonment one month.

Application of the fine.

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 said commissioners shall sit to do business 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.

Copy of the preceding clause to be hung up in the court.

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.

Penalty of perjury.

XII. And be it enacted by the authority aforesaid, That the commissioners so nominated, assigned, and appointed as aforesaid,

Commissioners to meet on 1 May, 1750,

and choofe
clerks, and
beadles.

Commission-
ers disquali-
fied from being
clerks, &c.
On the death,
or refignation
of any of the
clerks or bea-
dles, the com-
missioners to
elect others.

Commission-
ers to be
sworn.

The oath.

faid, fhall and may meet at the faid court-houfe, or fome other convenient place in the faid *Tower Hamlets*, on *Tuesday* the firft day of *May*, in the year one thoufand feven hundred and fifty, or within one month afterwards, in the forenoon of the fame day; and then and there the faid commissioners, or the greater number of them then prefent, fhall and may, and they are hereby impowered and required by ballot to choofe clerks of the faid court, not exceeding four, nor lefs than two; and alfo beadles of the fame court, not exceeding four; who fhall continue clerks and beadles of the faid court, during fo long time as they fhall behave themfelves well in their refpective offices.

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

XIV. And be it further enacted by the authority aforefaid, That it fhall and may be lawful for the faid commissioners in court, or the major part of them then prefent, on the next court day after the death or refignation of the faid clerks or beadles, or any or either of them, or fo foon after as the fame is publickly known; and they are hereby required to caufe the whole number of commissioners to be fummoned, who next before fuch death or refignation were nominated and returned as aforefaid (by giving them four days notice at leaft) to meet at the place aforefaid, within twenty days next after their being fummoned as aforefaid; and fuch commissioners at fuch meeting are hereby authorized, impowered, and required by ballot to choofe another perfon or perfons, in the room of fuch clerks and beadles, or any or either of them, fo dying or refigning as aforefaid, for the ufes and purpofes in this act contained; and fo, from time to time, upon every fuch vacancy of the faid office of clerk or beadle, for ever.

XV. And be it further enacted by the authority aforefaid, That no perfon or perfons fhall be capable of acting as a commissioner or commissioners in the execution of the powers given by this act, until fuch time as he and they fhall refpectively have taken an oath to the effect following;

I A. B. do fwear, That I will faithfully, impartially, and honeftly, according to the beft of my judgement, hear and determine fuch matters and things as fhall be brought before me, by virtue of an act of parliament (intituled, An act for the more eafy and fpeedy recovery of fmall debts within the *Tower Hamlets*) without favour or affection to either party; and that I am now feifed of lands, tenements, or hereditaments, of the value of twenty pounds per annum, clear of all incumbrances, or that I am poffeffed of a perfonal eftate of the value of five hundred pounds, clear of all incumbrances whatfoever.

Which oath thrce of the perfons to be assigned, nominated, and appointed commissioners as aforefaid, are hereby impowered to adminifter, or caufe to be adminiftered, and a memorial thereof fhall be entered in the register of the faid 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,

The fees of
the clerks and
beadles.

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 amount of the fees by them severally received; and that if the fees hereby appointed to be taken for the services of the clerks, shall, in any one year, exceed two hundred pounds to each clerk, clear of all charges; and the fees for the services of the beadles, exceed sixty pounds to each beadle, clear of all charges, 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 business 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.

An account
upon oath, of
the fees, to be
given yearly,
if the same ex-
ceed 200l. to
each clerk, or
60l. to each
beadle, the
surplus to be
divided,

or the fees re-
duced, &c.

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

fees to be
hung up.

table of the aforefaid fees fhall be hung up by the clerks of the faid court, or one of them, in fome publick and conspicuous part of the faid court-houfe, or other place where the faid commiffioners fhall meet for the purpofes aforefaid, to the end that all perfons concerned may at all times fee and read over the fame; and if the faid clerks or beadles, or either of them, for the time being, fhall take or demand any greater or other fees than as above-mentioned, or fhall otherwife mifbehave himfelf or themfelves in the execution of his or their office, then he or they for every fuch offence fhall forfeit and pay fuch fine, not exceeding the fum of twenty pounds, as the faid commiffioners, or any three of them fhall affefs, to be applied to the ufe of the fick, in the *London* infirmary.

Penalty of taking greater
fees, &c.

Proceeding
againft clerks,
&c. where the
offence de-
ferves a great-
er punifh-
ment.

XIX. And be it further enacted by the authority aforefaid, That upon complaint made by any perfon or perfons, of the mifbehaviour 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 fhall appear to the faid commiffioners, or the major part of them then prefent, that fuch complaint deferves a greater punifhment, then fuch commiffioners fo fitting in court are hereby directed and required to caufe the whole number of commiffioners to be fummoned to meet as foon as conveniently may be, by notice in writing to be given to all the faid commiffioners refpectively by the beadles aforefaid, or any other perfon or perfons the commiffioners fhall direct, at leaft four days before the holding of fuch meeting; and the faid commiffioners fo fummoned, and then prefent, being not lefs than fixty, fhall and may examine into the merits of fuch complaint; and if it fhall then appear to the faid commiffioners, or the major part of them, that fuch clerks or beadles, or any or either of them, have or hath been guilty of mifbehaviour or breach of duty as aforefaid, in his or their office, or in taking any greater or other fees than above-mentioned, that then it fhall and may be lawful to and for the faid commiffioners, or the major part of them, to fufpend or remove fuch clerks and beadles, or any or either of them, from his or their faid office, and to call another general meeting of the whole commiffioners, by giving two days notice at leaft, in writing, as aforefaid, and within eight days next after the removal of fuch clerks or beadles, or any or either of them; at which meeting all the commiffioners, or the greater part of them, fhall and may choofe by ballot a clerk or clerks, beadle or beadles of the faid court, in the room of fuch clerk or clerks, beadle or beadles fo removed as aforefaid.

Certain debts
excepted.

XX. Provided always, That this act, or any thing herein contained, fhall not extend to any debt for any rent upon any leaf of lands or tenements, or any other real contract, nor to any other debt that fhall arife by reafon of any caufe concerning teftament or matrimony, or any thing concerning or properly belonging to the ecclefiaftical court, albeit the fame fhall be under

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

XXI. And be it further enacted by the authority aforefaid, That no action or fuit for any debt not amounting to the fum of forty fhillings, and recoverable by virtue of this act in the faid court of requests, fhall be brought againft any perfon refiding or inhabiting within the jurifdiction thereof, in any other court whatfoever.

XXII. And whereas the four council of the ancient court of the Marfhalsea, and of the court of his Majefty's palace of Weftminfter, who hold their office for the terms of their natural lives refpectively, and who have been made chargeable by parliament, and actually affeffed to the land tax for their freeholds in their faid offices, will fustain great lofs by this prefent act, unlefs a compenfation fhall be made to them for the fame ; be it therefore enacted by the authority aforefaid,

That the clerks of the faid court of requests for the time being fhall, and they are hereby required out of the fees limited or to be limited to the faid clerks by virtue of this prefent act, to pay or caufe to be paid unto *John Lawfon, Lomax Martyn, George Weller, and John Le Grofs Spelman*, efquires, the prefent council of the faid ancient court of the Marfhalsea, and the court of his Majefty's palace of *Weftminfter*, as a compenfation for the lofs they will fustain in their faid offices by this prefent act, for and during the terms of their refpective natural lives, the yearly fum of thirty pounds a piece, of lawful money of *Great Britain*, (free and clear of and from all charges and deductions whatfoever) to be paid to them feverally and refpectively, yearly and every year, at or upon the feveral feaft days following ; that is to fay, the feaft of *Saint Michael* the Archangel ; the feaft of the nativity of our Lord *Chrift* ; the feaft of the annunciation of the Blessed Virgin *Mary* ; and the feaft of the nativity of *Saint John the Baptift*, by even and equal portions ; the firft payment thereof to begin and to be made at or upon the feaft day of *Saint Michael* the Archangel, in the year of our Lord one thoufand feven hundred and fifty.

XXIII. Provided always, That nothing in this act contained fhall extend, or be conftrued to extend, to refrain the ancient court of record, held for and within the liberty of the *Tower of London*, from holding plea of any perfonal action, the caufe of which fhall arife within the precinct of the fortrefs of the faid *Tower* commonly called *The precinct of the Tower within*, or from holding plea of any perfonal action (other than actions for debts not amounting to the value of forty fhillings, the caufe of which fhall arife in any part of the liberty of the faid *Tower*, out of the faid precinct of the *Tower within*) or to take away or abridge any jurifdiction, authority, privilege, immunity, or exemption, which the chief governor of the faid *Tower*, or his deputy or deputies, or any officers or minifters, or inhabitants within the faid liberty, enjoys or enjoy, or ought to enjoy by virtue of any law, ufage, custom, prefcription, grant, charter, or commiffion ; any thing in this act to the contrary thereof in any wife 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.

General issue.

Treble costs.

Publick act.

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.

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.

Free trade to
Africa.

Traders in-
corporated,
&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, 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 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 premises, shall be employed at all times hereafter, only for the protection, encouragement, and defence, of the said trade.

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

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 or take up any sum or sums of money on their common seal.

Company prohibited to trade in their joint capacity, &c.

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

A committee of nine to be chosen annually to manage the affairs of the 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 free-
dom 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 affemble 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*, affembled for that purpose at *London*, from time to time, at their will and pleasure, to choofe and fupply one or more committee-man, or committee-men, in the place or places of any of the committee-men by them chofen, that shall happen to die, be removed, or refufe 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*, affembled for that purpose at *Bristol*, from time to time, at their will and pleasure, to choofe and fupply one or more committee-man or committee-men, in the place or places of any of the committee-men by them chofen, that shall happen to die, be removed, or refufe 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*, affembled for that purpose at *Liverpool*, from time to time, at their will and pleasure, to choofe and fupply one or more committee-man, or committee-men, in the place or places of any of the committee-men by them chofen, that shall happen to die, be removed, or refufe to act: and publick notice shall be inferted in the *London Gazette*, previous to every fuch election, by the committee for managing the affairs of the said company, of the time and place when and where fuch election is to be had, ten days at leaft before the time appointed for fuch election.

Power to choofe other committee-men in the room of thofe who shall die, &c.

10 days notice of fuch election to be given in the *London Gazette*.

IX. Provided always, and be it further enacted by the authority aforefaid, That in cafe at the time appointed for the firft 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 refpectively, shall neglect to proceed to fuch choice; in that cafe, fuch other of the perfons who shall be chofen by the traders admitted to their freedom in the other of the said cities or towns, or the major part of them, though lefs 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 prefent; and that in all cafes, where the third day of *July* shall happen to fall or be on a *Sunday*, the annual election of committee-men shall be had and made on *Monday* the fourth day of *uly*.

If no election be made by the traders of one town fuch as shall be elected by the other, shall manage the affairs.

Where 3 *July* shall be a *Sunday*, the election to be on the 4th.

X. Provided always, That in cafe of an equality of votes, the lord mayor of *London*, the mayor of *Bristol*, and the mayor of *Liverpool* refpectively, shall and may determine which of fuch perfons shall be the committee-man or committee-men.

In equality of votes, the mayor to determine.

XI. And be it further enacted by the authority aforefaid, That the said committee for managing the affairs of the said new of the company, shall meet together for the firft time on the firft *Monday* in *Auguft*, one thoufand feven hundred and fifty, and shall then fettle the manner of their future meetings, and of the notices and fummmons to be fent for that purpose, from time to time,

First meeting of the committee.

No orders of the committee to which all are not consenting, to be valid, unless confirmed at a subsequent meeting,

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.

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.

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

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 said sums of forty shillings, 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 said sum of forty shillings, shall be entered in any book or books which the person receiving the same is hereby required to keep for that purpose.

Certificates of persons admitted.

Fee of the certificate.

Names of the company to be entered.

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 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 sametime, 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.

Sums received for freedoms, to be paid to the order of the committee, &c.

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.

Receivers to pay the same annually, and to deliver lists of the names.

XVIII. And be it further enacted by the authority aforesaid, That a true and exact list shall, from time to time, be made 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.

List of the company to be kept at the office,

and to be printed annually before the elections,

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 ſettle-
ments;

but not carry
on a trade to
and from A-
frica.

Books of the
receipts and
payments to
be opened.

The commiſ-
ſioners for
trade may
remove any of
the commit-
tee-men, offi-
cers, &c.

On removal
of a commit-
tee-man, no-
tice to be
given.

Commiffion-
ers 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 lade, 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 lade 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 reaſonable 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.

committee-man charged with misbehaviour.

XXIII. And be it further enacted by the authority aforesaid, That the said committee shall, and they are hereby required to 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.

Committee to give the commissioners an account yearly of their proceedings, &c.

XXIV. And be it further enacted by the authority aforesaid, That the said committee, out of the monies they shall receive, 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.

Application of the monies received by the committee.

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,

Committee, at the expiration of the year, to lay their accounts before the curfitor baron;

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 cuſtor baron ſhall think fit; which account, ſo audited and paſſed by the cuſtor 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 Maſteſty'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 Maſteſty'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 Maſteſty'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 Maſteſty'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 eſta bliſhed, 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.

Instructions to be given to captains of men of war, to inspect the condition of the forts. Reports to 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.

Officers of the navy to inquire into the condition of forts, &c.

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 impowered 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

Commissioners appointed to examine the claims of the creditors, &c.

confi-

consideration, and when the claimants became respectively intitled 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 notice 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 elsewhere beyond the seas, 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 seas, 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.

Time for
closing their
examinations.

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 directed 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 in- to 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 commis- sioners, 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 re- main, 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 commis- sioners, 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 afore- said, That the said royal *African* company, their directors, offi- cers, 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 process, depending, or which shall be hereafter commenced or prosecut- ed 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 thou- sand seven hundred and forty nine.

The *African* company re- strained from disposing of stores, &c.

Suits for mo- ney due by them, stayed for 1 year.

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 judg- ment given in the court of King's Bench, at the suit of one Wil- liam

David Crichton in custody for a debt on behalf of the company, to be discharged.

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, 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 stay 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 commission-ers.

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 essoin, 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 afore-
said, 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,

Method of
levying and
applying the
duties;

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, and for ascer-
taining upon
what canvas
or sail cloth,

the bounties
shall have
been paid.

paid, That no canvas or fail 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 impresson, importing the payment of either of the said bounties, then, and in either of the said cases, such canvas or fail 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 fail 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 im-
portation, &c.

IV. And be it further enacted by the authority aforesaid, That upon the importation of any canvas or fail 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 fail cloth has been made at such port where the same was so imported, then, and in such case, all the canvas or fail cloth so omitted to be entered as aforesaid, shall be forfeited and seized by any officer of the customs.

Method of as-
certaining 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 fail 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 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 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.

Suitors of the county court, and the county clerk, may determine suits for debt under 40s. in a summary way;

and examine the parties upon oath.

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 and under the authority of this act, on *Thursday* in every week, at some convenient place, within the hundred of *Ossulston* 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.

Times and places appointed for holding the county court.

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.

Who shall be deemed suitors.

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*, *Loquelam*, *Certiorari*, or false judgement, or otherwise howsoever; but such order or orders so to be made by the said suitors and county clerk shall be final and conclusive to all parties whatsoever; provided nevertheless, that all plaints in replevin shall be proceeded in, and removeable 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,

No plaints, or orders of the court, may be removed;

except plaints in replevin.

Who may be summoned to the court.

other

Jurisdiction of the county court, not extended by this act.

Parties not conforming, may be committed.

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.

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 freeholders, 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 *Ossulston*, 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 summonses; 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 ſuit- or, except the perſons ſo ſummoned, ſhall have any voice in the ſaid county court, held under the authority of this act; and no 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.

None to at-
tend but once
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 reſuſe 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.

Suitors not
attending, to
be amerced
20 s.

IX. Provided always, and be it enacted by the authority aforeſaid, That no perſon or perſons reſiding or dwelling within the hundreds of *Goare, Elthorne, Spelthorne, or Iſleworth*, ſhall 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 at *Edmonton*, ſhall be liable or obliged to attend the ſaid court in any other place than within the ſaid hundred of *Edmonton*.

Where the in-
habitants of
particular
places ſhall be
liable to at-
tend.

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,

Suitors to be
ſworn.

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.

The oath.

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

Penalty on
contempt or
diſturbance of
the court.

shall fit, 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,

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 goods, two shillings.

On the person, three shillings.

Table of fees to be hung up. A table of which fees shall be publicly hung up in every place where the said county court shall be held.

William
Whittaker
esquire, con-
tinued county
clerk.

XIII. And be it enacted by the authority aforesaid, That *William Whittaker* 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 Whittaker*, 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.

Sheriff to ap-
point future
county clerks.

County clerk
to be sworn.

XIV. And be it enacted by the authority aforesaid, That the said *William Whittaker* 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.

So help me God.

Which oath shall and may be administered by any two suitors present, and shall be entered in the county court book, and signed by the said county clerk, and attested by the suitors present at the administration thereof. Oath to be registered.

XV. And be it enacted by the authority aforesaid, That it 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. County clerk may appoint his deputy. Deputy to be sworn.

XVI. And be it enacted by the authority aforesaid, That if the said county clerk, or any other county clerk of the said county, 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 remove the said county clerk from his said office. Method of proceeding against the county clerk, for misbehaviour.

K 2

XVII. And

Penalty of
perjury.

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.

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.

Double coſts.

In ſuits pro-
ſecuted at
Weſtmiſter,
which are lia-
ble to be ſued
in the county
court,

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 Maſteſty's courts of record at *Weſtmiſter*, 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.

the defendant
to have double
coſts.

This act not
to extend to
the Tower, or
the Tower
Hamlets,

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 Maſteſty's *Tower of London*, or the ſeveral pariſhes, liberties, precincts, hamlets, and places, within the *Tower Hamlets*.

or to the city
and liberty of
Weſtmiſter.

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 *Weſtmiſter*, 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 *Weſtmiſter*; and alſo in the precincts of the *Savoy*, adjoining thereto.

XXII. And

XXII. And be it further enacted, That this act shall be deem- Publick act.
ed 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 pre-^{14 Geo. 2.}
sent Majesty's reign (intituled, An act for opening a trade c. 36.
to and from Persia through Russia) it is (amongst other things) en-
acted, That from and after the twenty fourth day of June, one thou-
sand 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
manufecture of Persia (provided such manufecture be made of the
growth or produce of Persia) being purchased by barter with woollen,
or other manufectures, goods, or commodities, exported from Great
Britain to Russia, and from thence carried into Persia (gold and sil-
ver in coin or bullion excepted) or with the produce arising from the
sales of such manufectures, goods, or commodities, so exported to Rus-
sia, 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 manufectures 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 com-
ptroller of his Majesty's customs (who are by the said act impowered 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 pro-
duce, commodities, or manufectures of Persia, contained in his or their
entry or entries, was or were really and truly purchased by barter with
woollen, or other manufectures, 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 manufectures, goods, or com-
modities, 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 manufectures 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* seas, by any person or persons free of the *Levant* or *Turkey* company; any thing in the said act made in the fourteenth year of his present Majesty's reign, or

An exclusive right granted to the Russia company, to import from Russia, raw silk of the produce of Persia.

in the faid act made in the twelfth year of the reign of King Charles the fecond, intituled, *An act for encouraging and increafing of fhipping and navigation*, to the contrary notwithstanding.

II. Provided always, and be it further enacted by the authority aforefaid, That no filk of the growth or produce of *Persia*, fhall be imported into *Great Britain*, from any of the countries, dominions, or territories of or belonging to the empire of *Ruffia*, by virtue of this act, unlefs the importer or importers thereof do make oath before the collector, customer, or comptroller of his Majefty's customs (who are hereby impowered and required to adminifter fuch oath) at the port or place of importation, that to the beft of his or their knowledge and belief the filk contained in his or their entry or entries was really and truly purchafed by barter with woollen or other manufactures, goods, or commodities, exported from *Great Britain* to *Ruffia* (not being gold or filver in coin or bullion) or with the produce arifing from the fale of fuch woollen, or other manufactures, goods, or commodities, fo exported as aforefaid, and not otherwife; and in default of making fuch oath, all fuch filk fo imported from any of the countries, dominions, or territories of or belonging to the empire of *Ruffia*, fhall be liable to be feized and forfeited, in like manner as if the fame had been imported contrary to the faid act made in the twelfth year of the reign of King Charles the Second, intituled, *An act for encouraging and increafing of fhipping and navigation*.

Importers to make oath of the filk being purchafed by barter with goods exported from Great Britain to Ruffia.

III. Provided alfo, That nothing herein contained fhall extend, or be conftrued to extend, to deprive the corporation of the united company of merchants of *England* trading to the *East Indies*, of any of the powers, privileges, franchifes, and benefits which do or fhall belong to them, or which they could or might have had and enjoyed in any manner whatfoever, if this act had not been made; any thing herein contained to the contrary notwithstanding.

Rights of the East India company reserved.

IV. And be it further enacted by the authority aforefaid, That this act fhall be deemed a publick act, and fhall be judicially taken notice of as fuch by all judges, juftices, and other perfons whatfoever, without fpecially pleading the fame.

Publick act.

CAP. XXXV.

An act for making a better and more effectual provision for the relief of the poor, for the cleaning the ftreets, and for keeping a nightly watch, within the parifh of Saint Martin in the Fields, within the liberties of the city of Weftminfter.

CAP. XXXVI.

An act for fettling a ftipend or maintenance upon the rector of the parifh of Saint George the Martyr, in the borough of Southwark, in the county of Surry, and his fucceffors, in lieu of tythes.

CAP. 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 inconveniencies 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 ſhore at Eaſt Moulſey in the county of Surry: and whereas by virtue of letters patent, under the great ſeal, bearing date the twelfth 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 Maſteſty, that your Maſteſty 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 Maſteſty hath been graciouſly pleaſed to ſignify your conſent thereto; may it therefore pleaſe your Maſteſty, 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 reſuſe 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 Maſteſty. A paſſage of 260 feet to be left for the water. Wiſful 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 ſeizable, &c.

CAP. 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.

CAP. XXXIX.

An act for the more effectual repairing and preserving the piers and harbour of Whitby in the county of York.

WHEREAS by an act of parliament made and passed in the 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 chaldre on all coals loaded at Newcastle upon Tyne, or at Sunderland, Blythe, Seaton-sluiſe, 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 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, 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 chaldre) were made perpetual, and enacted 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

1 Annæ, st. 1.
c. 19.

7 Annæ, private.

7 Geo. 1. c. 16.

8 Geo. 2. c. 10.

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 inasmuch as the said sand-bed, 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 chaldier, 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 chaldier 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 embrazures 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 chaldier, 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 chaldier 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 chaldier 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 Regni GEORGII II. Regis Magnæ
Britanniæ, Franciæ, & Hiberniæ, vice-
ſimo quarto.*

AT the parliament begun and holden at Weſtmiſter, 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 ſeſſion of this preſent parliament.

CAP. I.

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

CAP. II.

An act for granting to his Maſteſty 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.

Moſt gracious Sovereign,

WE your Maſteſty'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 Maſteſty 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 Maſteſty 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 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 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 redemption 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 ariſe and be remaining in the receipt of his Maſteſty's exchequer of or for the ſurpluſſes, exceſſes or overplus monies, commonly called the *Sinking Fund*; and the ſaid ſurpluſſes, exceſſes or overplus monies are hereby appropriated for that purpoſe accordingly,

Annuities on the ſum of 2,100,000 l. to be raiſed by this act, 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 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 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 fix days after every of the ſaid

Natives or foreigners may pay to the chief caſhier of the ſouth-ſea company.

1,400,000 l. for the purchaſe of annuities.

at the rate of 3l. per cent. per ann.

Times for payment.

faid 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 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 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 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.

Cashier to give receipt for each payment,

which shall be assignable by indorsement,

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 accountant 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 accountant 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 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 herein after contained concerning the same; and that the several and respective annuities payable in pursuance of this act, after the 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 aforesaid, who shall, on or before the said fifteenth day of *March* one thousand seven hundred and fifty, have advanced to the said cashier or cashiers ten pounds *per centum*, by way of deposit as aforesaid, in part of his, her or their purchase-money; and 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 every such case respectively, so much of the consideration-money 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 contributors 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.

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.

700,000 l. to
be raiſed by a
lottery,

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 ariſe of or for the ſaid ſurpluſſes, exceſſes and overplus monies, commonly called the Sinking Fund, appropriated for payment thereof, in manner before directed and appointed, ſhall be raiſed 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 redemption 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 feaſt 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 tor the half year ending at the feaſt of the nativity of Saint *John the Baptiſt* one thouſand ſeven hundred and fifty two.

at 3l. percent.

chargeable on
the ſinking
fund.

Annuities
payable half-
yearly.

Any perſon
may contri-
bute 10l. or
more;

IX. And be it further enacted by the authority aforeſaid, That for or towards raiſing 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

and thereby
be intereſted
in the an-
nuities,

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* 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.

Times of advancing the sums.

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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, That the said accountant general of the *South Sea* company for the time being, to whom the said certificates are to be directed as aforesaid, 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 accountant 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 accountant 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

Accomptant general to give credit for the sums named in the certificates;

which may be transferred,

and carry 3 per cent. interest.

Certificates to be cancelled, 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.

Chief cashier and accomptant general to be appointed.

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 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 imprest, &c.

Accomptant general to inspect the cashiers receipts.

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

Annuities to be a personal estate, &c.

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 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 seasonable times, 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 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

The monies contributed to be deemed a joint stock, &c.

and transferable.

Books to be kept for transfers.

Entries to be signed by the parties transferring and accepting.

The company to continue a company till redemption of the annuities.

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 surplusses, 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 redemption.

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.
Treble coſts.

CAP. III.

An act for enlarging the term and powers granted by an act paſſed in the twelfth year of the reign of his preſent Maſteſty, for repairing the road between Stamford and Grantham in the county of Lincoln; and for making the ſame more effectual. *The act 12 Geo. 2. c. 8. continued for 21 years.*

CAP. IV.

An act for enabling his Maſteſty 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 Maſteſty 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. 12.} the twenty third year of his Maſteſty'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 provisos, 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 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 proposall, 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.

Treasury im-
powered to
agree with the
bank,

for raising
1,013,148 l.
4 s. 6 d. by
exchequer
bills,

at 3½ 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 intituled 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^e That the ſaid commiſſioners of the treaſury, or any three or new exche-
more of them now being, or the high treaſurer, or any three quer bills,
or more of the commiſſioners of the treaſury for the time being, are hereby authorized and impowered 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 inte-
That the ſaid bills to be made and prepared in purſuance of reſt at 3 l. 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 proportionably 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.

V. And it is hereby enacted, That all the ſaid bills ſhall be and to be
numbered arithmetically, beginning with N^o I. and ſo proceeding numbered,
ing 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 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 counter- cheques, &c.
foils 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 into 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 exche-
quer,

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, mum, 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 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 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 claules 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 claules or proviſoes 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.

Treasury to iſſue the monies due for intereſt, by way of impreſt to the paymaſter.

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.

Charges of making forth the bills, &c. to be paid out of the ſinking fund.

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

The bills charged upon the ſinking fund.

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 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*

Treasury to
contract for a
further sum of
176,893l. 11s.
7d. by exche-
quer bills,

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.

chargeable on
the sinking
fund,

XIII. And be it further enacted by the authority aforesaid, That all and every such person or persons, bodies politick or corporate, shall have and receive, and shall be intituled, 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.

to carry interest at the rate of 3l. per centum,

payable quarterly,

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, provisos, 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 provisos had been herein again particularly repeated and re-enacted.

Bills to be made for the sum,

XV. And

and to be
numbered,

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.

to be paid out
of the ſinking
fund.

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-fix 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 fiſt 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-fix 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

Treaſury to
pay off the

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 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-Seas*, 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.

old and new unsubscribed south-sea annuities,

by payments not less than 500,000 l. at a time.

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.

South-sea company to distribute the same among the proprietors.

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,

Trustees may lay out the money in the purchase of other stock,

till

till otherwise difpofed of at intereft; and for that purpofe, it fhall and may be lawful to and for the trustee or trustees who fhall receive the fame, at his or their difcretion to lay out or difpofe of the fame, or any part thereof, in the purchafe of fo much other capital ftock of annuities of the fame kind, as hath been fubfcribed in purfuance of the faid two acts of the laft feflion of parliament, or either of them, as at the current market price of fuch annuity ftock, the monies received for fuch dividends, fhall, as near as conveniently may be, extend to purchafe; which new purchafed ftock of annuities fhall be transferred to fuch trustee or trustees, and a receipt or receipts fhall be given and figned by the perfon or perfons transferring the fame, for the monies paid for the fame; and in cafe fuch trustees refpectively, by writing indorfed on or annexed to fuch receipts, and figned or acknowledged before one of the mafters of the high court of chancery, fhall declare that the money in the faid receipts were the produce of the faid dividends of the faid capital ftock of annuities (which figning or acknowledgement fuch mafters in chancery are hereby required to accept or take, and each and every fuch mafter, before whom the fame fhall be done, fhall at the fame time certify the fame, by fubfcribing his name thereto, for doing whereof fuch mafter fhall be paid for each certificate one fhilling and no more) then and in every fuch cafe, the annuity ftock mentioned in fuch receipts to be transferred, fhall refpectively go and be deemed fubject and liable to the fame trusts, for the benefit of the fame perfons, and for the fame ufes, ends, intents and purpofes, as the reft of the trust annuity ftock remaining in fuch trustees refpectively will or ought to be fubject and liable to, and fuch trustees refpectively fhall from thenceforth be indemnified from any lofs, charges or damages, on account of their fo doing, at the expences of the faid trust eftates.

or in any other
purchafe.

XX. Provided always, That nothing in this act contained fhall extend or be conftrued to extend to refrain or prohibit any fuch trustees from laying out or difpofing of any of the faid trust monies in any other purchafes or any other securities, whether publick or private, if they fhall fo think fit, in the fame manner and with the fame freedom and fecurity to themfelves, as they might have done if this act had not been made.

XXI. *And whereas doubts have arifen with regard to the taking the oaths and affirmation, and fubfcribing the declaration appointed by the charter of the governor and company of the bank of England, to be taken and fubfcribed by all and every the members of every general court: and whereas the adminiftering the faid oaths and affirmation, and fubfcribing the declaration at every general court, will be a*

The bank may proceed in any general court without adminiftering the oaths, &c, appointed by their charter.

great delay to the proceedings of the faid general court; be it therefore enacted by the authority aforefaid, That it fhall and may be lawful for the faid governor and company in any general court, to proceed to tranfact any bufinefs, without adminiftering the faid oaths and affirmation to, or fubfcribing the faid declaration by, all or any of the members of the faid court, unlefs required thereto, by any nine or more of the proprietors prefent, qualified

qualified to vote at the faid general court according to the charter ; any thing in their faid charter, or any act or acts of parliament contained in any wife to the contrary notwithstanding.

XXII. And be it further enacted by the authority aforefaid, That when any court of directors of the faid governor and company fhall be met according to any fummons or appointment, and fhall have notice or be otherwife fatisfied, that the governor and deputy governor of the faid corporation, will not be prefent fo as to hold the faid court of directors, or in cafe the faid governor and deputy governor fhall be abfent after the ufual time of proceeding to bufinefs, that then and in fuch cafe it fhall and may be lawful for the faid court of directors, and they are hereby authorized and impowered, to chufe a chairman for that time (which chairman fhall alfo in the like cafe prefide at a general court, if any fhall at that time be fummoned to meet) and to proceed to bufinefs, and tranfact the affairs of the corporation, and that the tranfactions of the faid general court and court of directors refpectively fhall be as valid and effectual to all intents and purpofes, as if the faid governor or deputy governor had been prefent ; any thing in the charter of the faid corporation, or any act or acts of parliament contained in any wife to the contrary notwithstanding.

XXIII. And whereas feveral perfons, not being timely apprized of the notice given for fubfcribing in their feveral annuities, being in his Majefty's colonies in America, and other parts beyond the feas, or from unavoidable accidents have been deprived fubfcribing the fame ;

be it therefore enacted by the authority aforefaid, That the fums which were ftanding in the refpective names of the following perfons, on the twenty-eighth day of February one thoufand feven hundred and forty-nine, fhall be intitled to the benefit of the vote of the houfe of commons, paffed the twenty-ninth day of November one thoufand feven hundred and forty-nine, *videlicet*, Charles Apthorp of Bofton in New England, to the fum of five thoufand three hundred twenty-eight pounds in bank annuities, John Erving of the fame place to the fum of fix thoufand pounds in bank annuities, Daniel Huger of South Carolina to the fum of eight thoufand pounds in old South-Sea annuities, John Smith to the fum of eleven thoufand pounds in old South-Sea annuities, and to the fum of two thoufand one hundred pounds in new South-Sea annuities, inftead of the like fums fubfcribed to the fecond refolution paffed in the fame year, Ralph Willet to the fum of three thoufand pounds in old South-Sea annuities, Elias Mofes Defortis to the fum of three thoufand four hundred and fifty-one pounds joint ftock in the new South-Sea annuities, Hugh Holmes to the fum of four thoufand three hundred pounds old South-Sea annuities, John Saunderson to five hundred pounds old South-Sea annuities, John Armstrong to the fum of two hundred and twenty-five pounds old South-Sea annuities, John Jolly to the fum of one thoufand pounds old South-Sea annuities, two thoufand pounds new South-Sea annuities, one thoufand pounds bank annuities, of the year one thoufand feven hundred and forty-

Court of directors may chufe a chairman in the abfence of the governor or deputy governor.

Liberty given to certain perfons to fubfcribe bank and fouth-fea annuities omitted to be fubfcribed purfuant to two acts of the laft feffion.

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
Brigges, 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 Brigges*, now Sir *Hugh Brigges*, baronet, 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-ſiſt 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.

CAP. 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. *EXP. Time given to 28 Nov. 1751.*

CAP. VI.

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

CAP. VII.

An act for granting an aid to his Maſteſty 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.*

CAP. 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 maſteſty 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 may or can lessen the navigation of the said rivers, and render 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 impowered and required to do) do and shall take and subscribe the following oath:

Commissioners to put this act in execution.

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.

Oath to be taken by the commissioners.

So help me God.

Which oath so taken and subscribed as aforesaid, shall be kept by the clerk of the peace, among the records of the sessions of the peace, and to be registered.

M 2

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

Power of appointing general meetings.

more of them, are hereby impowered 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 impowered 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 impowered at such general meetings to administer, and shall be in these words:)

20 days notice of such meetings to be given in the London Gazette, &c.

Commissioners impowered to examine on oath,

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

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 for the uſe of are now uſed, or ſhall be uſed, at the diſcretion of the ſaid com- towing-paths, &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 *Iſſis*, or which do or may affect the navigation of the ſame, or ſhall be deemed by the ſaid commiſſioners, or any ſeven 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, enlarging, improving and ſupporting the ſaid locks, weirs, bucks, winches, turnpikes, flood-gates and other engines; and alſo to make orders and regulations touching the ſizes and draughts of ſizes and draughts of all boats, barges and other veſſels navigating the ſaid rivers; barges, and 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 ſides, &c.

ſo as no boat, barge or other veſſel whatſoever, navigating the 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, gulations con- 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 of 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 ſatisfac- ſuch reparation, ſatisfaction and damages to the perſon or per- on of perſons ſons aggrieved thereby; as likewiſe to the owners or occupiers griev'd.

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 impower 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 witnesses 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.

and may hear complaints in a summary way,

and levy fines by distress and sale.

6 days notice to be given to the party complained against.

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.

Persons aggrieved may appeal to the quarter-sessions.

6 days notice to be given.

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 meetings

Clerks of the peace appointed clerks to the commissioners;

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.

3 commiſſion-
ners impower-
ed to view the
locks,

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:* 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 impowered 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 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 impowered 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, 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 to inquire
into their
ſtate,

and the rates
formerly paid.

and the ſums
now taken.

Information
to be ſigned
by 2 commiſ-
ſioners, and
reported to
the next gene-
ral meeting,
&c.

Commiſſio-
ners 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

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 ſaid rivers, are hereby required to take notice, as alſo of the rates and prices ſo, from time to time, ſet and aſſeſſed, and of all other rates and prices, which ſhall at any time or times hereafter, at ſuch reſpective meetings as aforeſaid, be rated and aſſeſſed 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 whatſoever ſhall break or act contrary to any other rules, orders or conſtitutions, which ſhall be made in purſuance of this act, either 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 inflicted; 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 former or informers, and the other moiety to the party or parties aggrieved by any ſuch offence, and ſhall and may be levied by diſtreſs and ſale in manner herein before directed.

and to publiſh the ſame in the *Gazette*.

Penalty of taking more than the rate,

or of acting contrary to any rules, &c.

Application of the 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.

XI. Provided nevertheleſs, and be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall think himſelf or themſelves aggrieved, by reaſon of any rules, orders, conſtitutions or aſſeſſments ſo as aforeſaid to be made by the ſaid commiſſioners, 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 ariſeth, or the judge or judges of *Niſi prius*, or ſitting of *Niſi prius* at *Weſtmiſter*, when the cauſe of complaint ſhall ariſe 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

No commiſſioner to act where he is intereſted.

Appeal from the commiſſioners to the judges of aſſize, &c.

of ſuch rules, orders, conſtitutions or aſſeſſments, to confirm, vacate or alter the ſame, in ſuch manner as ſhall be thought moſt convenient.

Orders of com-
miſſioners to
be in force
till vacated,
except in caſes
affecting
others pro-
perty.

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 directions 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 aſſeſſments 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 aſſeſſments, 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

the faid commiffioners, or the confirmation or alteration thereof, by the faid judge or judges of affize, or *Nifi Prius*, until fome new order, rule, conftitution or affeffment, fhall be made in the fame cafe, by the faid commiffioners, or any feven, or the major part of them; and every fuch new order, rule, conftitution or affeffment, fhall be fubject to the like appeal as aforefaid.

XIV. And, for the further preventing the damages and mifchiefs frequently done and committed by rude and diforderly perfons, rowing, managing, haling or towing the faid barges, boats, and veffels, either with men or horfes, and that the owners of fuch barges, boats and veffels may be more careful to prevent the fame; be it enacted by the authority aforefaid, That every barge-mafter, or the mafter of any boat or veffel, and owner of any barge, boat and veffel, fhall be, and is hereby, made anfwerable and refponfible for any damage or mifchief that fhall be done or committed by his or their barge, boat or veffel, or by the whole or any of the crew of his or their faid barge, boat or veffel, or by perfons ordinarily belonging to, and going with, fuch barge, boat, or veffel, either to the goods and commodities with which fuch barge, boat or veffel is laden, or by fifhing with nets, or otherwife, or by fhooting with guns, or taking or deftroying any fifh, 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 faid rivers, or bordering or near adjoining thereto, either with men or horfes: and the faid barge-mafters, barge-owners, and the mafters and owners of any boat or veffel, fhall be, and are hereby made liable to make good all fuch damages to be committed as aforefaid; and fhall and may be fued and profecuted for the fame, by action of trefpafs or otherwife; and if it appear that fuch trefpafs or damage was done by any of the perfons ordinarily belonging to or employed in the barge or other craft, whereof fuch perfon or perfons was or were mafter or mafters, owner or owners, fuch mafter or mafters, owner or owners, fhall be found guilty, and the plaintiff or plaintiffs fhall recover his or their damages thereby fufained, with his, her, or their full cofts of fuit; any former law or uſage to the contrary notwithstanding.

Barge-maſter
refponſible for
damages done
by his men.

XV. And whereas the bargemen, and other perfons navigating the barges, boats and other veffels on the faid rivers, have frequently embezilled 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 fuch goods, and the difcredit of the faid navigation; but it has been found very difficult to detect the offenders; be it therefore enacted by the authority aforefaid, That if any bargeman, boatman, or other perfon or perfons, being part of the crew of or belonging to any barge, boat or other veffel, navigating the faid rivers, fhall hereafter ſteal, ſell, take, barter, conſume, adulterate or embezil any wine, cyder, beer

Penalty on
bargemen
ſtealing, &c.
any goods on
board.

or

Forfeiture to go to the informer.

For want of distress of offender to be committed,

and the informer 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 Majesty's justices of the peace for the county wherein, or adjoining to the place where, the offence shall be committed (who are hereby empowered 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 empowered to administer) such barge-men, boatmen, or other person or persons so offending, shall forfeit and pay the sum of forty shillings for every such offence, to any person or persons 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 penalty 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 correction, there to be kept to hard labour, for any time not exceeding the space of two months: and in such case the person or persons 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 informer or informers producing a certificate of the conviction 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 penalty could be levied as aforesaid.

XVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any two of the said commissioners 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 overflowed, to send, under their respective hands and seals, a warrant directed to the constable or constables of the parish or tything, or some neighbouring parish or tything to the place where the offence shall be committed, thereby authorizing and empowering him or them to give notice of such complaint to the several tenants or occupiers of the said locks, weirs, turnpikes, dams and floodgates; and on their refusal to open the same, to compel the said tenants or occupiers of the said locks, weirs, turnpikes, dams and flood-gates, to open, and keep open the same, as occasion shall require, till the water is sunk 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, turnpikes, dams and flood-gates, penning above the water-mark, so as aforesaid set by the said commissioners; or neglecting or refusing

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.

Penalty of not paying.

XVII. And whereas great inconveniencies 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 stoppt.

Commissioners may make order concerning deep-loaded barges obstructing the navigation.

Penalty of non-compliance.

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

Penalty of removing water-marks.

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.

Commissioners may make order for cleansing the rivers:

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.

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.

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

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.

Part of the river Kennet put under the ſame management.

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 politick or corporate, or other perſon or perſons whatſoever.

Limitation.

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.

Orders to be kept by the clerks of the peace among the records.

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,

Publick act.

General iſſue.

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.

Double coſts.

Charges of
this act how
to be paid.

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.

6 & 7 W. 3.
c. 16and 3 Geo. 2.
c. 11. repeal-
ed.

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 re-viving 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*

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.

CAP. IX.

An act for repairing the road leading from Weſt-Lavington to the Devizes, and from the Devizes to Scend in the county of Wilts.

Certain tolls granted for 21 years.

CAP. 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.

CAP. 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 Maſteſty'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 aſſiento, 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 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 ſpiritual and temporal and commons in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid governor and company of merchants of Great Britain trading to the South Seas, and other parts of America, and for encouraging the fiſhery, ſhall have, 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 per annum, payable on their ſaid capital ſtock, until the twenty fifth day of December one thouſand ſeven hundred and fifty ſeven; and that from and after the ſaid twenty fifth day of

South Sea company to receive 4 l. per cent. on their capital, till 25 December 1757;

which is then
to be reduced
to 3l. per cent.

December one thousand seven hundred and fifty seven, the said annuity of four pounds *per centum per annum* shall be reduced to 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 assiento, 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 an-
nuities, to be
continued, &c.

II. Provided always, and it is hereby further enacted by the authority aforesaid, That 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 ser-
vant of the
company em-
bezzling, &c.
any effects of
the company
intrusted with
him,

III. And be it further enacted by the authority aforesaid, 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, embezzle 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.

to suffer death
as a felon.

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 Ouze, from Thetford to Brandon, and from Brandon to a place called the White House, near Brandon ferry, in the counties of Norfolk and Suffolk.

22 Car. 2.
private.

WHEREAS 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.

CAP. 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.

CAP. 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 twenty-first year of the reign of his present Majesty, intituled, 21 G. 2. c. 32. 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, therein 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 several 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 comprized 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 dispunishable 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 demife 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 proviſo, 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. [175L.

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 Maſteſty, 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, & 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.

CAP. 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.

CAP. 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.

CAP. 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 thence to and through the towns of Askrigg and Ingleton in the ſaid county, to the town of Lancaſter in the county of Lancaſter.

Certain tolls granted for 21 years.

CAP. 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 Maſteſty, 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 claufe 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 found to be very inconvenient and oppreſſive: and whereas one other act was made in the ſixth year of the reign of his preſent Maſteſty, intituled, An act for making perpetual the ſeveral acts therein mentioned, for the better regulation of juries; and for impowering the juſtices of ſeſſion or aſſizes for the counties palatine of Cheſter, Lancaſter and Durham, to appoint a ſpecial jury in manner therein

6 G. 2. c. 37.

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 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 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 such jury, but shall also pay and discharge all the expences occasioned by the trial of the cause by such special jury, and shall 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.*

Persons applying for special juries, to pay the expences of striking the same, and the charges occasioned by the trial, &c.

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 no person who shall, after the said first day of Easter term, serve 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.*

Fees allowed to jurymen.

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*

4 Annæ c. 16.

issue, in 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, and to the polls for default of hundredors; therefore, for prevention thereof for the future, be it enacted, That from and after the said first day of Easter term, every Venire facias for the trial of any issue, in any action or information upon any penal statute, 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.

Venire facias
for the trial of
an issue upon
a penal statute,
to be awarded
of the body of
the county
where the issue
is triable.

No challenge
to be taken to
any panel of
jurors for want
of a knight's
being return-
ed, &c.

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.

12 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

18 Eliz. c. 12.

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.

CAP. 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 eſſected, 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 high-ways 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 reſuſe, 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 impoſe 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 reſuſal, &c. Commiſſioners to ſet 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 watermen 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 removeable by *Certiorari*. No order of the commissioners to be quashed for want of form. Commissioners may borrow money on the tolls.

CAP. 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.*

CAP. 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 Enstone to Rollright Lane, and from Enslow 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.*

CAP. 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 Halton 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.*

CAP. XXIII.

An act for regulating the commencement of the year; and for correcting the calendar now in use.

Amended by
35 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 differs 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 merchants and 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 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 supputation, 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

The old supputation of the year, not to be made use of after Dec. 1751.

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.

Hilary and Michaelmas terms, and all courts, to be held on the same nominal days.

Courts held with fairs or marts excepted.

Hundredth years, except every fourth hundred, to be common years of 365 days.

Years bissextile of 366 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 saint *Hilary* and saint *Michael*, in that part of *Great Britain* called *England*, 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

bissextile or leap years, shall for the future, and in all times to come, be esteemed and taken to be bissextile 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 rule was 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 further enacted by the authority aforesaid, That the said 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*

Easter and the other moveable feasts, to be observed according to the new calendar, tables and rules.

Fasts 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 commonalty 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 ſupputation 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 and after 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 directed or required by any such act or acts of parliament to be done in relation thereto; or to accelerate the payment of, or increase the interest of, any such sum of money which shall become 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 whatsoever; 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 doing any act, or for any other purpose whatsoever, by any person 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.

or of delivery of goods,

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 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.

			MORNING PRAYER.		EVENING PRAYER.	
			1 Lesson	2 Lesson	1 Lesson	2 Lesson
1	A	Calendæ	<i>Circumcision.</i>			
2	b	4 Non.	Genesis 1	Matth. 1	Genesis 2	Rom. — 1
3	c	3 Non.	— 3	— 2	— 4	— 2
4	d	Pr. Non.	— 5	— 3	— 6	— 3
5	e	Nonæ	— 7	— 4	— 8	— 4
6	f	8 Id.	<i>Epiphany.</i>			
7	g	7 Id.	— 9	— 5	— 12	— 5
8	A	6 Id.	Lucian P. & M.	— 13	— 14	— 6
9	b	5 Id.	— 15	— 7	— 16	— 7
10	c	4 Id.	— 17	— 8	— 18	— 8
11	d	3 Id.	— 19	— 9	— 20	— 9
12	e	Pr. Id.	— 21	— 10	— 22	— 10
13	f	Idus.	Hilary, B. & C.	— 23	— 24	— 11
14	g	19 C. F ^b	— 25	— 12	— 26	— 12
15	A	18 Cal.	— 27	— 13	— 28	— 13
16	b	17 Cal.	— 29	— 14	— 30	— 14
17	c	16 Cal.	— 31	— 15	— 32	— 15
18	d	15 Cal.	Prisca, V. & M.	— 33	— 34	— 16
19	e	14 Cal.	— 35	— 17	— 37	1 Cor. — 1
20	f	13 Cal.	Fabian B. & M.	— 38	— 39	— 2
21	g	12 Cal.	Agnes V. & M.	— 40	— 41	— 3
22	A	11 Cal.	Vincent, M.	— 42	— 43	— 4
23	b	10 Cal.	— 44	— 21	— 45	— 5
24	c	9 Cal.	— 46	— 22	— 47	— 6
25	d	8 Cal.	<i>Conversion of</i>			
26	e	7 Cal.	— (S. Paul.	— 48	— 49	— 7
27	f	6 Cal.	— 50	— 24	Exodus 1	— 8
28	g	5 Cal.	Exodus 2	— 25	— 3	— 9
29	A	4 Cal.	— 4	— 26	— 5	— 10
30	b	3 Cal.	K. Charles Mar	— † 6	— 27	— 7
31	c	Pr. Cal.	— 8	— 28	— 9	— 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.

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MORNING
PRAYER.

EVENING
PRAYER.

			1 Lesson	2 Lesson	1 Lesson	2 Lesson
1	d	Calendar	Exod. 10	Mark - 1	Exod. 11	1 Cor. 13
2	e	4 Non.	Purif. of V. Mary	2		14
3	f	3 Non.	Blasius, B. & M.	3	13	15
4	g	Pr. Non.		4	15	16
5	A	Nonæ	Agatha, V. & M.	5	17	2 Cor. - 1
6	b	8 Id.		6	19	2
7	c	7 Id.		7	21	3
8	d	6 Id.		8	23	4
9	e	5 Id.		9	32	5
10	f	4 Id.		10	34	6
11	g	3 Id.	Lev. - 18	11	Lev. - 19	7
12	A	Pr. Id.		12	26	8
13	b	Idus.	Num. 11	13	Num. 12	9
14	c	16 C. Mr.	Valentine, B.	14	14	10
15	d	15 Cal.		15	17	11
16	e	14 Cal.		16	21	12
17	f	13 Cal.		17	23	13
18	g	12 Cal.		18	25	Gal. - 1
19	A	11 Cal.		19	30	2
20	b	10 Cal.		20	32	3
21	c	9 Cal.		21	36	4
22	d	8 Cal.	Deut. - 1	22	Deut. - 2	5
23	e	7 Cal.	Fast.	23	4	6
24	f	6 Cal.	S. Matibias. -	24	7	Ephes. - 1
25	g	5 Cal.		25	8	2
26	A	4 Cal.		26	9	3
27	b	3 Cal.		27	10	4
28	c	Pr. Cal.		28	11	5
29				29	12	Rom. 12

MARCH

The Calendar, with the Table of Leſſons.

MARCH hath xxxi Days.

				MORNING PRAYER.	EVENING PRAYER.			
				1 Lesson	2 Lesson			
1	d	Calendæ	David, A.Bp.	Deut. 15	Luke-12	Deut. 16	Ephes. 6	
2	e	6 Non.	Chad, Bp.	17	13	18	Philip. 1	
3	f	5 Non.		19	14	20	2	
4	g	4 Non.		21	15	22	3	
5	A	3 Non.		24	16	25	4	
6	b	Pr. Non.		26	17	27	Coloff. 1	
7	c	Nonæ	Perpetua, M.	28	18	29	2	
8	d	8 Id.		30	19	31	3	
9	e	7 Id.		32	20	33	4	
10	f	6 Id.		34	21	Joshua 1	1 Theſ. 1	
11	g	5 Id.		Joshua 2	22	3	2	
12	A	4 Id.	Gregory M.B.	4	23	5	3	
13	b	3 Id.		6	24	7	4	
14	c	Pr. Id.		8	John-1	9	5	
15	d	Idus.		10	2	23	2 Theſ. 1	
16	e	17 C. Ap.		24	3	Judges 1	2	
17	f	16 Cal.		Judges 2	4	5	3	
18	g	15 Cal.	Ed. K. W. Sax.	4	5	5	1 Tim. 1	
19	A	14 Cal.		6	6	7	2, 3	
20	b	13 Cal.		8	7	9	4	
14	21	c	12 Cal.	Benedict, Abb.	10	8	11	5
3	22	d	11 Cal.		12	9	13	6
23	e	10 Cal.		14	10	15	2 Tim. 1	
11	24	f	9 Cal.	— Faſt.	16	11	17	2
25	g	8 Cal.	Annunciation of		12		3	
19	26	A	7 Cal.	— (V. Mary.	18	13	19	4
8	27	b	6 Cal.		20	14	21	Titus-1
28	c	5 Cal.		Ruth -1	15	Ruth-2	2, 3	
16	29	d	4 Cal.		3	16	Philem. 4	
5	30	e	3 Cal.	1 Sam. 1	17	1 Sam. 2	Hebr.-1	
31	f	Pr. Cal.		3	18	4	2	

The Numbers here prefixed to the ſeveral Days, between the Twenty-ſiſt 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-ſiſt 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.	
				1 Lesson	2 Lesson	1 Lesson	2 Lesson
13	1	g	Calendæ	1 Sam. 5	John—19	1 Sam. 6	Hebr. —3
2	2	A	+ Non.	7	—20	8	—4
	3	b	3 Non.	9	—21	10	—5
10	4	c	Pr. Non.	11	Acts—1	12	—6
	5	d	Nonæ	13	—2	14	—7
18	6	e	3 Id.	15	—3	16	—8
7	7	f	7 Id.	17	—4	18	—9
	8	g	6 Id.	19	—5	20	—10
15	9	A	5 Id.	21	—6	22	—11
4	10	b	4 Id.	23	—7	24	—12
	11	c	3 Id.	25	—8	26	—13
12	12	d	Pr. Id.	27	—9	28	James—1
1	13	e	Idus.	29	—10	30	—2
	14	f	18 C. M ^{al}	31	—11	2 Sam. 1	—3
9	15	g	17 Cal.	2 Sam. 2	—12	3	—4
16	16	A	16 Cal.	4	—13	5	—5
17	17	b	15 Cal.	6	—14	7	1 Peter 1
6	18	c	14 Cal.	8	—15	9	—2
	19	d	13 Cal.	10	—16	11	—3
20	20	e	12 Cal.	12	—17	13	—4
21	21	f	11 Cal.	14	—18	15	—5
22	22	g	10 Cal.	16	—19	17	2 Peter 1
23	23	A	9 Cal.	18	—20	19	—2
24	24	b	8 Cal.	20	—21	21	—3
25	25	c	7 Cal.	S. Mark Evan.	22	—	1 John 1
26	26	d	6 Cal.	—	23	—	—2
27	27	e	5 Cal.	—	24	1 Kings 1	—3
28	28	f	4 Cal.	1 Kings 2	—25	3	—4
29	29	g	3 Cal.	—	26	5	—5
30	30	A	Pr. Cal.	—	27	7	2, 3 John

Moon, points out *Faster-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 here after expressed.

MAY

The Calendar, with the Table of Lessons.

MAY hath xxxi Days.

				MORNING PRAYER.		EVENING PRAYER.	
				1 Lesson	2 Lesson	1 Lesson	2 Lesson
1	b	Calendar	S. Philip & James			Jude	—
2	c	6 Non.		1 Kings 8	Acts—28	1 Kings 9	Rom.—1
3	d	5 Non.	Inv. of the Crofs.	—10	Matth. 1	—11	—2
4	e	4 Non.		—12	—2	—13	—3
5	f	3 Non.		—14	—3	—15	—4
6	g	Pr. Non.	John Port. Lat.	—16	—4	—17	—5
7	A	Nonæ		—18	—5	—19	—6
8	b	8 Id.		—20	—6	—21	—7
9	c	7 Id.		—22	—7	2 Kings 1	—8
10	d	6 Id.		2 Kings 2	—8	—3	—9
11	e	5 Id.		—4	—9	—5	—10
12	f	4 Id.		—6	—10	—7	—11
13	g	3 Id.		—8	—11	—9	—12
14	A	Pr. Id.		—10	—12	—11	—13
15	b	Idus.		—12	—13	—13	—14
16	c	17 C. Jun.		—14	—14	—15	—15
17	d	16 Cal.		—16	—15	—17	—16
18	e	15 Cal.		—18	—16	—19	1 Cor.—1
19	f	14 Cal.	Dunstan, A. B.	—20	—17	—21	—2
20	g	13 Cal.		—22	—18	—23	—3
21	A	12 Cal.		—24	—19	—25	—4
22	b	11 Cal.		Ezra —1	—20	Ezra —3	—5
23	c	10 Cal.		—4	—21	—5	—6
24	d	9 Cal.		—6	—22	—7	—7
25	e	8 Cal.		—9	—23	Neh. —1	—8
26	f	7 Cal.	Augustin, A. B.	Neh. —2	—24	—4	—9
27	g	6 Cal.	Ven. Bede, Pr.	—5	—25	—6	—10
28	A	5 Cal.		—8	—26	—9	—11
29	b	4 Cal.	K. Charles II. N.	—10	—27	—12	—12
30	c	3 Cal.	(& R. Esther	—1	—28	Esther—2	—13
31	d	Pr. Cal.		—3	Mark—1	—4	—14

The Calendar, with the Table of Leffons.

JUNE hath xxx Days.

				MORNING PRAYER.		EVENING PRAYER.	
				1 Leffon	2 Leffon	1 Leffon	2 Leffon
1	e	Calendæ	Nicomede, M.	Esther—5	Mark—2	Esther—6	1 Cor. 15
2	f	4 Non.		7	3	8	16
3	g	3 Non.		9	4	Job—1	2 Cor.—1
4	A	Pr. Non.		Job—2	5	3	2
5	b	Nonæ	Boniface, B.M.	4	6	5	3
6	c	8 Id.		6	7	7	4
7	d	7 Id.		8	8	9	5
8	e	6 Id.		10	9	11	6
9	f	5 Id.		12	10	13	7
10	g	4 Id.		14	11	15	8
11	A	3 Id.	S. Barnabas, Ap.				
12	b	2r. Id.		16	12	17, 18	9
13	c	Idus.		19	13	20	10
14	d	18 C. Jul		21	14	22	11
15	e	17 Cal.		23	15	24, 25	12
16	f	16 Cal.		26, 27	16	28	13
17	g	15 Cal.	S. Alban, M.	29	Luke—1	30	Gal.—1
18	A	14 Cal.		31	2	32	2
19	b	13 Cal.		33	3	34	3
20	c	12 Cal.	Fr. of K. Edw.	35	4	36	4
21	d	11 Cal.		37	5	38	5
22	e	10 Cal.		39	6	40	6
23	f	9 Cal.	— Faft.	41	7	42	Ephes.—1
24	g	8 Cal.	S. John Baptift.				
25	A	7 Cal.		Prov.—1	8	Prov.—2	2
26	b	6 Cal.		3	9	4	3
27	c	5 Cal.		5	10	6	4
28	d	4 Cal.	— Faft.	7	11	8	5
29	e	3 Cal.	S. Peter, Apoft.				
30	f	2r. Cal.		9	12	10	6

JULY

The Calendar, with the Table of Leſſons.

JULY hath xxxi Days.

			MORNING PRAYER.		EVENING PRAYER.	
			1 Leſſon	2 Leſſon	1 Leſſon	2 Leſſon
1	g	Calendæ	Prov. 11	Luke 13	Prov. 12	Philip. 1
2	A	6 Non.	— 13	— 14	— 14	— 2
3	b	5 Non.	— 15	— 15	— 16	— 3
4	c	4 Non.	Tr. of Mart. B.	— 17	— 18	— 4
5	d	3 Non.	— 19	— 17	— 20	Coloſſ. 1
6	e	Pr. Non.	— 21	— 18	— 22	— 2
7	f	Nonæ	— 23	— 19	— 24	— 3
8	g	8 Id.	— 25	— 20	— 26	— 4
9	A	7 Id.	— 27	— 21	— 28	1 Theſ. 1
10	b	6 Id.	— 29	— 22	— 31	— 2
11	c	5 Id.	Eccleſ. 1	— 23	Eccleſ. 2	— 3
12	d	4 Id.	— 3	— 24	— 4	— 4
13	e	3 Id.	— 5	John — 1	— 6	— 5
14	f	Pr. Id.	— 7	— 2	— 8	2 Theſ. 1
15	g	Idus.	Swithun, B. Tr.	— 9	— 10	— 2
16	A	17 C. Aug.	— 11	— 4	— 12	— 3
17	b	16 Cal.	Jer. — 1	— 5	Jer. — 2	1 Tim. 1
18	c	15 Cal.	— 3	— 6	— 4	— 2, 3
19	d	14 Cal.	— 5	— 7	— 6	— 4
20	e	13 Cal.	Marg. V. & M.	— 7	— 8	— 5
21	f	12 Cal.	— 9	— 9	— 10	— 6
22	g	11 Cal.	S. Mary Magd.	— 11	— 10	2 Tim. 1
23	A	10 Cal.	— 13	— 11	— 14	— 2
24	b	9 Cal.	— Faſt.	— 15	— 12	— 3
25	c	8 Cal.	S. James, Apoſt.	— 13	— 13	— 4
26	d	7 Cal.	S. Anne.	— 17	— 14	— 18 Titus — 1
27	e	6 Cal.	—	— 19	— 15	— 20 — 2, 3
28	f	5 Cal.	—	— 21	— 16	— 22 Philem.
29	g	4 Cal.	—	— 23	— 17	— 24 Hebr. — 1
30	A	3 Cal.	—	— 25	— 18	— 26 — 2
31	b	Pr. Cal.	—	— 27	— 19	— 28 — 3

The Calendar, with the Table of Lessons.

AUGUST hath xxxi Days.

			MORNING PRAYER.	EVENING PRAYER.			
			1 Lesson	2 Lesson			
1	c	Calendæ	Lammas-day. - Jer. - 29	John - 20 Jer. - 30	Hebr. - 4		
2	d	4 Non.	31	21	32	5	
3	e	3 Non.	33	Acts - 1	34	6	
4	f	Pr. Non.	35	2	36	7	
5	g	Nonæ	37	3	38	8	
6	A	8 Id.	Transfiguration	39	4	40	9
7	b	7 Id.	Name of Jesus.	41	5	42	10
8	c	6 Id.		43	6	44	11
9	d	5 Id.		45, 46	7	47	12
10	e	4 Id.	S. Laurence, M.	48	8	49	13
11	f	3 Id.		50	9	51	James - 1
12	g	Pr. Id.		52	10	Lam. - 1	2
13	A	Idus.		Lam. - 2	11	3	3
14	b	19 C. Sept		4	12	5	4
15	c	18 Cal.		Ezek. - 2	13	Ezek. - 3	5
16	d	17 Cal.		6	14	7	1 Peter - 1
17	e	16 Cal.		13	15	14	2
18	f	15 Cal.		18	16	33	3
19	g	14 Cal.		34	17	Daniel - 1	4
20	A	13 Cal.		Daniel - 2	18	3	5
21	b	12 Cal.		4	19	5	2 Peter - 1
22	c	11 Cal.		6	20	7	2
23	d	10 Cal.	Fast.	8	21	9	3
24	e	9 Cal.	S. Bartholomew		22		1 John - 1
25	f	8 Cal.		10	23	11	2
26	g	7 Cal.		12	24	Hosea - 1	3
27	A	6 Cal.		Hof. 2, 3	25	4	4
28	b	5 Cal.	S. Augustin, B.	5, 6	26	7	5
29	c	4 Cal.	S. John behead.	8	27	9	2, 3 John
30	d	3 Cal.	(ed.	10	28	11	Jude
31	e	Pr. Cal.		12	Matth. 1	13	Rom. - 1

SEP-

The Calendar, with the Table of Lessons.

SEPTEMBER hath xxx Days.

			MORNING PRAYER.	EVENING PRAYER.
			1 Lesson	2 Lesson
1	f	Calendar	Giles, Abb. & C.	Hosea 14
2	g	4 Non.	Joel — 2	Matth. 2
3	A	3 Non.	Amos — 1	Joel — 1
4	b	Pr. Non.	— 3	Rom. 2
5	c	Nonæ	— 5	Amos — 2
6	d	8 Id.	— 7	— 4
7	e	7 Id.	Enurchus, B. —	— 6
8	f	6 Id.	Nat. of V. Mary	— 8
9	g	5 Id.	Jonah — 1	Obadiah — 8
10	A	4 Id.	— 4	Jon. 2, 3 — 9
11	b	3 Id.	Micah 2 — 11	Micah 1 — 10
12	c	Pr. Id.	— 4	— 3
13	d	Idus.	— 6	— 5
14	e	18 C. Oct.	Nahum 1 — 14	— 7
15	f	17 Cal.	Holy Crofs Day — 3	Nahum 2 — 14
16	g	16 Cal.	Hab. — 2	Hab. — 1
17	A	15 Cal.	Zeph. — 1	— 3
18	b	14 Cal.	— 3	Zeph. — 2
19	c	13 Cal.	Lambert, B.M. — 3	1 Cor. 1
20	d	12 Cal.	Haggai 2 — 18	Haggai 1 — 2
21	e	11 Cal.	Zec. 2, 3 — 20	Zech. 1 — 3
22	f	10 Cal.	— 6	— 4, 5
23	g	9 Cal.	Fast. — 21	— 7
24	A	8 Cal.	S. Matthew, Ap. — 22	— 5
25	b	7 Cal.	— 8	— 6
26	c	6 Cal.	— 10	— 9
27	d	5 Cal.	— 12	— 7
28	e	4 Cal.	— 14	— 8
29	f	3 Cal.	S. Cyprian, M. — 14	— 13
30	g	Pr. Cal.	Malachi 2 — 27	— 10
			— 4	— 3
			— 2	— 1
			— 3	— 12
			— 2	— 13
			— 3	— 14
			— 4	— 15

OCTOBER

The Calendar, with the Table of Lessons.

OCTOBER hath xxxi Days.

				MORNING PRAYER.		EVENING PRAYER.	
				1 Lesson	2 Lesson	1 Lesson	2 Lesson
1	A	Calendar	Remigius, Bp.	Tob. - 7	Mark - 4	Tob. - 8	1 Cor. 16
2	b	6 Non.		9	5	10	2 Cor. 1
3	c	5 Non.		11	6	12	2
4	d	4 Non.		13	7	14	3
5	e	3 Non.		Judith 1	8	Judith 2	4
6	f	Pr. Non.	Faith, V. & M.	3	9	4	5
7	g	Nonæ		5	10	6	6
8	A	8 Id.		7	11	8	7
9	b	7 Id.	S. Denys, B. M.	9	12	10	8
10	c	6 Id.		11	13	12	9
11	d	5 Id.		13	14	14	10
12	e	4 Id.		15	15	16	11
13	f	3 Id.	Tr. of K. Edw.	Wisd. 1	16	Wisd. 2	12
14	g	Pr. Id.		3	Lu. 1. 1039	4	13
15	A	Idus.		5	1. Cor. 39	6	Gal. 1
16	b	17 C. No ^v		7	2	8	2
17	c	16 Cal.	Etheldreda, V.	9	3	10	3
18	d	15 Cal.	S. Luke, Evang.		4		4
19	e	14 Cal.		11	5	12	5
20	f	13 Cal.		13	6	14	6
21	g	12 Cal.		15	7	16	Ephes. 1
22	A	11 Cal.		17	8	18	2
23	b	10 Cal.		19	9	Ecclesiast. 1	3
24	c	9 Cal.		Ecclesiast. 2	10	3	4
25	d	8 Cal.	Crispin, Mart.	4	11	5	5
26	e	7 Cal.		6	12	7	6
27	f	6 Cal.	Fast.	8	13	9	Philip. 1
28	g	5 Cal.	S. Simon & Jude.		14		2
29	A	4 Cal.		10	15	11	3
30	b	3 Cal.		12	16	13	4
31	c	Pr. Cal.	Fast.	14	17	15	Coloss. 1

NOV.

The Calendar, with the Table of Lessons.

NOVEMBER hath xxx Days.

			MORNING PRAYER.	EVENING PRAYER.
			1 Lesson	2 Lesson
1 d	Calendæ	<i>All Saints Day.</i>		
2 e	4 Non.		Ecclesiastes 16	Luke—18
3 f	3 Non.		—18	—19
4 g	Pr. Non.		—20	—20
5 A	Nonæ	<i>Papists Conspir.</i>	—22	—21
6 b	8 Id.	Leonard, C. —	—24	* 25
7 c	7 Id.		—27	—23
8 d	6 Id.		—29	—24
9 e	5 Id.		—31	John—1
10 f	4 Id.		—33	—2
11 g	3 Id.	S. Martin, B. —	—35	—3
12 A	Pr. Id.		—37	—4
13 b	Idus.	Britius, B. —	—39	—5
14 c	18 C. Dec		—41	—6
15 d	17 Cal.	Machutus, B. —	—43	—7
16 e	16 Cal.		—45	—8
17 f	15 Cal.	Hugh, B. Linc.	—47	—9
18 g	14 Cal.		—49	—10
19 A	13 Cal.		—51	—11
20 b	12 Cal.	Edm. K. & M.	Baruch 2	—12
21 c	11 Cal.		—4	—13
22 d	10 Cal.	Cecilia, V. & M.	—6	—14
23 e	9 Cal.	S. Clement, B.	Bel & D. —15	—15
24 f	8 Cal.		Isaiah—2	—16
25 g	7 Cal.	Catherine, V. —	—4	—17
26 A	6 Cal.		—6	—18
27 b	5 Cal.		—8	—19
28 c	4 Cal.		—10	—20
29 d	3 Cal.	—Fast.	—12	—21
30 e	Pr. Cal.	S. Andrew, Ap.	—	—1

Note, that * Ecclesiastes 25. is to be read only to ver. 13. and † Ecclesiastes 30. only to ver 18. and || Ecclesiastes 46. only to ver. 20.

The Calendar, with the Table of Lessons.

DECEMBER hath xxxi Days.

				MORNING PRAYER.		EVENING PRAYER.	
				1 Lesson	2 Lesson	1 Lesson	2 Lesson
1	f	Calendar		Isaiah 14	Acts—2	Isaiah 15	Heb.—7
2	g	4 Non.		16	3	17	8
3	A	3 Non.		18	4	19	9
4	b	Pr. Non.		20, 21	5	22	10
5	c	Nonæ		23	6	24	11
6	d	8 Id.	Nicolas, Bp.	25	7. to v. 30	26	12
7	e	7 Id.		27	7. v. 30	28	13
8	f	6 Id.	Concep. of Virg.	29	8	30	James—1
9	g	5 Id.	(Mary.	31	9	32	2
10	A	4 Id.		33	10	34	3
11	b	3 Id.		35	11	36	4
12	c	Pr. Id.		37	12	38	5
13	d	Idus.	Lucy, V. & M.	39	13	40	1 Peter 1
14	e	19 C. Jan.		41	14	42	2
15	f	18 Cal.		43	15	44	3
16	g	17 Cal.	O Sapientia.	45	16	46	4
17	A	16 Cal.		47	17	48	5
18	b	15 Cal.		49	18	50	2 Peter 1
19	c	14 Cal.		51	19	52	2
20	d	13 Cal.	Fast.	53	20	54	3
21	e	12 Cal.	S. Thomas, Ap.		21		1 John 1
22	f	11 Cal.		55	22	56	2
23	g	10 Cal.		57	23	58	3
24	A	9 Cal.	Fast.	59	24	60	4
25	b	8 Cal.	Christmas-Day.				
26	c	7 Cal.	S. Stephen, Mart.				
27	d	6 Cal.	S. John, Evang.				
28	e	5 Cal.	Innocents-Day.		25		5
29	f	4 Cal.		61	26	62	2 John —
30	g	3 Cal.		63	27	64	3 John —
31	A	Pr. Cal.	Silvester, B.	65	28	66	Jude. —

TABLES and RULES for the Moveable and Immoveable FEASTS; together with the Days of Fasting and Abstinence, through the whole Year.

Rules to know when the Moveable Feasts and Holy-days begin.

E After-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.

Advent-Sunday is always the nearest Sunday to the Feast of St. Andrew, whether before or after.

Septuagesima	} Sunday is {	Nine	} Weeks before Easter.
Sexagesima		Eight	
Quinquagesima		Seven	
Quadragesima		Six	
Rogation Sunday	} is {	Five Weeks	} after Easter.
Ascension-Day		Forty Days	
Whit Sunday		Seven Weeks	
Trinity Sunday		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 Days of the Feasts of
 { The Circumcision of our Lord
 JESUS CHRIST.
 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. Phil. and S. Jam. the Apostles.
 The Ascension of our Lord
 JESUS CHRIST.
 S. Barnabas.

The Days of the Feasts of

{ The Nativity of S. John Baptist.
 S. Peter the Apostle.
 S. James the Apostle.
 S. Bartholomew the Apostle.
 S. Matthew the Apostle.
 S. Michael, and all Angels.
 S. Luke the Evangelist.
 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 Evangelist.
 The Holy Innocents.

Monday and Tuesday in Easter-Week.

Mond. and Tuesd. in Whitfun-Week.

A Table of the VIGILS, FASTS, and Days of Abstinence, to be observed in the Year.

The Evens or Vigils before	{	The Nativity of our Lord.	{	S. John Baptist.
		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 Feast-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 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 LORD.
 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
	—20	E
	—21	F
	—22	G
	—23	A
	—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 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.

Advent Sunday.	Sund. aft. Trin.	Whit-funday.	Ascension-Day.	Regation Sunday.	Easter-Day.	The First Day of Lent.	Septuagesima Sunday.	Sund. after Epiph.	Sunday-Letter.	The Epiph.	Golden Number.	The Year of our Lord.
Dec. 3	June 10	May 31	May 27	Apr. 22	Mar. 7	Feb. 18	Feb. 18	Feb. 18	6	G	5	1752
Dec. 1	June 12	May 23	May 19	Apr. 14	Mar. 1	Feb. 10	Feb. 10	Feb. 10	4	F	25	1753
Nov. 30	May 18	May 8	May 4	Apr. 2	Mar. 12	Feb. 27	Feb. 27	Feb. 27	4	E	6	1754
Dec. 28	June 6	May 27	May 23	Apr. 18	Mar. 3	Feb. 23	Feb. 23	Feb. 23	5	DC	9	1755
Dec. 27	May 29	May 19	May 15	Apr. 10	Mar. 26	Feb. 10	Feb. 10	Feb. 10	2	B	17	1756
Dec. 3	June 14	May 24	May 20	Apr. 15	Mar. 3	Feb. 23	Feb. 23	Feb. 23	1	A	20	1757
Dec. 2	June 3	May 24	May 20	Apr. 15	Mar. 26	Feb. 10	Feb. 10	Feb. 10	5	G	12	1758
Nov. 30	May 25	May 15	May 11	Apr. 6	Mar. 20	Feb. 5	Feb. 5	Feb. 5	3	FE	12	1759
Dec. 20	May 27	May 17	May 13	Apr. 8	Mar. 22	Feb. 7	Feb. 7	Feb. 7	1	C	14	1760
Dec. 28	June 30	May 20	May 16	Apr. 11	Mar. 24	Feb. 9	Feb. 9	Feb. 9	4	D	23	1761
Dec. 27	May 22	May 12	May 8	Apr. 3	Mar. 16	Feb. 1	Feb. 1	Feb. 1	3	B	15	1762
Dec. 2	June 10	May 31	May 27	Apr. 22	Mar. 7	Feb. 18	Feb. 18	Feb. 18	6	AG	17	1763
Dec. 1	June 12	May 23	May 19	Apr. 14	Mar. 1	Feb. 10	Feb. 10	Feb. 10	3	F	25	1764
Nov. 30	May 18	May 8	May 4	Apr. 2	Mar. 12	Feb. 27	Feb. 27	Feb. 27	2	E	18	1765
Dec. 29	June 7	May 28	May 24	Apr. 19	Mar. 4	Feb. 15	Feb. 15	Feb. 15	1	D	10	1766
Dec. 27	May 22	May 12	May 8	Apr. 3	Mar. 16	Feb. 1	Feb. 1	Feb. 1	3	CB	11	1767
Dec. 3	June 14	May 24	May 20	Apr. 15	Mar. 3	Feb. 23	Feb. 23	Feb. 23	2	A	22	1768
Dec. 2	June 3	May 24	May 20	Apr. 15	Mar. 26	Feb. 10	Feb. 10	Feb. 10	5	G	3	1769
Nov. 1	May 19	May 9	May 5	Apr. 2	Mar. 31	Feb. 13	Feb. 13	Feb. 13	2	F	14	1770
Nov. 20	June 7	May 28	May 24	Apr. 19	Mar. 4	Feb. 15	Feb. 15	Feb. 15	4	ED	6	1771
Dec. 23	May 30	May 20	May 16	Apr. 11	Mar. 24	Feb. 9	Feb. 9	Feb. 9	4	C	7	1772
Dec. 27	June 22	May 12	May 8	Apr. 3	Mar. 16	Feb. 1	Feb. 1	Feb. 1	3	B	17	1773
Dec. 3	June 4	May 25	May 21	Apr. 16	Mar. 1	Feb. 16	Feb. 16	Feb. 16	5	A	9	1774
Dec. 1	May 26	May 16	May 12	Apr. 7	Mar. 21	Feb. 6	Feb. 6	Feb. 6	4	GF	10	1775
Nov. 30	May 18	May 8	May 4	Apr. 2	Mar. 12	Feb. 27	Feb. 27	Feb. 27	2	E	19	1776
Dec. 20	June 7	May 28	May 24	Apr. 19	Mar. 4	Feb. 15	Feb. 15	Feb. 15	5	D	12	1777
Dec. 28	May 23	May 13	May 9	Apr. 4	Mar. 17	Feb. 2	Feb. 2	Feb. 2	3	C	13	1778
Dec. 3	June 14	May 24	May 20	Apr. 15	Mar. 3	Feb. 23	Feb. 23	Feb. 23	1	BA	14	1779
Dec. 2	June 3	May 24	May 20	Apr. 15	Mar. 26	Feb. 10	Feb. 10	Feb. 10	5	G	15	1780
Nov. 1	May 19	May 9	May 5	Apr. 2	Mar. 31	Feb. 13	Feb. 13	Feb. 13	2	F	16	1781
Nov. 30	June 8	May 29	May 25	Apr. 20	Mar. 5	Feb. 16	Feb. 16	Feb. 16	5	E	17	1782
Dec. 28	May 30	May 20	May 16	Apr. 11	Mar. 24	Feb. 9	Feb. 9	Feb. 9	4	DC	18	1783
Dec. 27	June 15	May 26	May 22	Apr. 17	Mar. 1	Feb. 11	Feb. 11	Feb. 11	2	B	19	1784
Dec. 3	June 4	May 25	May 21	Apr. 16	Mar. 1	Feb. 11	Feb. 11	Feb. 11	5	A	10	1785
Dec. 2	May 27	May 17	May 13	Apr. 8	Mar. 27	Feb. 11	Feb. 11	Feb. 11	1	G	11	1786
Nov. 30	May 11	May 1	May 27	Apr. 27	Mar. 23	Feb. 8	Feb. 8	Feb. 8	1	FE	22	1787
Dec. 29	June 31	May 21	May 17	Apr. 12	Mar. 17	Feb. 2	Feb. 2	Feb. 2	4	D	3	1788
Dec. 28	June 23	May 13	May 9	Apr. 4	Mar. 17	Feb. 2	Feb. 2	Feb. 2	3	C	14	1789
Dec. 27	June 12	May 2	June 2	May 29	Mar. 24	Feb. 9	Feb. 9	Feb. 9	6	B	6	1790
Dec. 2	May 17	May 7	May 3	Apr. 24	Mar. 9	Feb. 25	Feb. 25	Feb. 25	5	AG	7	1791
Nov. 1	June 10	May 31	May 27	Apr. 22	Mar. 7	Feb. 18	Feb. 18	Feb. 18	2	F	8	1792
Nov. 30	June 8	May 29	May 25	Apr. 20	Mar. 5	Feb. 16	Feb. 16	Feb. 16	5	E	9	1793
Dec. 29	May 24	May 14	May 10	Apr. 15	Mar. 18	Feb. 3	Feb. 3	Feb. 3	3	D	10	1794
Dec. 27	June 15	May 5	May 21	Apr. 11	Mar. 27	Feb. 11	Feb. 11	Feb. 11	2	CB	11	1795
Dec. 3	June 4	May 25	May 21	Apr. 16	Mar. 1	Feb. 12	Feb. 12	Feb. 12	5	A	12	1796
Dec. 2	May 27	May 17	May 13	Apr. 8	Mar. 27	Feb. 11	Feb. 11	Feb. 11	4	G	13	1797
Dec. 1	June 12	May 2	May 28	Apr. 24	Mar. 19	Feb. 4	Feb. 4	Feb. 4	1	F	14	1798
Nov. 30	June 1	May 22	May 18	Apr. 13	Mar. 24	Feb. 9	Feb. 9	Feb. 9	4	E	15	1799
Dec. 29	June 23	May 13	May 9	Apr. 4	Mar. 17	Feb. 2	Feb. 2	Feb. 2	3	D	16	1800
Dec. 28	June 6	May 24	May 20	Apr. 11	Mar. 3	Feb. 18	Feb. 18	Feb. 18	2	C	17	1801
Dec. 27	May 29	May 19	May 15	Apr. 6	Mar. 23	Feb. 8	Feb. 8	Feb. 8	4	B	18	1802
Dec. 2	June 26	May 16	May 12	Apr. 3	Mar. 16	Feb. 1	Feb. 1	Feb. 1	3	AG	19	1803
												1804

A TABLE of the MOVEABLE FEASTS, according to the ſeveral Days that EASTER can poſſibly fall upon.

Eaſter-day.	Sundays after Epiphany.	Septuageſima Sunday.	The Firſt Day of Lent.	Rogation Sunday.	Alcenſion-day.	Whitſunday.	Sundays after Trinity.	Advent Sunday.
Mar. 22	Jan. 18	Feb. 4	Apr. 26	Apr. 30	May 10	May 27	Nov. 29	
23	19	5	27	May 1	11	27	30	
24	20	6	28	2	12	27	Dec. 1	
25	21	7	29	3	13	27	2	
26	22	8	30	4	14	27	3	
27	23	9	May 1	5	15	26	Nov. 27	
28	24	10	2	6	16	26	28	
29	25	11	3	7	17	26	29	
30	26	12	4	8	18	26	30	
31	27	13	5	9	19	26	Dec. 1	
Apr. 1	28	14	6	10	20	26	2	
2	29	15	7	11	21	26	3	
3	30	16	8	12	22	26	Nov. 27	
4	31	17	9	13	23	26	28	
5	Feb. 1	18	10	14	24	25	29	
6	2	19	11	15	25	25	30	
7	3	20	12	16	26	25	Dec. 1	
8	4	21	13	17	27	25	2	
9	5	22	14	18	28	25	3	
10	6	23	15	19	29	24	Nov. 27	
11	7	24	16	20	30	24	28	
12	8	25	17	21	31	24	29	
13	9	26	18	22	June 1	24	30	
14	10	27	19	23	2	24	Dec. 1	
15	11	28	20	24	3	24	2	
16	12	Mar 1	21	25	4	24	3	
17	13	2	22	26	5	23	Nov. 27	
18	14	3	23	27	6	23	28	
19	15	4	24	28	7	23	29	
20	16	5	25	29	8	23	30	
21	17	6	26	30	9	23	Dec. 1	
22	18	7	27	31	10	23	2	
23	19	8	28	June 1	11	23	3	
24	20	9	29	2	12	22	Nov. 27	
25	21	10	30	3	13	22	28	

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
11	— 24	F
19	— 25	G
8	— 26	A
16	— 27	B
5	— 28	C
13	— 29	D
2	— 30	E
10	— 31	F
18	April — 1	G
7	— 2	A
15	— 3	B
4	— 4	C
12	— 5	D
1	— 6	E
9	— 7	F
17	— 8	G
6	— 9	A
14	— 10	B
3	— 11	C
11	— 12	D
19	— 13	E
8	— 14	F
16	— 15	G
5	— 16	A
13	— 17	B
2	— 18	C
10	— 19	D
18	— 20	E
7	— 21	F
15	— 22	G
4	— 23	A
12	— 24	B
1	— 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.

6	5	4	3	2	1	0
B	C	D	E	F	G	A
				1600	1700	1800
1900	2100	2200	2300	2500	2600	2700
2000			2400		2800	
2900	3000	3100	3200	3300	3400	3500
					3600	3700
3800	3900	4100	4200	4300	4500	4600
	4000			4400		
4700	4900	5000	5100	5200	5300	5400
4800			5200		5400	5600
5700	5800	5900	6100	6200	6300	6500
		6000			6400	
6600	6700	6900	7000	7100	7300	7400
	6800			7200		
7500	7700	7800	7900	8100	8200	8300
7600			8000		8200	8400
8500	&c.					

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.

TABLE II.

1	2	3	1	2	3
	Years of our Lord.			Years of our Lord.	
B	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
	2300	4		5900	19
B	2400	3	B	6000	19
	2500	4		6100	19
	2600	5		6200	20
	2700	5		6300	21
B	2800	5	B	6400	20
	2900	6		6500	21
	3000	6		6600	22
	3100	7		6700	23
B	3200	7	B	6800	22
	3300	7		6900	23
	3400	8		7000	24
	3500	9		7100	24
B	3600	8	B	7200	24
	3700	9		7300	25
	3800	10		7400	25
	3900	10		7500	26
B	4000	10	B	7600	26
	4100	11		7700	26
	4200	12		7800	27
	4300	12		7900	28
B	4400	12	B	8000	27
	4500	13		8100	28
	4600	13		8200	29
	4700	14		8300	29
B	4800	14	B	8400	29
	4900	14		8500	0
	5000	15		&c.	
	5100	16			

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 Hundredth 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 III.

		The GOLDEN NUMBERS.																			
Pafchal Full Moon.	Sunday-Letter.	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	25	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	2	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 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 princess 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 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 ſpiritual and temporal and commons in this preſent parliament aſſembled, and by the authority of the ſame, That whenſoever, 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.

If the crown ſhall deſcend to any of the children of the late prince of *Wales*, being under the age of 18 years,

Auguſta princeſs dowager of *Wales* is conſtituted guardian of ſuch ſucceſſor,

and regent of the kingdom.

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.

Acts of regal power done otherwiſe than by her royal highneſs declared void.

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 being,

Council of regency to aſſiſt her royal highneſs.

His Majesty
by 3 instru-
ments under
his ſign ma-
nual may add
four counſel-
lors;

and may alter
his nomina-
tion.

After the de-
miſe of his
Majeſty, in
caſe of ſuch
minority, the
inſtruments
to be brought
before the
privy council.

Any perſon
who ſhall open
the ſaid in-
ſtruments,
&c. incurs a
penalty.

ing, the lord high admiral of *Great Britain* for the time being, the principal ſecretaries 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 Majeſty ſhall, by three inſtruments under his royal ſign manual, 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 inſtruments being ſealed up under three ſeſſal covers, with any ſeal his Majeſty ſhall think fit to make uſe of for that purpoſe, ſhall be each ſealed alſo with the ſeſſal 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 inſtruments 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 Majeſty 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 inſtruments 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 inſtruments 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 whole cuſtody any of the ſaid inſtruments 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 inſtruments as aforeſaid, the perſon ſo removed, and the executors and adminiſtrators of the perſons ſo dying, and every perſon in whole cuſtody ſuch inſtrument 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 demile of his Majeſty, in caſe of ſuch minority as aforeſaid, the ſaid three perſons, their executors or adminiſtrators, and all other perſons in whole cuſtody the ſaid inſtruments ſhall then be, ſhall immediately bring the ſame before the privy council then exiſting; which it is hereby enacted, ſhall be forthwith on ſuch demile aſſembled, and ſuch inſtruments 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 inſtruments 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 inſtruments in the life of his preſent Majeſty, without his Majeſty's order, or ſhall wilfully neglect or reſuſe to produce and deliver the ſame to the privy council, every perſon ſo opening, neglecting or reſuſing, ſhall incur the pains and penalties

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.

One instrument produced, effectual.

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 commissioner named in such respective commissions shall be of the said council of regency.

If the office of lord high treasurer, &c. be in commission, the first in commission to be of the council.

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.

Not less than five of the council to act.

His royal highness the duke, head of the 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)

Oath of office to be taken by her royal highness.

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
to be taken by
each member
of the council.

IX. And each of the members of the said council of regency, and their successors, shall, before they shall respectively act in or enter upon their respective offices as members of the said 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 them-
selves, 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 whenſoever his preſent Maſteſty (whom God long preſerve) ſhall happen to demife, 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 demife, ſhall, with all convenient ſpeed, aſſemble, and cauſe ſuch next ſucceſſor intituled to the crown of *Great Britain*, by virtue of an 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*) 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 Maſteſty's demife, 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.

The majority of five of the council of regency neceſſary in all creations, &c.

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

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

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 the thirteenth year of the reign of King *Charles* the Second, intituled, *An act for the uniformity of publick prayers and adminiſtration of ſacraments, and other rites and ceremonies; and for eſta- bliſhing 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.*)

nor for repealing or altering
13 Car. 2. c. 4.

or 5 Annæ.

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 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.

Vacancies of members of the council to be filled up within 2 months.

XVII. Provided always, and be it enacted by the authority aforeſaid, That nothing herein contained ſhall take away or pre- judice the rights, authorities, powers and jurisdictions of the privy council, but her ſaid royal highneſs ſhall have full power to ſummon and hold, or to cauſe the ſame to be ſummoned and hold- en in the uſual manner, and any of the members of the ſaid council of regency may be and continue of the privy council alſo.

Rights of the privy council preſerved.

XVIII. And be it further enacted by the authority aforeſaid, That whenſoever and as often as the crown ſhall deſcend to ſuch 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 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

Upon deſcent of the crown to a minor the parliament to continue for 3 years, unleſs ſuch ſucceſſor ſhall be ſooner of age, or the parliament be diſſolved, &c.

If no parliament in being, the preceding parliament to ſit for 3 years.

ment

ment shall be fooner diffolved by her faid royal highnefs, with fuch confent as laft mentioned.

Successor not to be married during minority, without confent of her royal highnefs and the council;

XIX. And be it further enacted by the authority aforefaid, That his royal highnefs *George William Frederick* prince of *Wales*, in cafe the crown shall defcend or come to him before his age of eighteen, or any other of the children of his late royal highnefs *Frederick* prince of *Wales*, to whom the fame shall defcend before his or her age of eighteen years, shall not, during the regency of her faid royal highnefs, be married to any perfon whatfoever, without the confent of her faid royal highnefs, and of a major part of the faid council of regency then in being, and in *Great Britain*, in cafe 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 confent of one half part of the faid council; and every marriage fo had without fuch confent, shall be null and void to all intents and purpofes; and every perfon who shall be acting, aiding, abetting or concerned in obtaining, procuring or bringing about any fuch marriage, and the perfon who shall be fo married to fuch King or Queen, under the age of eighteen years, shall be guilty of high treason, and fuffer and forfeit as in cafes of high treason.

Such marriage null, and every perfon concerned, &c. guilty of high treason.

In cafes of equality of voices, her royal highnefs may decide.

XX. And be it further enacted by the authority aforefaid, That in all cafes where the members of the council of regency shall be equally divided in their voices, her faid royal highnefs shall and may decide and determine the queftion or matter concerning which they shall be fo equally divided, if fhe shall be pleafed to give her own opinion thereupon.

Where confent of a majority is neceffary, the members are to fign the fame.

XXI. And be it further enacted by the authority aforefaid, That in all cafes where the confent of a major or one half part of the faid council of regency then in being, and in *Great Britain*, is by this act made neceffary to the validity of any act, matter or thing, fuch confent shall be figned by the refpective members giving fuch confent in the council books; and that a clerk or clerks of the council of regency, shall be appointed by her faid royal highnefs, and fuch clerk or clerks shall provide books for entering the acts of fuch council, and shall enter the fame truly and faithfully, and keep the faid books, for which he or they shall be answerable, and fuch clerk or clerks, before he or they enter upon the execution of their faid office, shall take an oath before fuch council, for the due execution of fuch office or place refpectively.

Clerk of the council to be appointed,

and take an oath of office.

Commissions, &c. to change the order, &c. of government, declared void,

XXII. And be it further enacted by the authority aforefaid, That all commissions, letters patent, orders, matters and things to be made, paffed, had or done by the faid regent, either with or without the confent of the faid council of regency, in order unlawfully to fet afide, change or vary the order and method of government, and adminiftration of government fettled by this act, during fuch minorities as aforefaid, shall be abfolutely null and void to all intents and purpofes, and every perfon advifing, concurring, promoting or affifting therein, shall incur the penalties of *Premunire*, inflicted by the faid ftatute of *Premunire*.

and the perfon concerned to incur a *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 first year of the reign of King Edward the Sixth, intituled, *An act 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.

28 Hen. 8. c. 17.

and 1 Ed. 6. c. 11. determined.

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, Winsields, 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 cros the road, and repair the same. Justices to determine the statute-work 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 mifapplication. On death, &c. of trustees others to be choſen. Road to be meafured, and mile-ftones erected. Tolls to continue, until otherwife provided by parliament.

CAP. XXVI.

An a^ct for cleaning 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. XXVII.

An a^ct 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. XXVIII.

An a^ct 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 Bladen, 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.*

CAP. XXIX.

An a^ct 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 Maidenhead at Orleton in the county of Hereford. *Certain tolls granted for 21 years.*

CAP. XXX.

An a^ct 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.*

CAP. XXXI.

An a^ct for explaining, amending and enforcing an a^ct paſſed in the thirteenth year of his late Maſteſty's reign, intituled, An a^ct 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. I. c. 26.

WHEREAS by an a^ct paſſed in the thirteenth year of the reign of his late maſteſty King George the Firſt, (intituled, An a^ct for the better regulation of the linen and hempen manufactures in that part of Great Britain called Scotland) certain rules and regulations were eſta bliſhed 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 a^ct were explained, amended and enforced, and further regulations eſta bliſhed: may it therefore pleaſe your Maſteſty 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, 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 penalty, not exceeding three pounds sterling for every hoghead of such seed; and so in proportion for any less quantity.

Importers of bad lintseed or hempseed, or short lintseed.

forfeit 3l. per. hoghead.

II. Provided always, and it is hereby enacted, That if all or any of such damnified lintseed or hempseed shall be only damaged, in the conveyance 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 as soon as may be unto the trustees appointed, or to be appointed, in pursuance of the said act of the thirteenth year of his late Majesty's reign, that such seed shall not be sown, but shall be made into oil, or exported under the penalty of five pounds for every hoghead of such damnified seed; and so in proportion for any less quantity.

Upon proof of the lintseed being damaged by sea, importer not to forfeit;

giving security for its being exported or made into oil.

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 sale, give sufficient 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 hoghead of such seed, and so in proportion for any less quantity.

Proprietor of short or bad, &c. lintseed, &c. of the growth of Scotland,

to give security that the same shall be exported, or made into oil.

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.

Lintseed, &c. to be sold by the Linlithgow barley measure streaked, &c.

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

Persons selling ten pecks, to one buyer, to lin.

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, damaged, 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.

and ſeize what ſhall be found bad, &c.

Penalty if the ſeed ſhall be adjudged to be prohibited, &c.

Seed ſeized not to be delivered, until the ſecurity.

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 *averdupois*: 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.

Penalty of ſelling flax or hemp, of different quality in the ſame mat.

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.

Exception.

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 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, 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 in the ſaid former act, or this preſent act, to the contrary notwithstanding.

Plain linen may be made with flaxen and tow yarn mixed. Penalty if the warp be not of the ſame fineneſs throughout, as alſo the woof.

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.

Yarns of different ſorts, &c. may be uſed in manufacturing ſtriped, &c. linens, &c.

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.

Penalty of ſelling or buying reels not of the dimensions preſcribed.

or falſe yarn of the produce of *Scotland*,

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.

Foreign yarn excepted.

XV. And be it further enacted by the authority aforeſaid, That every maker of heckles, wheels, reels, weaving-loom heckles, &c.

Maker of heckles, &c. and

to affix his
name, &c.

and weaving-reeds, shall mark or caufe 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-loom 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.

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

and masters of
lapping-prefs
fes, to give
security.

pounds sterling, in the course of one year; and also all persons who shall keep any publick lapping-prefs 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-prefs 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-prefs 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-prefs or lapping-house, the sum of fifty pounds sterling, for every year they shall carry on such respective trades without such licence.

Trustees to
grant licences
upon security
given.

Penalty on
unlicensed
bleachers, &c.

Licensed
bleachers to
mark their
names, &c. on
every piece.

XVII. And be it further enacted by the authority aforesaid, That all such licensed bleachers shall mark or stamp, or caufe 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.

Penalty of
lapping up
cloth for sale,
wet, &c.

or not stamp-
ed,

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 Maſteſty, with reſpect to all inſufficient and unmerchantable cloth which ſhall be offered to be ſtamped.

Stamp-maſters to cut cloths damaged by accident,

and ſtamp the ſame.

Cloth damaged by negligence of bleacher or weaver, and preſented to be ſtamped, to be ſeized,

and forfeited.

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.

If cloth or yarn, be ſeized, the proof of its being of foreign manufacture to lie on the owner, &c.

Iriſh cloth unſtamped to be forfeited.

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 or ſeal by him made, mark his name and place of abode, and

Maſters of ſtamps to mark their names there-

ſhall

on, and take
an impreffion
in a book, &c.

shall take an impreffion of every fuch feal or ftamp in a book to be kept for that purpofe, and fhall enter in fuch book, the name and designation of the perfon by whom he was employed, and to what perfon and at what time fuch feal or ftamp was delivered, under the penalty of fifty pounds fterling for each of the faid offences.

Penalty of
counterfeiting
ftamps.

XXII. And be it further enacted by the authority aforefaid, That if any perfon or perfons fhall counterfeit any feal or ftamp made in purfuanee of this act, or any feal or ftamp of any ftamp-mafter 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 perfons 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 aforefaid, That every maker of heckles, ſpinning-wheels, reels, weaving-looms 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 perfon or perfons 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 buſineſs.

Penalty of ob-
ſtructing offi-
cers.

XXIV. And be it further enacted by the authority aforefaid, That no perſon or perfons 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 ſtewart 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 ſtewart deputies, 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 ſtewart deputies, ſheriff and ſtewart ſubſtitutes, juſtices of peace, and magiſtrates of burghs, ſhall interpret and put this act, and the ſaid former act in execution, in the moſt beneficial manner for promoting the linen and hempen manufactures; and if any of the ſaid ſheriffs or ſtewarts, juſtices or magiſtrates, ſhall wilfully neglect or reſuſe to execute the powers and authorities committed to them by this and the ſaid former act, ſo as that ſuch neglect or reſuſal ſhall tend to the diſcouragement or detriment of the ſaid manufactures, ſuch neglect or reſuſal 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.

Act to be interpreted in the moſt beneficial manner.

Penalty on magiſtrates reſuſing 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, ſhall, without fee or reward, in the month of *December* yearly, on demand, deliver in to the ſaid truſtees an account for 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.

Comptroller of the cuſtoms to deliver a yearly account to the truſtees of all flax, cloth, pot-aſhes, &c. imported and exported.

XXX. And be it further enacted by the authority aforeſaid, That all contracts, ſecurities and agreements entered into and taken by authority of the ſaid truſtees for promoting of the ſaid linen and hempen manufactures, or any particular branch thereof, 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 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

Contracts, &c. entered into by the truſtees,

Bonds, &c.

and ſuits, &c. to be in the ſecretary's name.

contracts, securities and agreements, bonds and obligations, and prosecuted to a final ifue, in the name and at the instance of the faid fecretary 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, fhall commence and take place from the twenty fifth day of *December* one thoufand feven 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 alfo for repairing and widening the road leading from the weft end of the faid 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 Beconsfield in the faid county of Bucks, and Uxbridge in the county of Middlefex, and that part of the faid great road which leads from the weft end of the faid town of Beconsfield to the river Colne near Uxbridge aforefaid. The acts 7 Geo. 1. c. 24. and 13 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 paffed in the fourth year of his prefent Majefty's reign, for repairing the roads leading from the moft fouthern part of Butt Lane, in the parifh of Lawton in the county palatine of Chelter, to Lawton; and from thence to Henshall's Smithy upon Cranage Green in the faid county; and for making the faid act more effectual. *The act 4 Geo. 2. c. 3. continued for 21 years.*

C A P. XXXIV.

An act for the better prefervation of the game in that part of Great Britain called Scotland.

WHEREAS it is neceffary that the laws now in force in Scotland, for regulating the times for killing the game, and for preventing the abufes of carriers, poachers and others carrying and felling the game, fhould be amended and made more effectual; be it therefore enacted by the King's moft excellent majefty, by and with the advice and confent of the lords fpiritual and temporal, and commons, in this prefent parliament affembled and by the authority of the fame, That no perfon in Scotland fhall, upon any pretence whatfoever, kill or deftroy any moor fowl, from the firft day of *January* to the tenth day of *July*, or any partridge or heath fowl, from the firft day of *February* to the twentieth day of *Auguft* in any year.

Moor fowl,
partridge or
heath fowl,
not to be kill-
ed out of fea-
fon.

Penalty on
perfon not
qualified to
kill game,
having any in
his cuftody.

II. And be it further enacted by the authority aforefaid, That no perfon whatfoever, not qualified to kill game in Scotland, fhall have in his or her cuftody, or carry at any time of the year, upon any pretence whatfoever, any hares, partridges, pheafants, muir fowl, heath fowl, snipes or quails, without the leave or orders of a qualified perfon firft obtained, for carrying fuch hares or other game, or for having the fame in his or her cuftody.

Penalty of
transgreffing
this act,

III. And be it further enacted by the authority aforefaid, That every perfon transgreffing this act, fhall for the firft offence forfeit

forfeit and pay the fum of twenty fhillings fterling; and for the fecond and every other fubfequent offence, the fum of forty fhillings fterling; which refpective fines fhall and may be levied by diftreff and fale of the goods of the offender; and in cafe of infolvency the party offending fhall fuffer imprifonment for the fpace of fix weeks for the firft offence, and for the fpace of three months for the fecond and every other fubfequent offence.

IV. And be it further enacted by the authority aforefaid, ^{Offences how to be tried.} That all offences againft this act fhall and may be enquired into and determined, either by the oath or oaths of one or more credible witnefs or witneffes, or by the confeffion or oaths of the parties accufed, before any two or more of his Majefty's juftices of the peace, or before the fheriff of the county where the offence fhall be committed, or where the offender fhall be found; and that all prosecutions for offences againft this act fhall be carried on either at the inftance of the fical of court, or of any other perfon who will inform or complain.

V. And be it further enacted by the authority aforefaid, ^{Application of the forfeitures.} That one moiety of the forfeitures to be incurred for any offence againft this act fhall, when recovered, be paid to the informer or profecutor, and the other moiety fhall be applied for fuch publick fervices within the county where the offence fhall be committed, as the juftices of the peace or the fheriff refpectively fhall direct, before whom the offender fhall be convicted.

VI. Provided always, That any perfons aggrieved by the judgement of the faid juftices or fheriff refpectively, ^{Persons aggrieved may appeal.} fhall have liberty to appeal to the next general or quarter feflion, in cafe fuch judgement was given by any juftices of the peace as aforefaid, or to the lords jufticiary in their next circuit court, or (where there are no circuit courts) to the court of jufticiary at *Edinburgh*, in cafe the judgement complained of was given by the fheriff of any county; and that the determination of the faid general or quarter feflion, or of the faid circuit court, fhall be final and conclufive 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. ft. 2. enlarged and continued for 21 years.

C A P. XXXVI.

An act for building a bridge over the river *Ribble*, between the townfhips of *Prefton* and *Penwortham*, near a place called the *Fifh-houfe*, 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.

WHEREAS 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 diſtriſt 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 diſtriſt of and for the new intended church and pariſh, and ſettled the limits and bounds thereof; which diſtriſt 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.

CAP. 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.

CAP. 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.

WHEREAS 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 Maſteſty that it may be enacted, &c.

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 Everſham 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 Everſham, 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.

CAP. XL.

An act for granting to his Maſteſty an additional duty upon ſpirituſous liquors, and upon licences for retailing the ſame; and for repealing the act of the twentieth year of his preſent Maſteſty's reign, intituled, An act for granting a duty to his Maſteſty to be paid by diſtillers upon licences to be taken out by them for retailing ſpirituſous liquors; and for the more effectually reſtraining the retailing of diſtilled ſpirituſous 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 bead office of exciſe.

WHEREAS the immoderate drinking of diſtilled ſpirituſous liquors by perſons of the meanſt 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 Maſteſty's dutiful and loyal ſubjects the commons of Great Britain in parliament aſſembled, ever attentive to the preſervation and health of your Maſteſty'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 ſpirituſous 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 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 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 Maſteſty, his heirs and ſucceſſors, for the ſeveral kinds of ſpirituſous liquors herein after mentioned, ſpecified and enumerated (over and above all duties, charges and impositions by any former act or acts of parliament thereupon reſpectively ſet, rated and impoſed) the ſeveral rates and duties of exciſe herein after-mentioned and expreſſed; that is to ſay,

Additional
duties on ſpi-
rituſous li-
quors.

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 halfpenny.

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,

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.

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.

60 G. 2. c. 39.

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 tippled 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

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 extend, or be conſtrued to extend, to repeal or vacate the ſeveral penalties and forfeitures impoſed by the ſaid act of the twentieth year of his ſaid preſent Maſteſty's reign. Penalties of the ſaid act, to be ſtill in force.

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 Maſteſty'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 Maſteſty, 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 Maſteſty'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 Maſteſty's reign, is directed to be raiſed, levied, collected and paid. After 25 March 1752, an additional 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, That all and every the powers, authorities, directions, rules, 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 Maſteſty in lieu thereof*) or by any other law now in force relating to his Maſteſty'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. Powers, &c. given by any law of exciſe, to be in force with regard to theſe duties.

VII. And:

16 Geo. 2. c. 8.

VII. *And whereas by an act made in the fixteenth year of his Majesty'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 forfeit and lose the sum of ten pounds for each offence; and in case such person or persons shall refuse or neglect 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, division, city or liberty, upon information upon oath being made before him or them, of such refusal or neglect, by warrant under 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, division, 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 act 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 licensed to sell ale or spirituous liquors, by two or more of his Majesty's justices of the peace for the county, riding, division, 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 act made in the seventeenth year*

17 Geo. 2. c. 17.

of his Majesty'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 licensed, 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 forfeit ten pounds for every such offence, notwithstanding such licence so obtained as aforesaid; and that no licence for retailing spirituous liquors shall authorize and empower 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 said 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

The penalty of
10l on unli-
censed retail-
ers, may be
recovered be-

con-

convicted before any justice of the peace for the city, county or liberty 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 the granting thereof, be it enacted by the authority aforesaid, That no licence for the selling by retail of spirituous liquors shall be granted, within the limits of the head office of excise in London, but to such as shall occupy a tenement or tenements of the yearly value of ten pounds or upwards, and for which they 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, such person shall not only be subject to the penalties now in being for such offence of retailing spirituous liquors without licence, but 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 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 such subsequent offence as aforesaid, shall offend again in like manner,

fore any justice.

Penalty not to be reduced below 5l.

None to be licensed to retail, but such as pay to church and poor.

Penalty on unlicensed retailers, for the first offence;

Penalty of a second offence;

third offence felony,

and the of-
fender to be
transported.

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 Maſteſty's plantations, for any time not exceeding ſeven years.

Commission-
ers of exciſe,
and juſtices,
may grant
warrants for
offences.

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 ſpirituſous 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 ſpirituſous 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.

Diſtiller, &c.
ſelling, &c. li-
quors, to be
unlawfully re-
tailed, or to
unlicenſed re-
tailers, to for-
feit 10 l. and
treble the va-
lue.

Application of
the penalty.

Retailer diſ-
covering and
convicting the
diſtiller, in-
titled to his
ſhare of the
penalty, and
indemnified.

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 ſpirituſous liquors to any perſon, to the end that the ſame may be unlawfully retailed, or unto any unlicenſed retailer of ſpirituſous liquors, ſuch diſtiller or other perſon ſhall forfeit and loſe the ſum of ten pounds, and alſo treble the value of all ſuch ſpirituſous 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 Maſteſty's courts of record at *Weſtminſter*, or in the court of *Exchequer* in *Scotland*, by action of debt, bill, plaint or information, wherein no eſſoin, privilege, protection, wager of law, or more than one imparlance ſhall be granted or allowed; and if any perſon guilty of retailing diſtilled ſpirituſous 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 forfeitures incurred by him before the commencement of such his prosecution, for selling spirituous liquors without licence.

XII. 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, shall be intitled unto or maintain any cause, action or suit for, or recover either in law or equity, any sum or sums of money, debt or demands whatsoever, for or on account of any spirituous 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 account or demand for distilled spirituous liquors be allowed or maintained, where the liquors delivered at one time, and mentioned in such article or item, shall not amount to the full value 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 indirectly; 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 forfeit 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 warrant 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 parish where such offence is committed, and the other moiety to the informer or informers; and the person or persons to whom any such pawn or pledge doth or shall belong, shall have the same remedy for recovering such pawn, or the value thereof, as if it had never been pledged.

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, prison, house of correction, workhouse, or house of entertainment for any parish poor, and that all licences 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, prison or house of correction, or any governor, master or officer of any workhouse or house for the entertainment of any parish 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, prisons 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 direction of a regular physician, surgeon or apothecary, and to be applied in pursuance of such prescription, from the shop of some regular

No debt under 20 s. for spirituous liquors, contracted at one time, recoverable, &c.

Retailer taking a pledge for liquors, to forfeit 40 s.

Application of the penalty.

Owner may recover his pledge.

No licence to be granted for retailing spirituous liquors within gaols, houses of correction or work-houses. Keeper, &c. suffering spirituous liquors to be used there, &c.

apothecary, 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 Maſteſty, 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 Maſteſty's courts of record at *Weſtminſter*, or in the court of *Exchequer* in *Scotland*, by action of debt, bill, plaint or information; wherein no eſſoin, 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.

and for a ſecond offence, to forfeit 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 10l. 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 Maſteſty's juſtices of the peace, or any one of them, upon information upon oath That any ſuch ſpirituſous 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 ſpirituſous 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 ſpirituſous 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 ſpirituſous 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, diſtrict, 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, and the other moiety to the use of the poor of such gaol, prison, house of correction, work-house or house of entertainment for parish poor.

Application
of the forfei-
ture.

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 printed or fairly written, and hung up in one of the most publick places of his gaol, prison, house of correction, work-house or house of entertainment for parish poor, and renew the same 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 default, to be levied by warrant of any 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, 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 impowered 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 in some publick place, fair and legible as aforesaid, such justice shall and may immediately convict such gaoler, keeper, master 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 to the informer, and the other moiety (or the whole if there be no informer) to the use of the poor of such gaol, prison, house of correction, work-house or house of entertainment for parish poor.

A copy of the
three preceding
clauses, to
be kept hung
up in gaols,

under penalty
of 40 s.

Justice may
demand a
sight thereof;
and if the same
be not fair,
may convict
the gaoler, &c.

Application of
the penalty.

XVII. And be it further enacted by the authority aforesaid, That all and every his Majesty's justices of the peace within the cities of *London* and *Westminster*, and borough of *Southwark*, or within the limits of the head office of excise in *London*, shall 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 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-sessions of the counties respectively, where such conviction shall be so certified; which certificates shall be evidence upon any in-

Justices to
transmit
monthly, to
the clerk of
the peace, a
certificate of
persons con-
victed,

to be entered
among the re-
cords, &c.

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 on any first 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 seven*

Distiller to
make entry of
all vessels for
distillation,
&c.

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 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 worts, wash, low wines, spirits or strong waters, and also of the casks or vessels which every such distiller or maker of low wines or spirits for sale or exportation as aforesaid, shall make use of, for the brewing, holding or keeping of the after-runnings or feints from the second extraction, which shall from time to time be drawn from every such still, (which said last-mentioned casks 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 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 or exportation as aforesaid, is hereby required to shew to the gauger or officer of excise, who surveys his, her or their workhouse, 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.

Vessels for brewing or keeping the after runnings or feints of the second extraction, not to exceed two;

Penalty.

Distiller to shew the gauger every still and vessel.

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

The gauger may take a sample of low

wines and
feints, paying
for the same.

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.

Penalty of obstructing officers therein.

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.*

Distiller to give notice before he receives any fermented wash;

under penalty of 50l.

Drawback of the duties allowed on exportation of spirits made in Great Britain.

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 merchandize 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*

such spirits shall be shipped off, the feveral duties charged thereupon 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 is, or 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 Majesty's reign, (intituled, An act for granting to his Majesty 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 doubts, be it enacted and declared, That all and every the powers, authorities, directions, rules, methods, penalties, punishments and forfeitures, clauses, matters and things, 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, (except the forfeiture or penalty of one hundred pounds imposed by an act of the ninth year of his present Majesty's reign, 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

Brewers, innkeepers, distillers or dealers in spirits, &c. not to act as justices relating to the distillery.

16 Geo. 2. c. 8.
17 Geo. 2. c. 17.

The powers and penalties, &c. provided by any acts made since 6 Geo. 2. relating to the selling spirituous liquors, Exception.

to be in force. reign, might have been lawfully exerciſed, practiſed, applied, uſed, impoſed, inflicted, levied and recovered, in regard to all and every perſon and perſons that have offended, or ſhall offend againſt the ſaid acts of the ſixteenth and ſeventeenth years of his ſaid Maſteſty'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 Maſteſty'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 of his preſent Maſteſty (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 Maſteſty'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.*

16 Geo. 2. c. 8. **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 Maſteſty's courts of record at Weſtmiſter, 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 clause in 9 Geo. 2. reſtraining the fees of juſtices clerks for licences, to be in force.

Penalties how to be recovered.

the perſon or perſons who ſhall ſue or proſecute for the ſame ; in which ſuits no eſſoin, wager of law, or more than one im-
parlance ſhall be allowed.

XXVI. Provided nevertheless, That nothing in this act con-
tained ſhall extend to charge with any of the duties directed to
be paid, levied or received as aforeſaid, any ſpirits made or diſ-
tilled 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 king-
dom, or to ſubject the makers, ſellers and retailers thereof,
within that part of the kingdom, to take ſuch licences as are
herein before directed.

Aqua Vitæ
made in Scot-
land exempt-
ed.

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 Maſteſty 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 Maſteſty in lieu
thereof) it is amongſt other things enacted, That all parts of the ci-
ties 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 man-
agement 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
ſaid pariſh of ſaint *Mary le Bon* ſhall, from and after the ſaid firſt
day of *July* one thouſand ſeven hundred and fifty-one, be deem-
ed and taken, and is hereby declared to be under the immedi-
ate care, inſpection and management of the ſaid head office of
excife ; any law, custom or uſage to the contrary thereof in any
wiſe notwithstanding.

The pariſh of
Saint Mary le
Bon to be un-
der the inſpec-
tion of the
head office of
excife.

XXVIII. And it is further enacted by the authority aforeſaid,
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 ſpirituſous 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 informa-
tion 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 op-
poſe 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
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 transport-
ing ſuch felon and felons for the ſpace of ſeven years, to any of
his

Perſons aſſem-
bling to reſcue
offenders, or
to beat infor-
mers, &c.

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.*)

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.

Treble costs.

Persons sued, intituled to the benefit of

11 Geo. 2. c. 26.

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.

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 perſon or perſons ſhall be lawfully convicted of any offence in unlawfully retailing diſtilled ſpirituous liquors, and the pecuniary 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 exciſe in *England* and *Scotland* reſpectively, to cauſe ſuch reward as they ſhall think fit, not exceeding five pounds each, to be paid to the ſeveral and reſpective perſons who ſhall appear to be intitled thereto as informers, out of any monies in their hands ariſing by any penalties or forfeitures for the like offences as aforeſaid.

ers, ſhall not be paid within 1 month, the commiſſioners of exciſe to reward the informers.

C A P. XLI.

An act for the more effectual ſecuring the duties upon tobacco.

WHEREAS, notwithstanding the laws heretofore made relating to the importation of tobacco into Great Britain from his Majesty'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 different branches of buſineſs and trade in tobacco, to the great prejudice of his Majesty'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 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 Velleſs taking in tobacco at the plantations for Great Britain, officer of the cuſtoms to give the maſter a ma-niſteſt with the number and tare of the packages, &c.

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 Majesty'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 thousand ſeven hundred and fifty two) the collector or comptroller, or other chief officer, or any two of them, employed in the management 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 ma-niſteſt or content in writing, under his and their hands and ſeals of office, which ſhall contain a true account of all the tobacco loaden on board every ſuch ſhip or veſſel, with the number of hogſheads, caſks, cheſts and other packages containing the ſame, and the quantity of the tobacco contained in each particular hogſhead, caſk, cheſt and other pack-

and transmit
a duplicate to
the commissi-
oners of the
customs,

age, together with the marks and numbers set on each and every hoghead, cask, chest, or other package thereof, with the care of each particular hoghead, 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 laden 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.

under penalty
of 200 l.

Master to de-
liver to the
collector in
Great Britain
the manifest,

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 laden 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.

under penalty
of 100 l.

Land-waiter
not to permit
tobacco to be
landed till he
has entered
the manifest,
&c. of the fe-
veral pack-
ages, under
penalty of 50 l.

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 forfeitue 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 aforeſaid; and the ſaid land-waiters are hereby alſo required to enter every ſuch landing mark in their ſeveral books aforeſaid, on pain of forfeiting the ſum of fifty pounds.

Landing mark to be ſet upon every hogſhead, &c.

and an entry to be made thereof.

IV. 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 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 drawback be paid or allowed for the ſame, when exported 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 coo- perage 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 (except only ten pounds weight of tobacco, which ſhall be allowed to be taken out of each hogſhead, caſk, caſe 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 forfeited, and no drawback 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 whoever 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 offending ſhall forfeit and loſe the ſum of twenty pounds for every ſuch hogſhead or other package of tobacco ſo exported.

No debenture or drawback allowed on exportation, unleſs the tobacco be ſhipped from the port at which it was imported, and in the original package, if unmanufactured, &c.

Penalty of entering tobacco at any other port or in other package, &c.

V. Provided nevertheless, and it is hereby declared and enacted, That when any unmanufactured tobacco is imported in hogſheads or caſks into *Great Britain* from any of his Majeſty's plantations in *America*, if upon the landing and examination thereof it ſhall appear, that the tobacco contained in any of ſuch hogſheads

Where unmanufactured tobacco ſhall be found damaged upon landing,

hogheads or casks is fo much damaged, that by cutting off the damaged part thereof (for which no duty is paid) the found tobacco remaining in any of fuch hogheads (for which duty is to be paid) is under the weight of four hundred and fifty pounds, then and in fuch cafe it fhall and may be lawful for the importer or importers thereof, in the prefence of the land-waiters appointed to deliver the fhip in which the fame was imported, to caufe all fuch found tobacco to be put together in one or more of the fame hogheads out of which the damaged tobacco was taken; and the faid land-waiters, or other proper officers, are hereby directed and required to enter into their refpective books the true and exact weight of all fuch found tobacco put into each and every fuch hoghead, with the feveral and refpective marks and numbers fet on each and every fuch hoghead; and alfo to note and fpecify in their books, that fuch hogheads were packed and refilled in their prefence; and all and every fuch hogheads of unmanufactured tobacco fhall and may be exported from the fame ports, and no other, at which they were originally imported; and debentures fhall be made out, and the drawback be paid for the tobacco therein contained (provided the quantity of the tobacco in each fuch hoghead amounts to four hundred and twenty five pounds weight or more) in the fame manner and form, to all intents and purpofes, as if the package of fuch tobacco had not been altered; any thing herein before contained to the contrary thereof in any wife notwithstanding.

what is found
may be put
into the fame
hogheads, and
the land-waiter
is to enter
the fame in
his books, &c.

and debentures
and
drawback
may be allowed
for the
fame;

Exporter to
endorfe on the
cocquet, the
marks, numbers,
and
weight of the
tobacco when
firft imported,
&c.

VI. And be it further enacted by the authority aforefaid, That from and after the faid twenty-ninth day of *September* one thoufand feven hundred and fifty one, all and every perfon and perfons who fhall enter any unmanufactured tobacco outwards, except unmanufactured tobacco imported before the faid twenty ninth day of *September* one thoufand feven hundred and fifty one, at any port or place in *Great Britain*, in order to be fhipped and exported in any fhip or veflel whatfoever to any part or parts beyond the feas, fhall, before the fame or any part thereof is laden on board any fhip or veflel to be exported, endorfe upon the cocquet and bill (to be delivered to the fearcher or fearchers belonging to the customs, and appointed to examine tobacco fhipped for exportation) in a fair, diftinct and legible manner, the plantation or manifefit mark and number, which was upon each and every hoghead, cask, cheft or other package of fuch tobacco, at the time when the fame was firft imported into *Great Britain*; and alfo the landing mark and number which was placed and fet upon each and every hoghead, cask, cheft or other package thereof, when the fame was firft landed in *Great Britain*, together with the exact weight that each and every hoghead, cask, cheft or other package, with the tobacco therein contained, was of at the time of its being landed in *Great Britain*; and alfo the particular mark and number fet upon each hoghead, cask, cheft or other package thereof by the exporter or exporters thereof at the time the fame fhall 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 hoghead, 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 debenture 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

and to write off the weight of each hoghead, &c. exported from the entry made at importation,

under penalty of 5 l. for every hoghead

and no drawback or debenture to be granted.

Importer manufacturing tobacco, 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 hoghead, 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 hoghead, 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 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 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 hoghead, 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 hoghead 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 hoghead or other package of tobacco, of which no account, or for which a fraudulent account is knowingly given.

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

Account to be signed by the importer and manufacturer, &c.

and importer to write off from the entry the weight, &c.

Penalty of neglect, or giving a false account.

Importer within 14 days after the delivery of tobacco to the purchaser,

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 plantation or manifeſt mark and number of every hogſhead, caſk, cheſt or other package of tobacco, ſo ſold or delivered, with the name of the ſhip or ſhips in which the ſame was imported, 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 weight which all, and each, and every 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 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 perſon or 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 hogſhead, 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 knowingly 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 ſtalks, exceeding twenty four pounds weight, nor any ſnuff ex-

to give the officer an account of the marks, numbers, and weights, &c. of every hogſhead, ſold, and the ſhip's name, &c.

Account to be ſigned by the importer and purchaſer.

Importer to write off from the entry the weight, &c.

Penalty of neglect, or giving a falſe account.

No tobacco, or tobacco ſtalks, above 24 lb. nor ſnuff above 10 lb.

to be carried
by land from
any port of
importation,
unless in
manner here-
in 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 hoghead or hogheads 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 hoghead or hogheads 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 hoghead or hogheads 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 certi-
ficates

on penalty of
10 l.

Before re-
moving
such tobacco,
the proprie-
tor to insert
on the back
of the certifi-
cate, the
package,
marks, num-
bers, 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 shall express the number of days it shall continue in force, and shall accompany the goods to such place to which they are to be carried and conveyed, and upon its coming to such place, the person or persons receiving the same, or to whom the goods belong, shall cause such certificate to be delivered to the chief officer of the customs, if any such there be; and in case there be no officer of the customs, then to the officer of the excise of the division whereunto such goods are carried and conveyed; and such officer is hereby directed to examine the same with the goods, and if they agree therewith, the goods may be taken away and disposed of by the person or persons to whom of right they belong or appertain, and such officer is thereupon to enter such certificate distinctly in a book to be kept by him for that purpose; and the officer of customs or excise receiving such certificate shall from time to time transmit an account of the 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 customs who shall grant such original certificates at the port or place of importation, shall once in every month transmit duplicates thereof to the person to be appointed by the high treasurer or commissioners of the treasury for keeping the accounts herein after mentioned.

XII. And be it further enacted by the authority aforesaid, That if any tobacco or tobacco stalks exceeding twenty four pounds weight, or any snuff exceeding ten pounds weight, 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 importation, without having one or other of the certificates herein before directed, all such tobacco, tobacco stalks and snuff, and the casks, chests, cases or other package containing the same, together with the horses, cattle, carts, waggons and all other carriages whatsoever, employed or in any wise made use of in the removing or carriage or conveyance of such tobacco, tobacco stalks and snuff, or any or either of them, shall be forfeited and lost, and shall and may be sued for and prosecuted by any officer or officers of the customs or excise in the manner herein after directed; and the carrier or other person employed or entrusted in the removing, carrying, or conveying such goods, or any of them, shall, besides the loss of his cattle and carriages, also be committed to the county gaol for the space of one month, by any justice of the peace for the county where the offence is committed, or the offender shall be found; and if any person or persons whatsoever shall counterfeit, forge, erase, or in any wise alter any such 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, erased, or altered in any respect, he, she, or they so offending shall forfeit and pay the sum of fifty pounds for every such offence, to be sued for, recovered,

covered, levied, and divided in the manner as is herein after expressed.

No tobacco, &c. to be shipped coast-wise, until entry made,

and if unmanufactured, to be in the original package,

with a certificate of the duties being paid;

and if manufactured, with a certificate that the duties were paid for the tobacco of which the same was manufactured.

Officers to grant such certificates gratis, under penalty of 10l.

and the proprietor to insert on the back of the certificate the packages, marks, numbers, 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 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.

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.

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, erase, 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, erased, 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.

Tobacco, &c. shipped without such certificate,

to be forfeited,

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 indorsements 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 hoghead, cask or other package of tobacco, with the weights thereof, at the importation thereof, may be compared and chequed 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 fuch representations made by him to the commissioners of the customs, either at *London* or *Edinburgh*, shall be by him, once in every fix 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 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 one 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.

the commissioners of the customs an account thereof,

and to the treasury once in six months.

Penalty on collectors, &c. not transmitting land-waiters books, &c.

XVIII. And be it further enacted by the authority aforesaid, That all and every person and persons whatsoever who shall import 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

Importer to transmit to the collector, within 21 months from 25 March 1752, an account of all tobacco then in his custody;

and the like account annually;

the goods to be examined thereby, and the accounts to be tranſmitted to the officer appointed by the treaſury.

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.

Penalty.

Penalty of altering or defacing the marks ſet upon the package.

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.

Penalty of importing tobacco otherwiſe than in caſk, cheſt or caſe of 450 lb. weight, at the leaſt.

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.

Unmanufactured tobacco not to be exported but in caſks, &c. of 425 lb. weight, or more.

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, That from and after the said twenty ninth day of *September* one 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

No tobacco, stalks or snuff, above a certain weight, carried coastwise, to be afterwards removed 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,

and of counterfeiting thereof.

casks, cheſts, caſes or other package containing the ſame, together with the horſes, cattle, carts, waggons, and all other carriages whatſoever employed, or in any wiſe made uſe of in the removing, or carriage or conveyance of ſuch tobacco, tobacco ſtalks and ſnuff, or any or either of them, 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 carrier or other perſon employed or truſted in the removing, carrying, or conveying ſuch goods, or any of them, ſhall, beſides the loſs of his cattle and carriages, alſo forfeit 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 offence is committed or the offender ſhall be found; and if any perſon or perſons whatſoever ſhall counterfeit, forge, craze or in any wiſe alter any ſuch certificates or duplicate thereof, as are directed by this act, or ſhall cauſe or procure the ſame or either of them to be counterfeited, erazed or altered in any reſpect, he, ſhe or they ſo offending ſhall forfeit and loſe the ſum of one hundred pounds for every offence, to be ſued for, recovered, levied and divided in the manner as herein after is expreſſed.

No tobacco, ſtalks or ſnuff, above a certain weight, to be carried by land, unleſs the ſpecies be marked with large letters on the package.

Penalty.

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 ſtalks 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 ſuch hogſhead, caſk, cheſt or package be ſtamped or marked on the outside, with the reſpective words, tobacco, tobacco ſtalks or ſnuff, in large letters, not leſs than three inches in length, under the penalty and forfeiture of all ſuch tobacco, tobacco ſtalks or ſnuff, with the package thereof, and one ſhilling for every pound weight thereof, to be paid by the owner of ſuch tobacco, tobacco ſtalks or ſnuff.

No drawback to be allowed for tobacco mixed with rubbiſh, &c. Penalty of entering ſuch for exportation, or any other thing, for tobacco.

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 forfeit all ſuch goods, and the caſks, and other package in which they are contained, and alſo the ſum of fifty pounds of lawful money of *Great Britain*, for each and every hogſhead or other package thereof.

No tobacco to be ſhipped for exportation (except to

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 manu-

manufactured or unmanufactured shall be entered or shipped for exportation to any parts beyond the seas (*Ireland* only excepted) in any ship or vessel whatsoever, unless such ship or vessel shall 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 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.

(*Ireland*) unless in vessels of 70 tons, or upwards, Officer, where the vessel appears not to be of that burthen, may detain her till admeasured,

according to 6 Geo. 1. c. 21.

Penalty on master clearing out vessels as of 70 tons, not being of that burthen.

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 whatsoever under the burthen of seventy tons coming or arriving from foreign parts, or having cleared outwards in *Great Britain* for foreign parts, and having on board one hundred pounds 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 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 under 70 tons, with tobacco, &c. above a certain weight, being found at anchor, or hovering near the ports, or within two leagues of the shore, unless in case of distress, &c.

of

Penalty on
vessels above
70 tons found
at anchor, or
hovering as
aforesaid.

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.

All tobacco,
&c. which shall
be condemn-
ed, to be
burnt,

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 excise 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.

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 tobac-
co.

Officer to cer-
tify to the
commissioners
the quantity
burnt,

XXVIII. Provided always, That the officers of customs or excise 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 excise, 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.

and they are
to grant an
order for pay-
ment of the
reward.

XXIX. And whereas some doubts have arisen, whether the bonds which are given to the crown for the payment of the several and re-
spective

pective 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, in as much 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 shipped 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

Bonds for payment of the duties on tobacco,

to be due on the day of payment mentioned in the bond. and interest thereon to be paid to the crown, according to 4 Annæ, c. 6.

Exchequer may grant a fiat for process of immediate extent for payment of the bonds before due,

upon affidavit that the debt is in danger.

Crown recovering thereon, the obligor shall 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 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.*

Importers of tobacco to have a discount on giving bonds for the said subsidy, or paying the same before due, &c.

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 should 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 should 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 should 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*

12 Ann. st. 2. c. 8.

5 Geo. 1. c. 7.

doubts

doubts have arisen, whether the said recited act of the twelfth year of the reign of her said late majesty Queen Anne is now in force; for obviating whereof, be it further enacted by the authority aforesaid, That the said act, so far as the same relates to the putting tobacco into warehouses, and every article, rule, clause, matter and thing therein contained, shall be and continue, and are hereby declared to be in full force.

The recited act of 12 Ann. so far as it relates to putting tobacco into warehouses, to be in force.

XXXIII. And be it further enacted by the authority aforesaid, That one moiety of the several penalties and forfeitures in this act before mentioned, shall be to the use of his Majesty, his heirs and successors, and the other moiety to the use of such person 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 arising thereupon, tried, heard and determined in any of his Majesty's courts of record at *Westminster*, (if the offence shall be committed in *England*, or if the offender or offenders be in *England* at the time of commencing the prosecution) or in the court of *Exchequer* at *Edinburgh*, (if the offence shall be committed in *Scotland*, or if the offender or offenders be in *Scotland* at the time of the commencing the prosecution) at the election of the commissioners of his Majesty'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.

Recovery of the penalties and forfeitures.

XXXIV. 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 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 of 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 judgment 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 same as defendants have in other cases by law.

Limitation of actions.

General issue.

Treble costs.

C A P. XLII.

An act 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 duchy of Lancaster, which adjoineth thereto; and for making the said act more effectual.

WHEREAS several doubts have arisen in the execution of an act passed in the twenty third year of his present Majesty's reign,

reign, intituled, An act for the more eaſy and ſpeedy recovery of ſmall debts within the city and liberty of *Weſtmiſter*, 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 attornies 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 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 ſpiritual and temporal and commons in this preſent parliament aſſembled, and by the authority of the ſame, That all perſons admitted as attornies 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 *Weſtmiſter*, and that part of the dutchy of *Lancaſter* which adjoineth thereto; any thing in the ſaid act to the contrary in any wiſe notwithstanding.

Attornies 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 inconveniencies 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 *Weſtmiſter*, 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 inconfiderable: 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, the ſeveral fees hereafter limited, and no other fee or fees, ſhall be taken for the reſpective ſervices of the high bailiff of the city and liberty of Weſtmiſter for the time being, and the clerks of the ſaid court; that is to ſay,

The fees ſolely to be taken in lieu of thoſe limited by the former act.

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 of the two court-houſes 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.

Table of fees to be hung up in each court-houſe.

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 execution

The number of clerks to be reduced upon the death, reſignation or removal, &c.

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 the plaintiff be not reſident therein.

VII. *And whereas doubts have ariſen, whether any perſon or perſons reſiding within the city and liberty of Weſtmiſter, or that part of the duchy 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 Weſtmiſter, and that part of the duchy 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 mending 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.

Trustees of the roads may take 20s. above the tolls for every waggon, &c. drawn with 6 horses, passing through any turnpike, &c.

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 witnesses or witnessess, 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.

Penalty of taking off horses to avoid the duty,

to be levied by distress and sale.

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

Persons driving with more horses than such waggon shall pass with the same day, to be deemed to m-

cur the penalty.

Penalty of driving waggons out of the turnpike roads to avoid the tolls,

to be levied according to 5 Geo. 1. c. 12.

Carriages exempted.

14 Geo. 2. c. 42.

Trustees to erect engines for weighing carriages.

to have taken off the said horses with intent to avoid paying the said additional toll or duty.

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 waggon, 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 waggon, cart or carriage, (not being the thill or shaft horse) with all his geere 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 waggon, 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 carravans, 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*

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; any thing in this act to the contrary notwithstanding.

Trustees for roads beyond 30 miles from *London*, or where the tolls do not amount to the annual sum of 150 l. not obliged to erect engines.

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 waggoners 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.

1 Geo. I. c. 57.

Penalty on carter riding upon his cart, not having some person on foot to guide the same.

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.

Any person may apprehend such offender, and carry him before a justice.

Penalty of resisting, &c.

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.

rity 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 waggon or other carriage, or his or their ſervants, uſing or drawing with as many horſes or beaſts as ſhall 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, diviſions 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.

Penalties veſt-
ed in the in-
former.

Method of
recovery.

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 forfeitures 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 ſtatute to the contrary notwithstanding: and every ſuch informer or proſecutor ſhall and may from thenceforth ſue for and recover ſuch forfeitures 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 Weſtmiſter, 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 forfeited by an act, intituled,*

Double coſts.

Limitation of
actions.

and where the penalty or forfeiture is of any horſe or horſes, gelding or geldings, mare or mares, or other goods, by an action of trover againſt the perſon liable to ſuch penalty or forfeiture, 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 forfeiture, ſhall be given in damages, without any ſeizure 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,

CAP. 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 one, no writ shall be sued out against, nor any copy of any process, at the suit of a subject, shall be served on any justice of the peace for any thing by him done in the execution of his office, until notice in writing of such intended writ or process shall have been delivered to him, or left at the usual place of his abode, by the attorney or agent for the party who intends 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.

No writ to be sued against any justice for what he shall do in the execution of his office, till notice given him.

II. And be it further enacted, That it shall and may be lawful to and for such justice of the peace, at any time, within one 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 tender in bar to any action to be brought against him, grounded 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

he may tender amends;

and plead the same in bar, &c.

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 without 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 caſe, 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 caſe 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 reuſal 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 reſuſed 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 caſe 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.

the number of twenty persons returned, to be of the jury; shall be excluded from the benefit of clergy.

CAP. 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 inle* 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.

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 inle* 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

The present duties upon Dutch, French, and Spruce yarns,

and unwrought inle and short spinnel, and other foreign yarn imported, repealed.

Duties granted in lieu thereof.

III. And be it further enacted by the authority aforefaid, That the duties hereby granted fhall be raifed, levied, and collected, by the refpective officers of his Majefty's customs in this kingdom, under the management and direction of the refpective commissioners of the customs for the time being; and that the faid duties fhall be collected, raifed and levied, in the fame manner, and with the fame authorities and powers, and under the like regulations, reftrictions, penalties and forfeitures, as the rates, duties, fubfides and impositions, hereby repealed as aforefaid, are now raifed, collected and levied, as fully and effectually, to all intents and purpofes, as if the provisions and clauses, directions, matters and things, relating to the raifing, collecting and levying of the faid rates, duties, fubfides, and impositions, were herein particularly inferted and re-enacted.

IV. And be it further enacted by the authority aforefaid, That all the monies arifing by the faid duties hereby granted, fhall be paid into the exchequer feperate and apart from all the branches of the publick revenues, and fhall be fubject and liable to the fame ufes and purpofes refpectively, as the duties hereby repealed and taken off are now liable and appropriated unto.

Duties how to
be levied, &c.

to be paid in-
to the exche-
quer feperate
from other
branches of
the revenue.

C A P. XLVII.

An aft for granting to his Majefty the fum of fix hundred thoufand pounds out the finking fund, for the fervice of the year one thoufand feven hundred and fifty one; and for allowances to the poor widows of commiffion and warrant officers of the royal navy; and for the further appropriating the fupplies granted this feflion 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 fuch as fhall be loft, burnt or destroyed; and alfo for making forth new orders of loan or annuity orders, in lieu of fuch as fhall become defaced, obliterated or otherwife incumbered with affignments or endorsements thereon.

MOST gracious Sovereign, we your Majefty's moft dutiful and loyal fubjects, the commons of Great Britain in parliament afsembled, being defirous to raife the neceffary fupplies which we have chearfully granted to your Majefty in this feflion of parliament, for the fervice of the year one thoufand feven hundred and fifty one, in the eafieft manner we are able, for the benefit of your Majefty's fubjects, and alfo to ufe fuch ways and means therein as that your Majefty may have the better and more fpeedy effect of the faid fupplies, have refolved to give and grant unto your Majefty the fum of fix hundred thoufand pounds out of the fupplufes, excelfes and overplus monies, commonly called the *finking fund*; and to that end and purpofe do moft humbly befeech your Majefty 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 Majesty for the service of the said year one thousand seven hundred and fifty one; 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 empowered 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 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 think it advisable 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 Majesty, at the receipt of his Majesty'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 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.

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 essoin, protection, privilege, wager of law, injunction or order of restraint shall be in any wise granted or allowed.

and paid in
course,No fee for
registering.

Penalty.

Forfeitures
how to be
recovered

No undue preference where tallies are dated the same day.

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.

Nor if subsequent orders be paid before such as were not demanded in course.

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.

Orders assignable *toties quoties*.

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.

No fee for entry.

The assignment not to be voided.

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

Commissioners of the treasury may make new exchequer bills for raising the said 600,000 l.

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 Maſteſty certain duties upon malt, mum, 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, proviſoes, 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 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 proviſoes had been particularly repeated and re-enacted in the body of this preſent act.

The exchequer bills to be ſubject to the regulations in the malt act.

IX. 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.

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

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 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 Maſteſty 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 Maſteſty's reign; and the principal officers and commiſſioners of the navy

1 Man extraordinary in every 100. to be allowed on the books of ſhips of war in ſea pay,

and his wages and value of his victuals, to be applied in relief of the widows of commiſſion and warrant officers.

6 Geo. 2. c. 15. royal ſ. 18.

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, mum, 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, *Premium*, 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, *Premium*, 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,

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

XII. It is hereby enacted and declared by the authority aforesaid, That out of all or any of the aids or supplies provided as

afore-

aforefaid, there fhall and may be iffued and applied any fum or fums of money not exceeding one million forty fix thoufand five hundred and fifty nine pounds feven fhillings and ten pence, for or towards the naval fervices herein after more particularly expreffed; that is to fay, for or towards defraying the ordinary of his Majefty's navy, and for half-pay to fea 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 fea fervices, in the office of ordnance, performed and to be performed, and for or towards the buildings, re-buildings and repairs of his Majefty's fhips for the year one thoufand feven hundred and fifty one, and for or towards paying off and difcharging fuch part of the debt of the navy as is due upon the head of feamens wages.

towards the
naval fervices.

XIII. And it is hereby alfo enacted by the authority aforefaid, That out of all or any the aids or fupplies aforefaid, there fhall and may be iffued and applied any fum or fums of money not exceeding ten thoufand pounds upon account, towards the fupport of the royal hofpital at *Greenwich*, for the better maintenance of the feamen of the faid hofpital, worn out and become decrepit in the fervice of their country.

10,000 l. to-
wards the
fupport of
Greenwich
hofpital.

XIV. And it is hereby alfo enacted, That out of all or any the aids or fupplies aforefaid, there fhall and may be iffued and applied any fum or fums of money not exceeding one hundred and ten thoufand eight hundred and fifty pounds three fhillings and one penny, for or towards defraying the charge of the office of ordnance for land fervice for the year one thoufand feven hundred and fifty one, performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land fervice, not provided for by parliament.

110,850 l. 3 s.
1 d. towards
defraying the
charge of the
office of ord-
nance for
land fervice.

XV. And it is hereby likewife enacted, That out of all or any the aids or fupplies provided as aforefaid, there fhall and may be iffued and applied any fum or fums of money not exceeding one million feventy feven thoufand three hundred and forty five pounds nineteen fhillings and one halfpenny, for and towards maintaining his Majefty's land forces, and other fervices herein after more particularly expreffed; that is to fay, any fum or fums of money not exceeding fix hundred and twelve thoufand three hundred and fifteen pounds feven fhillings and eleven pence, for defraying the charge of eighteen thoufand eight hundred and fifty feven effective men, including com-miffion and non-com-miffion officers, and one thoufand eight hundred and fifteen invalids, for guards, garrifons and other his Majefty's land forces in *Great Britain*, *Guernsey* and *Jersey*, for the fervice of the year one thoufand feven hundred and fifty one; and any fum or fums of money not exceeding two hundred and thirty fix thoufand four hundred and twenty pounds eighteen fhillings and fix pence halfpenny, for maintaining his Majefty's forces and garrifons in the plantations, *Miforca* and *Gibraltar*, and for provifions for the garrifons in *Nova Scotia*, *Newfound-land*, *Gibraltar* and *Providence*, for the year one thoufand feven

1,077,345 l.
19 s. 2 q. to-
wards the
land forces,
of which
612,315 l. 7 s.
11 d. for
guards, &c.
in *Great Bri-
tain*, *Guern-
sey* and *Jer-
sey*;

236,420 l. 18 s.
6 d. 2 q. for
garrifons, &c.
in the planta-
tions, *Minor-
ca* and *Gi-
braltar*, *No-
va Scotia*,

Newfound-
land and
Providence.
62,567 l. 2 s.
6 d. to out
pensioners of
Chelſea hospi-
tal;
64,000 l. to
the reduced
officers;

3,310 l. to the
reduced offi-
cers widows,
&c.

6,747 l. 15 s.
10 d. to the
two troops of
horſe guards,
and regiment
of horſe re-
duced, &c.

16,000 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 num-
ber of re-
duced officers
and men;

hundred and fifty one; and any ſum or ſums of money not ex-
ceeding ſixty two thouſand five hundred and ſixty 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 Maſteſty's land forces and marines for the year one thouſand
ſeven hundred and fifty one, ſubject to ſuch rules to be obſerv-
ed in the application of the ſaid half-pay, as are hereafter pre-
ſcribed 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 Maſteſty's land forces and marines as died upon the eſtabliſh-
ment 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
Maſteſty ſhall, by warrant or warrants under his Maſteſty'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 di-
rections, and with and ſubject to ſuch conditions, qualifications
and other allowances for the ſame as his Maſteſty, by ſuch and
the like warrant or warrants, ſhall be graciouſly pleaſed to di-
rect and appoint; and any ſum or ſums of money not exceed-
ing 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 ſu-
perannuated 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 Maſteſty'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 Maſteſty 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 de-
fraying the extraordinary expences of his Maſteſty's land forces
and other ſervices incurred in the year one thouſand ſeven hun-
dred and fifty, and not provided for by parliament.

XVI. And it is hereby alſo enacted by the authority a-
foreſaid, 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 transport-
ing to his Maſteſty's colony of *Nova Scotia* and ſupporting and
maintaining there a number of reduced officers and private men
diſmiſſed his Maſteſty's land and ſea ſervice, and other his Ma-
jeſty's

Majesty's subjects, settled in the said colony in the year one thousand seven hundred and forty nine, and by supporting, maintaining and enlarging the settlement of his Majesty's said colony in the year one thousand seven hundred and fifty, and not provided for by parliament; and any sum or sums of money not exceeding fifty three thousand nine hundred and twenty seven pounds fourteen shillings and four pence upon account, for supporting and maintaining his Majesty's colony of *Nova Scotia* for the year one thousand seven hundred and fifty one; 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 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*.

XVII. And it is hereby also enacted 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 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*, transferrable 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 advanced by the governor and company of the bank of *England* for exchequer bills to be made forth in pursuance of the act herein before-mentioned in that behalf, shall be issued and applied to pay off and discharge the several unsubscribed exchequer orders payable there, out of the duties on wrought plate, and also the several unsubscribed annuities, after the rate of four pounds *per centum per annum*, transferrable 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 shall and may be issued and applied any sum or sums of money not exceeding six thousand four hundred and sixty one pounds one shilling and one penny, 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 nine; and any sum or sums of money not exceeding 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 deficiency

53,927 l. 14 s. 4 d. for supporting the said colony for the year 1751.

10,000 l. towards the settlements on the coast of *Africa*.

3,000 l. towards making a road from *Carlisle* to *Newcastle*.

2,276,391 l. 11 s. 7 d. to pay off the unsubscribed *South-Sea* annuities.

1,013,148 l. 4 s. 6 d. to be advanced by the bank, to pay off the unsubscribed exchequer orders, and four per cent. annuities.

6,461 l. 1 s. 1 d. to make good the deficiency of the stamp duties.

12,534 l. 2 s. 3 q. to make good the duties on sweets.

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

4,592 l. 16 s.
9 d. to make
good the ad-
ditional du-
ties on wines.
7,880 l. 17 s.
1 d. to make
good the duty
on licences
for retailing
spirituous
liquors.
30,422 l. 6 s.
3 d. to make
good the du-
ties on glass
and spirituous
liquors at
Midsummer
1750.
70,097 l. 14 s.
8 d. to make
good the du-
ties on houses,
&c at
Michaelmas
1750.
42,559 l. 12 s.
7 d. 2 q. to
make good
the subsidy of
poundage on
goods import-
ed at Michael-
mas 1750.
65,797 l. 8 s.
11 d. 3 q. to
make good
the deficiency
of the grants
for 1750.

The supplies
to be applied
only as this
act directs.

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 *Lady-day* 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.

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.

Rules to be observed in the application of the half-pay.

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 behalf;

23 Geo. 2. c. 21.

Overplus of 67,000 l. 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 seven 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.

XXIII. And whereas several bills, commonly called exchequer bills, several tickets in the publick lotteries, and certificates made forth in lieu thereof, and likewise several orders of loan, and orders for annuities of several denominations payable at the receipt of his Majesty's exchequer, made forth by authority of parliament, have been or may hereafter by casualty or mischance be lost, burnt, or otherwise destroyed;

Duplicates to be made forth of such exchequer bills, lottery tickets, certificates, orders of loan, or annuity orders, as shall be lost, or otherwise destroyed.

be it therefore enacted by the authority aforesaid, That in 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 lawful 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.

Commissioners of the treasury to

XXIV. And in all cases where the signing of the commissioners of his Majesty's treasury, or the high treasurer of Great Britain

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 Maſteſty'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 impowered 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 Maſteſty's ſubjects, may it pleaſe 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 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; the ſecond day of return of the ſame term ſhall be and be called term;

After 29 September 1752, four common days of return only to be in Michaelmas

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.

No returns to
be from Mi-
chaelmas 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 af-
ter, except
thoſe days
ſhall happen
on a Sunday.

Days of re-
turns of writs.

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 *Weſtmiſter*, 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 eſſoigns, proſers, 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.

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 Maſteſty'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*, 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, until judgment be given, having only fifteen days between the teste and return thereof, shall be good and effectual in law, as is used in personal actions; any law, statute or usage, to the contrary heretofore notwithstanding.

In writs of *Dower*, &c. after issue joined, 15 days sufficient between the teste and return of the *Venire*.

V. And it is hereby further 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 writs and process hereafter to be made out of any of his Majesty's courts at *Westminster*, and having day from the fourth day of the morrow of *The Ascension*, to the morrow of *The Holy Trinity*, shall be good and effectual in law, notwithstanding there be not fifteen days between the teste and the return of the said writs.

Writs, &c. having day from the fourth of the morrow of the *Ascension* to the morrow of the *Holy Trinity* to be good.

VI. And be it further enacted by the authority aforesaid, That all writs or process made, or to be made returnable upon the following returns, *videlicet*; in three weeks of Saint *Michael*, or from the day of Saint *Michael* in one month next following, or having days between either of the said returns, shall, by force 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*.

Writs, &c. returnable in three weeks of Saint *Michael*, or in one month from that day,

to have day unto the morrow of *All Souls*.

VII. And be it further enacted, That all common writs, as well personal as mixt, which shall happen to be returnable in the said *Michaelmas* term, shall have and keep the said returns of the morrow of *All Souls*, the morrow of Saint *Martin*, in eight days of Saint *Martin*, and in fifteen days of Saint *Martin*, or any of them.

Days of return of common writs in the term.

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 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

Writs of summons to warrant 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.

14 Ed. 3. c. 7.

The day of assembling at the exchequer for ordaining sheriffs to be on the morrow of Saint Martin.

such writ of entry and writ of right of advowson, shall and may be made and abridged to four returns inclusive.

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.

CAP. 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 Maſteſty'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 eſſets 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 twenty third year of the reign of his preſent Maſteſty (intituled, An act for extending and improving the trade to Africa) it was enacted, That the accomptant 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, 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 the account of their proceedings before the parliament with all convenient ſpeed: and where-as 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.

CAP. 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.

WHEREAS 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.

His Majesty enabled to make leases, and copies, of offices, lands, &c. parcel of his dutchy of Cornwall.

Leases to be made for a term of years or lives,

and not to be punishable of waste, and the usual or a reasonable rent to be reserved.

II. 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 not in any wise made punishable of waste; and so as upon every such lease or grant be, or shall be reserved the ancient or most usual rent, or more, or such rent as hath been reserved, yielded or paid for the same manors, lands or hereditaments, 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 aforesaid, That all covenants, conditions, reservations and other 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 reversions 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.

Reservation in
the leases, &c.
deemed good,

IV. Saving always, To all and every person and persons, bodies politic 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.

Rights of
other persons
saved.

C A P. LI.

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 and respective subsidies, customs, impositions, rates and duties now payable on pott ashes or pearl ashes made in and imported from

No duties to
be paid on
pott or pearl

ashes imported from the British plantations.

Conditions to be observed in the importation of pott and pearl ashes.

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.

from his Majesty's colonies in *America* into any part of *Great Britain*, shall cease, determine and be no longer paid.

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.

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

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 such ship or vessel shall, on his arrival in this kingdom, deliver to the collector, comptroller or other chief officer of his Majesty's customs at the port where he shall arrive at, or before the entry of the said pott ashes or pearl ashes; and at the same time shall make oath before 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 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 pott ashes and pearl ashes 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.

which he is to deliver at his arrival to the collector, and make oath to the identity of the goods,

on failure thereof the duties to be paid.

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 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 Majesty's customs.

Penalty of making an entry of foreign made goods under the denomination of the *British* plantations, or of mixing the same.

V. And be it enacted by the authority aforesaid, That if any collector or comptroller of the customs, and naval officer, shall falsely make any such certificate as herein before required or directed to be made, all and every such person so offending shall, for every such offence, forfeit and pay the sum of two hundred pounds.

Penalty on false certificate;

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 Maſteſty, 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 falſly 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 counterſeit any ſuch certificate as herein before is directed to be made, or publiſh the ſame, knowing it to be counterſeit, 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 Maſteſty's courts of record at *Weſtmiſter*, or in the court of *exchequer* in *Scotland*, or in any of the courts of admiralty in his Maſteſty's plantations in *America* reſpectively ; wherein no eſſoin, 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 Maſteſty, 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 Maſteſty's plantations in *America*, ſhall be applied, one third part thereof to the uſe of his Maſteſty, 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 demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as defendants have in other cases by law. Treble costs.

C A P. LII.

An act 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:

WHEREAS the laws herein after mentioned, are found to be very useful and beneficial to the publick, and are so near expiring, 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 commons 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 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 one, and from thence to the end of the then next session of parliament.

2 Geo. 2. c. 35. for encouraging the importation of naval stores from America, &c.

continued by 13 Geo. 2. c. 28. further continued unto 25 December 1751. See 25 Geo. 2. c. 35.

II. Provided, That no bounty shall be paid on any tar, unless each barrel thereof shall contain thirty one gallons and an 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.

No bounty on tar, unless each barrel contain 31 gallons and an half, &c.

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 regulating the manufacture of British sail cloth, and for the more effectual 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

9 Geo. 2. c. 37. for encouraging the manufacture of British sail cloth, &c.

continued by
13 Geo. 2. c.
28.

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 allow-
ance on
exportation of
British gun-
powder,

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.

continued by
10 Geo. 2. c.
27. and 16
Geo. 2. c. 26.

further conti-
nued to 24
June, 1757.

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.

6 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 her Majesty's plantations in America, hath been entirely frustrated 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 effect-
tual*

tual preventing and remedying of the ſaid inconveniencies, may it pleaſe 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 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 or commander in chief, for the time being, within all or any of the aforeſaid colonies or plantations of *Rhode Iſland*, and *Providence* plantations, *Connecticut*; the *Maſſachuſets 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 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 poſtpoſed; 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.

No act to paſs for creating paper bills of credit.

or for protracting the time for the calling in ſuch,

or for depreciating or re-iſſuing the ſame.

II. And be it further enacted by the authority aforeſaid, That all ſuch paper bills, or bills of credit, as are now ſubſiſting, and paſſing in payments, within any of the ſaid colonies or plantations of *Rhode Iſland*, and *Providence* plantations, *Connecticut*, *Maſſachuſets 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.

Bills of credit now ſubſiſting, to be called in.

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 creat-

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; any thing 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 so 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 inconveniencies, 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 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.

Perſons who have borrowed money on loans, &c. compellable to diſcharge the ſame.

VII. 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 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.

No paper currency to be deemed a legal tender.

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 if any governor or commander in chief for the time being, in all or any of his Maſteſty's ſaid colonies or plantations, whether commiſſioned by his Maſteſty, 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.

Penalty on governor giving his aſſent to any act contrary to this act.

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.

CAP. 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.

23 Geo. 2. c. 26.
s. 11.

WHEREAS 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 and 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

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

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, 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 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 of the proper county, riding, division, city, liberty, town or 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 essoin, protection or wager of law shall

and the offender to be apprehended and brought before a justice where the warrant was indorsed,

and to deliver the recognizance, &c. to the constable,

to be delivered over to the clerk of assizes, or clerk of the peace.

Penalty on constable not delivering over.

If the offence be not bailable, &c.

the conſtable
to carry the
offender be-
fore ſome juſ-
tice where the
offence was
committed.

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, diſviſion, 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, diſviſion, 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, diſviſion, 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 Maſteſty's juſtices of peace of the proper county, riding, diſviſion, city, liberty, town or place where ſuch offence was committed, there to be dealt with according to law.

Juſtice indorſ-
ing the war-
rant not liable
to action.

II. And it is hereby enacted by the authority aforeſaid, That no action of treſpaſs, falſe imprifonment, 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 origi-
nally 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.

Claufe 23 Geo.
2. c. 26. ſ. 11.
repealed.

IV. And it is hereby further enacted, That the ſaid claufe in the ſaid recited act, and every thing in the ſaid claufe contained, ſhall from and after the ſaid twenty fourth day of June be repealed.

CAP. 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.

1 W. 3. ſt. 1.
c. 12.

WHEREAS by an act of parliament made and paſſed in the firſt year of the reign of his late maſteſty 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 Maſteſty'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 empowered 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 busbels; 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 empowered 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 Majesty's cus-

The same bounty to be allowed on the

exportation of
224 lb. of
wheat meal,
and other
ground corn,
as on four
bushels of
wheat, &c.

Officer may
weigh 2 sacks
out of 20, to
compute the
weight.

Bounty to be
paid the ex-
porter.

Treasury to
make allowan-
ces to the East
India compa-
ny, for their
charges in
making and
transferring
their reduced
annuities.

13 Geo. 2. C. 22.

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.

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.

CAP. 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 delpb 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.

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 continue 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

13 & 14 Car. 2.
c. 22. for preventing theft upon the northern borders.

6 Geo. 2. c. 37.

17 Geo. 2. c. 40.

further continued to 1 Sep.
1757.

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

9 Geo. 1. c. 22.
for punishing
persons going
in disguise, &c.

II. And be it further enacted by the authority aforesaid, That 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 then next session of parliament;

6 Geo. 2. c. 37.

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.

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 forty four, 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 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.

further continued to 1 Sept.
1757.

Clause in
6 Geo. 2. c. 37.
f. 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.

further continued to 1 September 1757.

IV. And

IV. 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 malicious cutting of hop-binds growing on poles in any plantation of hops, 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.

Clause in 6 Geo. 2. c. 37. f. 6. to prevent the malicious cutting of Hop-binds, &c.

further continued to 1 September 1757.

V. And be it further enacted by the authority aforesaid, That a clause in an act made in the tenth year of the reign of his present Majesty, for extending (during the continuance of the said act made in the ninth year of the reign of his said late Majesty) all the provisions in the last-mentioned act contained, for the more speedy and easy bringing the offenders against the said act to justice, and the persons who shall conceal, aid, abet or succour such offenders; and for making satisfaction and amends 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 cutting down the bank or banks of any river, or any sea bank, whereby any lands shall be overflowed or damaged; or by unlawfully 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 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 10 Geo. 2. c. 32. f. 4. &c. for extending the provisions for bringing offenders to justice, &c.

further continued to 1 September 1757.

VI. And be it further enacted by the authority aforesaid, That

Claufes in 10
Geo. 2. c. 32.
for punifhing
the malicious
fetting on fire
any mines,
&c.

That feveral claufes in an act made in the tenth year of the reign of his prefent Majefty, for the more effectual punifhment of perfons maliciously fetting on fire any mine, pit or delph of coal, or cannel coal, or unlawfully hunting or taking any red or fallow deer in forefts or chaces, or beating or wounding the keepers, or other officers, in forefts, 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 faid late Majefty; and which by an act made in the feventeenth year of his prefent Majefty's reign, were further continued until the twenty fourth day of June one thoufand feven hundred and fifty one, and from thence to the end of the then next feflion of parliament, fhall be, and the fame are hereby further continued from the expiration thereof until the firft day of September one thoufand feven hundred and fifty feven, and from thence to the end of the then next feflion of parliament.

further conti-
nued to 1 Sep-
tember 1757.

12 Geo. 2. c.
30. for liberty
to carry fugars
from the Bri-
tiff colonies to
foreign parts,
&c.

VII. And be it further enacted by the authority aforefaid,

That an act made in the twelfth year of the reign of his prefent Majefty, (intituled, *An act for granting a liberty to carry fugars of the growth, produce or manufacture of any of his Majefty's fugar colonies in America, from the faid colonies direftly to foreign parts, in fhips 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 thoufand feven hundred and thirty nine, and from thence to the end of the then next feflion of parliament; and which by another act made in the feventeenth

17 Geo. 2. c. 40.

year of the reign of his prefent Majefty, was further continued until the twenty fourth day of June one thoufand feven hundred and fifty one, and from thence to the end of the then next feflion of parliament, fhall be, and the fame is hereby further

further conti-
nued to 1 Sep-
tember 1757.

continued from the expiration thereof until the firft day of September one thoufand feven hundred and fifty feven, and from thence to the end of the then next feflion of parliament.

5 Geo. 2. c. 30.
to prevent the
committing of
frauds by
bankrupts,

VIII. And be it further enacted by the authority aforefaid,

That an act made in the fifth year of the reign of his prefent Majefty, (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 thoufand feven hundred and

thirty two, and from thence to the end of the then next feflion

9 Geo. 2. c. 18.

of parliament; and which by an act made in the ninth year of the reign of his prefent Majefty, was further continued until the twenty ninth day of September one thoufand feven hundred and forty three, and from thence to the end of the then next feflion of parliament; and which by another act made in the

16 Geo. 2. c. 27.

fixteenth year of the reign of his prefent Majefty, was further continued until the twenty ninth day of September one thoufand feven hundred and fifty, and from thence to the end of the then next feflion of parliament, fhall be, and the fame is hereby further continued from the expiration thereof until the firft day of September one thoufand feven hundred and fifty fe-

further conti-
nued to 1 Sep-
tember 1757.

ven,

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 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.

Persons swearing to a fictitious debt from a bankrupt,

and signing the certificate;

unless the bankrupt shall disclose the fraud,

the certificate to be null, &c.

X. And it is hereby enacted, That where any creditor or creditors 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.

Letter of attorney from creditor in foreign parts, to authorize signing certificate.

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 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

Part of 8 Geo. 1. c. 12. for encouraging the importation of naval stores, &c.

16 Geo. 2. c. 16.

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.

XII. And be it further enacted by the authority aforesaid, 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 thereunto, 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
Britanniæ, Franciæ, & Hiberniæ, 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.

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 two. E X P.

CAP. II.

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

CAP. 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.

CAP. 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 memorialls 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

ention 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,~~ 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.

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

The deputy of the chief clerk appointed a register.

Chief clerk discharged from being a register.

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. Publick act.

CAP. 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.*

CAP. 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.

WHEREAS 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. 3. f. 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 devisor, 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 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;

Devisee, &c. attesting, the devise void, but he admitted to prove the will.

Y 2

not

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.

After 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 wise 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 or refused 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

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 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.

No devisee, where the devise is made void, &c. being examined to the execution of the will, shall afterwards take any benefit or compensation for the same.

VIII. Provided always, and be it enacted by the authority aforesaid, That this act or any thing herein contained shall not extend or be construed to extend to the case of any heir at law, 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.

Cases where the validity of wills, and competency of witnesses, are not affected.

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

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 witnesses to devises of lands, tenements and hereditaments have been required:* 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 witnesses 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.

This act to extend to such of the British colonies, where the act of 29 Car. 2. c. 3. is received, &c.

Devises, &c. in the plantations by wills made after 1. March 1753, affected by this act,

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. 74.

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

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 impowered 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 thereof 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 thereof 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 premises 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 premises 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.

CAP. 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. *Certain tolls granted for 21 years.*

CAP. 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.

WHEREAS 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 oeconomy, and faithfully applied to the purposes thereby directed, yet the same having greatly decreased since the commencement of

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 completed, 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 completed) 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.

The duties continued for 38 years.

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.

Ale vended within the precincts of the castle exempted.

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

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 Maſteſty'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 impower the perſons appointed to put the ſaid act of the ninth year of his late Maſteſty, 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 duties by 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 Maſteſty.

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 woad or black tauke, commonly called Black Lead, is and hath been neceſſary for divers uſeful purpoſes, and more particularly in the caſt-
ing

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 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 felony;

and the offend-
ers to be
committed for
a year, and
publickly
whipt;

or to be trans-
ported for 7
years;

sender

and if they ef-
cape from pri-
fon, or re-
turn from
transporta-
tion, to fuffer
death;

and a certi-
cate of the
former con-
viction, deem-
ed fufficient
proof thereof.

Receivers of
lead, knowing
fuch to be
f stolen guilty
of felony.

fender or offenders to be transported to fome of his Majesty's plantations beyond the fea, for a term not exceeding feven years as fuch court or judge fhall think moft proper; and thereupon judgment fhall be given, that the perfon or perfons fo convicted, fhall be committed and whipt, or transported accordingly; and if transportation fhall be directed, the fame fhall be executed in fuch manner, as is or fhall be provided by law for the transportation of felons; and if any fuch perfon or perfons fo committed or transported, fhall voluntarily efcape or break prifon, or return from transportation before the expiration of the time for which he, fhe or they fhall be ordered to be transported, as aforefaid, fuch perfon or perfons being thereof lawfully convicted, fhall fuffer death as a felon, without benefit of clergy, and fhall be tried for fuch felony in the county where he, fhe or they fo efcaled, or where he, fhe or they fhall be apprehended.

II. And be it further enacted by the authority aforefaid, That if any perfon fhall be convicted or attained of any of the offences aforefaid, and fhall voluntarily efcape, break prifon or return from transportation as aforefaid, and fhall be apprehended in any other county or city different from that wherein the faid offence was committed, the clerk of the affize, or clerk of the peace for the county or city where fuch conviction or attainder for the faid offence or offences was had, fhall, at the request of the profecutor, or of any other on his Majesty's behalf, certify the fame by a tranfcript in few words, containing the effect and tenor of fuch conviction or attainder, for which certificate two fhillings and fix pence, and no more fhall be paid; and fuch certificate being produced in court fhall be fufficient proof of fuch former conviction or attainder.

III. And be it further enacted by the authority aforefaid, That all and every perfon or perfons who fhall, from and after the faid twenty fourth day of *June*, one thoufand feven hundred and fifty two, buy or receive any wad or black cawke; commonly called *Black Lead*, knowing the fame to be fo unlawfully taken and carried away as aforefaid, fhall be deemed and conftrued to be guilty of felony, and being convicted thereof, fhall be fubject and liable to all the pains and penalties, which any perfon or perfons can or may by the laws and ftatutes of this realm, be fubject and liable to, for buying or receiving any goods or chattels that have been feloniously taken or ftofen, knowing the fame to have been ftofen.

CAP. XI.

An aft to enable the parifhioners of the parifh of Eaft Greenwich, in the county of Kent, to deposite corfe in the vaults or arches under the church in the faid parifh, and to afcertain the fees that fhall be paid for the fame.

CAP. XII.

An aft 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 Somerfet; and alfo the road from the town of Frome, in the faid county of Somerfet, to the town of Beckington in the fame county; and for repairing the road from Heytesbury to Antrow Hill, in the county of Wilts. *Certain tolls granted for 21 years.*

CAP.

CAP. XIII.

An act for repairing the road from the town of Cirencefter to the town of Stroud, and that part of Rodborough Hill which leads to Dudbridge; and alfo the road leading from Cirencefter towards Billey, fo far as the bottom of Gulph Hill; all in the county of Gloucefter. *Certain tolls granted for 21 years.*

CAP. XIV.

An act to open the port of Lancafter, for the importation of wool and woollen yarn from Ireland.

WHEREAS the port of Lancafter, in the county palatine of Lancafter, is very conveniently fituated for the importation of wool and woollen yarn from Ireland; and the opening of the faid port for that purpofe, will be of great utility and advantage to the woollen manufactures in the northern parts of England, and more efpecially in the counties of Lancafter, York, and Weftmorland; and may alfo be a means of increafing the importation of wool and woollen yarn from Ireland, into this kingdom: may it therefore pleafe your moft excellent Majefty, that it may be enacted; and be it enacted by the King's moft excellent majefty, by and with the advice and confent of the lords fpiritual and temporal and commons in this prefent parliament afsembled and by the authority of the fame, That from and after the firft day of *May* one thoufand feven hundred and fifty two, it fhall and may be lawful for any perfon or perfons to import into the port of *Lancafter*, in the county palatine of *Lancafter*, any wool or woollen or bay yarn, wool fells, shortlings, mortlings, wool flocks, or worfted yarn, from *Ireland*; any act or acts of parliament to the contrary in any wife notwithstanding.

Port of Lancafter opened for importation of wool from Ireland,

II. Provided always, and be it enacted by the authority aforefaid, That all fuch importations of wool and woollen or bay yarn, wool fells, shortlings, mortlings, wool flocks and worfted yarn, from *Ireland*, into the faid port of *Lancafter*, fhall be made from fuch ports only, and under the fame reftriCTIONS and regulations, in all refpects, as wool or woollen yarn is now by law permitted to be imported into the feveral ports of *Bideford*, *Barnftaple*, *Minehead*, *Bridgewater*, *Bristol*, *Milford Haven*, *Chefter* and *Liverpool*, or any of them, and in the fame manner, to all intents and purpofes, as if the faid port of *Lancafter* had been particularly named for the importation of the faid 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 whatfoever.*

under the fame regulations as in 10 and 11 Will. 3. c. 10.

CAP. XV.

An act to indemnify perfons who have omitted to qualify themfelves for offices and employments; and alfo perfons who have omitted to make and file affidavits of the execution of clerkfhip within the time limited by law; and for allowing further time for thofe purpofes. *Exp. Time*

Time given to 28 Nov. 1752. to take the oaths, &c. and the same time for filing affidavits of clerks.

CAP. 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 Tittenfor, and the most northern part of Talk on the Hill, in Butt Lane in the county of Stafford. *The act 8 Geo. 2. c. 3. continued for 21 years.*

CAP. XVII.

An act for repairing the road leading from the Green Man in the chapel-ry of ~~Secnd~~ *in the county of Wilts*, 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.*

CAP. 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.*

CAP. 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, 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 Liverpoole, 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.

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CAP. 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 inconfiderable value, and have proved hardly ſufficient to deſray the expence of the officers neceſſary for collecting or adminiſtring 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 lawful for his Majeſty, until his royal highneſs *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 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. thereof, 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 entails, &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 in question*, any entry, charter, indentment, 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.

CAP. XXI.

An act for repairing the roads from Wallingford in the county of Berks to Wantage, and from thence to Faringdon, and alio from Wantage to Idson in the said county. *Certain tolls granted for 21 years.*

CAP. 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.*

CAP. 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.

CAP. 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.*

CAP. 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 desirous

deſirous to raiſe the neceſſary ſupplies which we have chearfully granted to your Maſteſty 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 Maſteſty's ſubjects, and alſo to uſe ſuch ways and means therein as that your Maſteſty may have the better and more ſpeedy effect of the ſaid ſupplies, have reſolved to give and grant unto your Maſteſty 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 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 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 Maſteſty for the ſervice of the ſaid year one thouſand ſeven hundred and fifty two; 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 authorized and impowered to iſſue and apply the ſame accordingly.

500,000 l.
granted out of
the ſinking
fund towards
the ſupply for
the current
year.

II. And whereas your Maſteſty's ſaid dutiful and loyal ſubjects, the commons of Great Britain in parliament aſſembled, have alſo reſolved to give and grant unto your Maſteſty the further ſum of one million four hundred thouſand pounds, towards the ſupply granted to your Maſteſty 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 Maſteſty'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

1,400,000 l.
advanced by
the bank to
pay off the
naval and
other ſervices.

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 *premium* 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 *premium* 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 hereafter 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 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 *præmiſum* of three pounds *per centum per annum*, and proportionably 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.

to carry an intereſt of 3l. per cent.

VI. And it is hereby enacted, That all the ſaid bills ſhall be numbered arithmetically, beginning with N^o 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 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.

Bills to be numbered arithmetically.

and the intereſt to be paid quarterly.

VII. And it is hereby further enacted, That all the ſaid bills ſhall be prepared and made with ſuch cheques, indents or counterfoils, 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 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 into the exchequer, when the ſaid bills to be made forth by virtue of this act ſhall be paid off, cancelled and diſcharged.

The bills to be made with cheques,

and the pay-maſters to have one part,

and the contractors the other.

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 ſeſſion of parliament, (intituled, *An act for continuing and granting to his Maſteſty 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 Maſteſty'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 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 and duties continued and granted by the ſame act) as amply, fully and effectually, to all intents and purpoſes, as if the ſame clauſes or proviſoes

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 *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.

Treaſury to iſſue money to pay the intereſt by way of impreſt.

XI. Provided alſo, and be it further enacted by the authority aforeſaid, That it is the true intent and meaning of this act, that all the exchequer bills hereby authorized to be made forth, 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 ſixteen 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 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 exchequer, of or for the ſaid *Sinking fund*, applicable to the payment of the principal of the national 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-

The bills charged on the ſinking fund.

Interest to
cease upon
such of the
bills as shall be
paid of.

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 *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. 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, *premium*, 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, mum, 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, *premium*, 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 l.
18 s. 1 d. for
naval services.

ſaid, 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.

9,699l. 9s. to
Greenwich
Hoſpital.

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 the year one thouſand ſeven hundred and fifty two, performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land ſervice, not provided for by parliament.

124,930l. 1s.
5d. to the
charge of the
ordnance for
land ſervice.

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 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 regi-

1,041,554l.
19s. 6d. to the
land forces;

viz.
611,101l. 6s.
5d. 2q. for
guards, &c. in
Great Britain,
Guernſey and
Jerſey;

229,943l. 13s.
9d. 2q. for
the plantati-
ons, *Minorca*
and *Gibraltar*,
and for provi-
ſions for the
garrisons in
Nova Scotia,
*Newfound-
land*, *Gibral-
tar* and *Pro-
vidence*.

58,448l. 14s.
7d. to out-
penſioners of
Chelſea Hoſ-
pital;

60,000l. to re-
duced officers;
4,522l. 16s.
6d. to the of-
ficers and gen-
tlemen of the

horſe guards,
&c. reduced;
3,125 l. 13 ſ.
1 d. to the
penſions of of-
ficers widows;

ment of horſe reduced, and to the ſuperannuated gentlemen of 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. 15 ſ.
1 d. for extra-
ordinary ex-
pences of the
land forces in-
curred in
1751.

20,000 l. to the
Elector of *Ba-
varia*;
12,000 l. to the
King of *Pol-
land*.

21,042 l. 19 ſ.
6 d. 2 q. to the
ſettling *Nova
Scotia* in 1751.

and 40,450 l.
and 10 d. for
the preſent
year.

6,997 l. 8 ſ. 3 d.
to the defi-
ciency of the ad-
ditional ſtamp
duties at
Chriſtmas

1750.

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 ſettle- ment of his Majeſty's colony of *Nova Scotia* in the year one thou- ſand ſeven hundred and fifty one, and not provided for by par- liament; and any ſum or ſums of money not exceeding forty thouſand four hundred fifty pounds and ten pence, upon ac- count, for ſupporting and maintaining the ſettlement of his Ma- jeſty'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 afore- ſaid, 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

54,311 l. 6s. 4d. to the deficiency of the duties on licences for retailing spirituous liquors at *Lady-day* 1751 11,371 l. 14s. 4d. 2q. to the deficiency of the duties on sweets at *Michaelmas* 1751. 24,102 l. 19s. 5d. to the deficiency on the additional duties on wines at *Midsummer* 1751. 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. 3s. 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*. The 4,000 l. to the

trustees of
Georgia;

3,000 l. to-
wards making
a road from
Carlisle to
Newcastle.

6 Ann. c. 11.

6 Geo. 1. c. 4.

89.925 l. 10s.
7 d. to make
good to the
proprietors
of the annu-
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 uncanceled; 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 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 thereunto had,*
may

Treasury
to issue
400,000 l. to
be paid to the
proprietors of
the orders of
loan made in
pursuance of
4 Geo. 2. c. 9.
pursuant to
the notice
given by the
speaker.

On payment
of the above
sum, the an-
nuities to
cease;

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.

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.

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.

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 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.

These aids to be applied only to the uses before-mentioned.

XXIII. And as to the said sum of sixty 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*.

Rules to be observed in the application of the 60,000 l. appropriated to the reduced officers.

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 incumbered 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.

Overplus of
last year's
half pay to be
applied to
such objects of
charity as his
Majesty shall
direct.

to the reduced officers of his Majesty's land forces and marines, subject neverthelefs to such rules to be observed in the application of the said half-pay, as in and by the aforefaid act were prefcribed in that behalf; now it is hereby provided, enacted and declared by the authority aforefaid, That fo much of the said fum of fixty four thoufand pounds, as is or fhall be more than fufficient to fatisfy the said reduced officers, according to the rules prefcribed by the said act to be observed in the application thereof, or any part of fuch overplus, fhall and may be difpofed of to fuch officers who are maimed, or loft their limbs in the late wars, or fuch others as by reafon of their long fervice, or otherwife, his Majesty fhall judge to be proper objects of charity, or to the widows or children of fuch officers, according to fuch warrant or warrants, under his Majesty's royal fign manual, as fhall be figned in that behalf; any thing in this act, or the said former act, to the contrary notwithstanding.

C A P. XXVI.

An act to refrain the making infurances on foreign fhips bound to or from the Eaft Indies.

9 Geo. I. c. 26.

WHEREAS by an act paffed in the ninth year of the reign of his late majesty King George the Firft, intituled, An act to prevent his Majesty's fubjects from fubfcribing or being concerned in encouraging or promoting any fubfcription for an Eaft-India company in the Austrian Netherlands; and for the better fecuring the lawful trade of his Majesty's fubjects to and from the Eaft Indies; all his Majesty's fubjects are reftained and prohibited from fubfcribing, contributing to, encouraging or promoting the raifing, eftablifhing or carrying on any foreign company erected for trading to the Eaft Indies, from and after the twenty fourth day of June one thoufand feven hundred and twenty three, in order the more effectually to fecure by the provifions of the said act, as well as by feveral other laws now in force, the fole trade to and from the Eaft Indies, and other places beyond the cape of Good Hope, to the united company of merchants of England trading to the Eaft Indies, that thereby the Britifh nation might enjoy the full fruits and advantages of fo beneficial a trade: and whereas infuring the fhips and veffels of foreigners trading to the Eaft Indies, or the lending money on Bottomree or Respondentia of or upon any fuch foreign fhips or veffels, may be a means of encouraging his Majesty's fubjects to fhare with foreigners in the eftablifhing or erecting of new companies, focieties or corporations for carrying on the said trade in the dominions of foreign ftates or princes, whofe fubjects have never before adventured to carry it on; be it enacted by the King's moft excellent majesty, by and with the advice and confent of the lords fpiritual and temporal and commons in this prefent parliament affembled, and by the authority of the fame, That from and after the firft day of May one thoufand feven hundred and fifty two, all and every perfon or perfons, bodies politick or corporate, being fubjects of his Majesty in Great Britain or Ireland, or elfewhere, and

No infurances
to be made on
money to be
lent on bot-
tomree or re-
fpondentia

and all other persons whatsoever residing within *Great Britain* or *Ireland*, shall be restrained and prohibited by virtue of this act, 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 *Premium*, or consideration in the nature of a *Premium*, 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 essoin, 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

bonds, on
foreign ships
or goods
bound to or
from the *East
Indies*;

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, transferrable at the South-Sea house.

- 4 Geo. 2. c. 9. **W**HEREAS 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 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.
- 16 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 Maſteſty'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 ſpirituſous liquors, granted by the laſt-recited act of the ſixteenth year of his Maſteſty'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 Maſteſty's reign. (for granting to his Maſteſty 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 Maſteſty's reign (for granting to his Maſteſty 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 Maſteſty'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

The afore-mentioned sums, amounting to 8,200,000 l. and carrying 3 l. *per cent.* interest, to be converted into one joint stock of annuities, transferrable at the bank.

Subscribers impowered to transfer.

The annuities to be paid unto 24 June 1752, out of the funds appropriated;

but if they be deficient out of the sinking fund;

thenceforth they are to be charged on

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 afore-mentioned, 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.

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 intitled 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.

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

pective principal funis transferrable at the bank of *England* as the sinking fund; aforefaid, amounting in the whole to the fun of eight millions fund; two hundred thoufand pounds, as alfo fuch fun or funs of money as fhall or may be made payable to the governor and company of the bank of *England*, for the charges of management, fhall be, and are hereby charged and chargeable upon the faid sinking fund, and fhall be ifued and paid half-yearly on the fifth day of *January*, and the fifth day of *July*, in every year, out of the furplus funds, and other duties and revenues compofing the faid sinking fund, and fhall be deemed and taken to be charges and incumbrances thereupon, until redemption thereof by parliament; fubject nevertheless to fuch charges and incumbrances as are already made thereupon by parliament: and the commiffioners of the treasury, or any three or more of them now being, or the high treafurer or commiffioners of the treasury of his Majefty, his heirs or fucceffors for the time being, without any further or other warrant to be fued for, had or obtained in that behalf, fhall and may, from time to time, ifue the fame at the refpective half-yearly or other days of payment, whereon the fame fhall become due and payable at the faid receipt of exchequer, to the firft or chief cashier or cashiers of the governor and company of the bank of *England*, and their fucceffors for the time being, by way of impreft and upon account, for the purpofes above-mentioned; and that all and every fuch cashier or cashiers, to whom the faid money fhall, from time to time be ifued, fhall without delay, apply and pay the fame accordingly, and render his account thereof according to the due courfe of the exchequer; any thing herein before contained to the contrary notwithstanding.

and to be paid half-yearly;

and money to be ifued to the chief clerk of the bank, by way of impreft,

V. And be it further enacted by the authority aforefaid, That from and after the faid twenty fourth day of *June* one thoufand feven hundred and fifty two, all the faid rates, duties, impositions or revenues, granted and appropriated by the faid feveral and refpective acts herein before recited, for payment of the faid feveral and refpective annuities transferrable at the bank of *England*, as aforefaid, fhall be carried to, and made part of the faid sinking fund (after referving fufficient to pay the annuities for lives at the exchequer, and other charges and incumbrances charged on the faid duties and revenues) and the fame fhall be deemed and taken to be part of the faid sinking fund, and fhall be ifued and applied to fuch ufes and purpofes, as all and every other the furplus funds, duties and revenues, compofing the faid sinking fund, are or may be ifued and applied; any thing in any former act or acts of parliament to the contrary thereof in any wife notwithstanding.

The funds which were appropriated to the annuities, made part of the sinking fund.

VI. And whereas by and in purfuance of two feveral acts of parliament, made and paffed in the ninth and eleventh years of his Majefty's reign, certain annuities, after the rate of three pounds per centum per annum, were created and made payable at the faid receipt of exchequer, out of the sinking fund, amounting to the principal fun of nine hundred thoufand pounds, for which tallies and orders were made

9 Geo. 2. c. 34.
11 Geo. 2. c. 27.

Proprietors of the 3l. per cent. annuities, granted

by acts 9 & 11
Geo. 2. may
ſubſcribe into
the joint ſtock,
made out at the ſaid receipt, and as the proprietors of the ſaid tallies and orders may be deſirous to ſubſcribe the ſame into the ſaid 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.

The proprie-
tors of the 3l.
per cent. an-
nuities grant-
ed by 8 Geo. 1.
in lieu of de-
bentures to
the ſufferers of
Nevis and St.
Chriſtopher's,
may ſubſcribe.

The ſubſcrib-
ers may im-
mediately
transfer,

the orders to
be paid quar-
terly to Mid-
ſummer 1752.

Bank to pro-
vide books for
the ſubſcrip-
tions,

to be open
from 24 June

VII. And whereas by and in purſuance of one other act made and paſſed in the eighth year of his Maſteſty'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 ſaid joint ſtock of annuities after the rate of three pounds per centum per annum, as aforeſaid.

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, 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*

days only excepted, from the faid twenty fourth day of *June* ^{1752, to 25 Jan. 1753,} one thousand seven hundred and fifty two, to the faid fifth day of *January* one thousand seven hundred and fifty three inclusive, and no longer; fubject nevertheless to fuch further directions, ^{except the treasury fhall allow further time.} with refpect to the taking in or receiving fuch fubfcriptions or confent from the proprietors of the faid annuities, after the faid rate of three pounds *per centum per annum*, as fhall or may be given by the commiffioners of the treasury, or any three or more of them now being, or by the high treafurer, or any three or more of the commiffioners of the treasury for the time being, for the benefit and advantage of the publick; and it fhall and may be lawful to and for the proprietors of the faid feveral and refpective annuities, their refpective attornies, representatives or affigns, or fuch perfon or perfons as he, fhe or they fhall refpectively authorize and impower by writing in that behalf, to fubfcribe for them; and all perfons impowered to receive any intereft or dividend that fhall become due on the faid annuities fhall, and they have hereby power to make the fubfcriptions, and give confent in the faid refpective books accordingly, without any fee or charge, at any time between the faid twenty fourth day of *June* one thousand seven hundred and fifty two, and the faid fifth day of *January* one thousand seven hundred and fifty three; and the feveral officers of the faid governor and company who fhall be appointed to take in the faid fubfcriptions, or receive fuch confents, fhall during the time aforefaid constantly attend at the faid office for that purpofe at fuch hours as bufinefs is ufually tranfacted there. ^{The proprietors may fubfcribe.} ^{Officers to attend.}

XI. *And whereas in purfuance of an act of parliament made and paffed in the nineteenth year of his Majefty's reign for granting to his Majefty feveral rates and duties upon glafs, and fpirituons liquors, and for other purpofes therein mentioned, feveral perfons, bodies politick or corporate, did advance and lend upon the credit of the faid rates and duties the principal fum of three millions, for the purchafe of annuities transferrable at the bank of England, and redeemable by parliament; and the faid rates and duties were alfo charged with the payment of certain annuities for lives, payable at the receipt of the exchequer, in the manner by the faid act directed; which faid fum of three millions is now reduced to the principal fum of two millions eight hundred twenty four thousand four hundred twenty eight pounds thirteen fhillings and eleven pence, attended with annuities after the rate of three pounds ten fhillings per centum, purfuant to certain acts of parliament in that behalf: and whereas by another act* ^{19 Geo. 2. c. 12.} *of parliament made and paffed in the twentieth year of his Majefty's reign, for repealing the feveral rates and duties upon houfes, windows and lights, and for granting to his Majefty other rates and duties upon houfes, windows or lights, and for other purpofes therein mentioned, feveral perfons, bodies politick or corporate, did advance and lend upon the credit of the faid duties the principal fum of four millions for the purchafe of annuities, transferrable at the bank of England, upon which (for the encouragement of perfons who fhould advance and lend the fame) there was an allowance of ten pounds per centum,* ^{20 Geo. 2. c. 37.}

- 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
- 20 Geo. 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,
- 21 Geo. 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
- 22 Geo. 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

ten ſhillings per centum, purſuant to certain aſts 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 ſeventy 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 aſt of parliament of the twenty third year of his Maſeſty'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 aſt 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

The aforeſaid ſums amounting to 17,571,573 l. 16s. 4d.

whereof 14,857,955 l. 18s. 4d. was firſt ſubſcribed in purſuance of 23 Geo. 2. c. 1.

and 2,713,617 l. 18s. the reſidue laſt ſubſcribed,

may be conſolidated into one joint ſtock, transferrable at the 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 fum of feventeen millions five hundred feventy one thoufand five hundred feventy three pounds fixteen fhillings and four pence, as alfo fuch fum or fums of money as fhall or may be made payable to the governor and company of the bank of *England* for the charges of management of the faid annuities, fhall be and they are hereby charged and chargeable upon the faid finking fund, and fhall be iffued and paid half-yearly, on the fifth day of *April* and the tenth day of *October* in every year, out of the furplus funds, and other duties and revenues compofing the faid finking fund, and fhall be deemed and taken to be charges and incumbrances thereupon, until redemption thereof by parliament; fubject nevertheless to fuch charges and incumbrances as are already made thereupon by parliament: and the commiffioners of the treasury, or any three or more of them now being, or the high treafurer, or commiffioners of the treasury of his Majesty, his heirs or fucceffors for the time being, without any further or other warrant to be fued for, had or obtained in that behalf, fhall and may, from time to time, iffue the fame at the refpective half-yearly or other days of payment, whereon the fame fhall become due or payable, at the faid receipt of exchequer, to the firft or chief cashier or cashiers of the governor and company of the bank of *England*, and their fucceffors for the time being, by way of impreft, and upon account, for the purpofes afore-mentioned; and that all and every fuch cashier or cashiers to whom the faid monies fhall be iffued, fhall from time to time, without delay, apply and pay the fame accordingly, and render his account thereof, according to the due courfe of the exchequer; any thing herein before contained to the contrary notwithstanding.

and to be paid half-yearly.

and money to be iffued to the chief cashier of the bank, by way of impreft.

XV. And be it further enacted by the authority aforefaid, That all and every the claufes and provifoes relating to the annuities afore-mentioned, which were made payable or transferrable at the bank of *England*, fhall remain in full force with refpect to the annuities continued or eftablifhed by this act, in all matters and things whatfoever, where the fame fhall not have been altered by this act, or other provifions made in refpect thereof.

Provifoes relating to the faid annuities to remain in force.

XVI. And be it further enacted by the authority aforefaid, That from and after the faid tenth day of *October* one thoufand feven hundred and fifty two, all the faid rates, duties, impositions or revenues granted and appropriated by the faid feveral and refpective acts herein before recited for payment of the faid feveral and refpective annuities, transferrable at the bank of *England* as aforefaid, fhall be carried to and made part of the faid finking fund (after referving fufficient to pay the annuities for lives at the exchequer, and other charges and incumbrances charged on the faid duties and revenues;) and the fame fhall be deemed and taken to be part of the faid finking fund, and fhall be iffued and applied to fuch ufes and purpofes as all and every other the duties and revenues compofing the faid finking fund,

The funds appropriated to the annuities to be carried into the finking 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, whereas 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 politick 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 transferrable 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, 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 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 attornies, 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 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, shall be subscribed into the joint stock of annuities, amounting

Bank to provide books for subscriptions,

to be open from 10 October 1752, to 5 April 1753, &c.

The proprietors may subscribe;

viz. the annuities first subscribed to be subscribed into the joint stock, amounting to 14,857,955 l. 18 s. 4 d. and the last subscribed, into

The joint stock,
amounting to
the sum of
2,713,617 l.
18 s.

Officers to at-
tend to take
in subscrip-
tions.

Executors,
&c. may sub-
scribe.

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.

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 lunaticks, and the accomptant general of the court of *Chancery*, and the deputy remembrancer of his Majesty's court of *Exchequer*, and the attornies, 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 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 the attornies, 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 ac-
compant ge-
neral of the
bank,

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 attornies 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 impowered 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 impowered 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.

and to be
transmitted to
the exchequer
to be can-
celled.

Clause of re-
demption.

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

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 arrears 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 underſtood 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 which were ſubſcribed in purſuance of the ſaid two acts of the twenty third year of his Maſteſty's reign, ſhall be liable to be redeemed before the times therein reſpectively limited; 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 ſeven hundred and fifty eight, the joint ſtock of the firſt ſubſcribed *Old South Sea* annuities, with as much of the joint ſtock of the ſecond ſubſcribed *Old South Sea* annuities as ſhall be then unſatisfied, ſhall be made one joint ſtock of *Old South Sea* annuities.

XXVII. And be it further enacted by the authority aforeſaid, That from and after the ſaid fifth day of *January* one thouſand ſeven hundred and fifty eight, the joint ſtock of the firſt ſubſcribed *New South Sea* annuities, with ſo much of the joint ſtock of the ſecond ſubſcribed *New South Sea* annuities as ſhall be then unſatisfied, ſhall be made into one new joint ſtock of *South Sea* annuities.

CAP. 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 *Kilſyth*, and to *Inch Bellie Bridge*, on the poſt road to the city of *Glaſgow*. Certain tolls granted for 21 years.

CAP. 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 neceſſary office: and whereas by an act made in the third year of the reign of King Henry the Seventh, reciting that coroners had, 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

Hen. 7. c. 1.

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;

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.

and for every inquisition on bodies dying in gaol, as the justices shall think fit;

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.

and for inquisitions on a body slain, 13 s. 4 d. over and above.

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.

Coroner taking more, 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 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.

Coroners for particular places excepted.

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 removed from his office; and thereupon, if such coroner shall have been elected by the freeholders of any county, a writ shall issue for the removing him from his office, and electing another coroner in his stead, in such manner as writs for the removal or discharge of coroners, and for electing coroners in their stead,

Coroner convicted of misdemeanor in his office, to be removed.

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.

www.libtcoA.PoXXXI.

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.)

24 Geo. 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 inconveniencies 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 lawful to and for all ſuch bodies politick and corporate as aforeſaid, and all and every the officers and members thereof, and they and every of them are hereby required to do all ſuch acts, as by any law, charter or uſage are appointed or required to be done on any of the nominal days of or in the ſaid month of *September*, 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 nominal days ſo dropt or omitted as aforeſaid; any law, ſtatute, charter, cuſtom or uſage to the contrary in any wiſe notwithſtanding.

The election of officers, &c. to be done up on upon the ſame natural days of this year only, as before.

II. *And whereas in divers parts of this kingdom, by cuſtom, preſcription or uſage, or by virtue of ſome law or contract, certain lands and grounds are to be opened and uſed for common for 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 aforeſaid; for remedy thereof be it further enacted by the authority aforeſaid, That from and after the ſaid ſecond day of *September* in the ſaid year of our Lord one thouſand ſeven hundred and fifty two, the reſpective times for opening, uſing, incloſing and ſhutting up all ſuch lands and grounds as aforeſaid, for the paying of ſuch rents or other payments, and for the doing of ſuch other matters or things as aforeſaid, if ſuch times are depending on any moveable feaſt or feaſts, ſhall be computed and take place according to the ſaid new calendar, and the tables and rules in the ſaid recited act directed to be uſed, and not according to the method of ſupputation heretofore uſed, or to the tables heretofore commonly affixed to the book of common prayer; and the 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 payments ſhall become and be due and payable, and all ſuch matters and things ſhall be tranſacted and done accordingly; any law, cuſtom, preſcription or uſage to the contrary notwithſtanding.*

The times for opening and incloſing grounds for common, and payment of rents, &c. if the ſame depend on any moveable feaſt, are to be according to the new calendar.

III. Provided always, and it is hereby further declared and enacted by the authority aforeſaid, That nothing in this act contained ſhall extend, or be conſtrued to extend to the abridg-

The title to ſuch lands not 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.*

24 Geo. 2. c. 48.

The annual admission and swearing of the mayor of London to be on 8 Nov.

CAP. XXXI.

An act to continue, explain and amend feveral laws more effectually to prevent the spreading of the diftemper which now rages amongst the horned cattle in this kingdom.

CAP. XXXII.

An act to allow the importation of gum fenega into this kingdom, from any part of Europe, upon the payment of a duty; and for relief of James Guthrie, with refpect 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 contraëts of clerks and apprentices.

WHEREAS the printing of filks, linens and callicoës, is greatly improved in this kingdom: and the value of the faid manufactures is thereby confiderably enhanced, and the exportation thereof increafed: and whereas the printing of the faid manufactures cannot be carried to perfection without a fufficient quantity of gum fenega; the importation of which hath of late greatly decreafed, and the price thereof advanced to an exceffive rate, whereby it is become neceffary that fome provision fhould be made for the more effectual and conftant fupply of that ufeul and valuable commodity, in order to encourage, fupport and extend the faid trade: and whereas gum fenega cannot otherwife be imported into this kingdom than according to the rules prefcribed by an act made in the twelfth year of the reign of King Charles the Second, intituled, An act for the encouraging and increafing of fhipping and navigation: Therefore we, your Majefty's moft faithful commons, in order to fupport and extend the faid trade, by allowing the importation of gum fenega from any place in Europe, fo as not to difcourage the importation of the faid commodity from the places of its growth or produce, do moft humbly befeech your moft excellent Majefty, that it may be enacted; and be it enacted by the King's moft excellent Majefty, by and with the advice and confent of the lords fpiritual and temporal and commons in this prefent parliament afsembled, and by the authority of the fame, That from and after the tenth day of April one thoufand feven hundred and fifty two, it fhall and may be lawful to and for any of his Majefty's fubjects to import into this kingdom gum fenega, in Britifh built fhips, navigated according to law, from any port or place in Europe, upon payment of the duty, and under the reftrictions and limitations herein after-mentioned; any thing in the faid 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.

Gum Senega allowed to be imported from any part of Europe,

II. And be it further enacted by the authority aforefaid, That there fhall be paid to his Majefty, his heirs and fucceffors, for every hundred pounds weight of gum fenega, which at any time or times after the faid tenth day of April one thoufand feven hundred and fifty two, fhall be imported or brought into this kingdom,

upon payment of 10s. per hundred weight.

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.

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.

12 Car. 2. c. 4.

Making a false entry,

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall enter, or cause to be entered, any 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.

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.

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.

Duties to be kept apart, to be applied by parliament.

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,

venues, subject and liable to the uses, applications and purposes, as shall by any future act or acts of parliament be directed or appointed.

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 sold or consumed in Great Britain; Be it therefore enacted by the authority aforesaid, That the collector or other proper officer or officers at the said port of Kircudbright shall, and they are hereby impowered 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 Kircudbright to make a debenture for 223,480 lb. of tobacco belonging to James Guthrie, 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.

CAP. 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 Cross, and to the High Cross in Elsdon in the county of Northumberland. *Certain tolls granted for 21 years.*

CAP. 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

5 Geo. 2. c. 24.
for encourag-
ing the growth
of coffee, con-
tinued to 25
March 1758,
&c.

So much of 2
Geo. 2. c. 35.
as relates to
the præmiums
on the impor-
tation 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.

CAP. XXXVI.

An act 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 pawnbroker, 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 for the ſame.

The perſon advertiſing a reward for the return of things ſtolen or loſt, &c.

and the printer to forfeit 50 l.

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 *Weſtmiſter*, or within twenty miles thereof, without a licence had for that purpoſe, from the laſt preceding *Michaelmas* quarterſeſſions of the peace, to be holden for the county, city, riding,

Unlicenſ'd places of entertainment, deemed diſorderly houſes.

Constables
may ſeiſe 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-
cenced by the
crown or lord
chamberlain,
excepted.

liberty or diſiſion 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, diſiſion or liberty where ſuch houſe or place ſhall be ſituate, to enter ſuch houſe or place, and to ſeiſe 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.

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 ſaid 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.

Constable's duty upon notice of persons keeping a bawdy house, gaming house, &c.

The charges of prosecution,

and 10 l. on conviction to each of the two inhabitants, 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.

Person keeping such bawdy-house, &c. to be bound over.

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 10l.

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.

Who shall be deemed the keeper of such bawdy-house, &c.

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.

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 affize, or clerk of the peace respectively, is hereby directed and required forthwith to make out and to deliver unto such profecutor, upon being paid for the fame the fum of one fhilling, and no more; and the treafurer of the county is hereby authorized and required, upon fight of fuch order, forthwith to pay to fuch profecutor, or other perfon authorized to receive the fame, fuch fum of money as aforefaid, and fhall be allowed the fame in his accounts.

County trea-
furer to pay
the order.

XII. And, for the better difcovering and bringing to juftice thieves, robbers and other perfons maintaining themfelves by pilfering and defrauding mankind; be it enacted by the authority aforefaid, That it fhall and may be lawful to and for any two or more of his Majefty's juftices of the peace, in any county, city or liberty, in cafe any perfon apprehended upon any general privy fearch, or by virtue of any fpecial warrant, fhall be charged before them with being a rogue and vagabond, or an idle and diforderly perfon, or with fufpicion of felony, (although no direct proof be then made thereof) to examine fuch perfon upon oath, not only as to the parifh or place where he was laft legally fettled, but alfo as to his means of livelihood; the fubftance of which examination fhall be put into writing, and be fubfcribed or figned by the perfon fo examined; and the faid juftices fhall likewife fign the fame, and tranfmit it to the next general or quarter feflions of the peace to be holden for the fame county, city or liberty, there to be filed, and to be kept on record; and if fuch perfon fhall not make it appear to fuch juftices, that he has a lawful way of getting his livelihood, or fhall not procure fome responsible houfe-keeper to appear to his character, and to give fecurity for his appearance before fuch juftices at fome other day to be fixed for that purpofe (in cafe the fame fhall be required) to commit fuch perfon to fome prifon or houfe of correction, for any time not exceeding fix days; and in the mean time to order the overfeers of the poor, or one of them, of the parifh or place in which fuch perfon fhall be apprehended, to infert an advertisement in fome publick paper, defcribing fuch fufpicious perfon, and any thing or things which fhall have been found upon him, or in his cuftody, and which he fhall be fufpected not to have come honeftly by, and mentioning the place to which fuch perfon is committed, and fpecifying the time and place when and where fuch perfon is to be again brought before them to be re-examined; and if no accusation fhall be then laid againft him, then fuch perfon fhall be difcharged, or otherwife dealt with according to law.

Juftices may
examine on
oath rogues,
vagabonds
and other dif-
orderly per-
fons;

the examina-
tion to be
tranfmitted to
the feflions.

Perfon not
giving a fatis-
factory ac-
count, &c. to
be committed.

and an adver-
tifement to be
published, de-
fcribing his
perfon, and
the things
found on him.

XIII. And be it further enacted by the authority aforefaid, That any perfon intituled to any of the forfeitures by this act impofed, may fue for the fame by action of debt, in any of his Majefty's courts of record at *Westminfter*, in which it fhall be fufficient to declare, That the defendant is indebted to the plaintiff in the fum of _____ being forfeited by an act, intituled, *An act for the better preventing thefts and robberies, and for regulat-*

Recovery of
forfeitures.

lating

Costs.

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.

Limitation of actions.

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.

Act to be in force for 3 years.

Made perpetual by 28 Geo. 2. c. 19.

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 poſtpoſing 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 horror in the mind of the offender, and on the minds of ſuch as ſhall be preſent, of the heinous crime of murder.

Sentence to be pronounced immediately.

IV. Provided always, and be it enacted, That after ſuch ſentence pronounced as aforeſaid, in caſe there ſhall appear reaſonable cauſe, it ſhall and may be lawful to and for ſuch judge or juſtice, before whom ſuch criminal ſhall have been ſo tried, to ſtay the execution of the ſentence, at the diſcretion of ſuch judge or juſtice, regard being always had to the true intent and purpoſe of this act.

The judge may ſtay the execution.

V. Provided alſo, That it ſhall be in the power of any ſuch judge or juſtice to appoint the body of any ſuch 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 ſuch body ſhall have been diſſected and anatomized as aforeſaid; and every ſuch judge or juſtice ſhall, and is hereby required to direct the ſame either to be diſpoſed of as aforeſaid, to be anatomized, or to be hung in chains, in the ſame manner as is now practiſed for the moſt atrocious offences.

and appoint the body to be hung in chains, or to be anatomized.

VI. And be it further enacted by the authority aforeſaid, That from and after ſuch conviction, and judgment given thereupon, the gaoler or keeper to whom ſuch criminal ſhall be delivered for ſafe cuſtody, ſhall confine ſuch priſoner 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 ſuch priſoner, without licence being firſt obtained for that purpoſe under the hand of ſuch judge or juſtice, before whom ſuch offender ſhall have been tried, or under the hand of the ſheriff, his deputy or under ſheriff.

Priſoner to be confined to ſome cell;

and none but the gaoler, &c. to have acceſs without licence from the judge or ſheriff.

VII. Provided always, That in caſe any ſuch judge or juſtice ſhall ſee cauſe to reſpite the execution of ſuch offender ſo condemned as aforeſaid, ſuch judge or juſtice may relax or releaſe 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 ſuch priſoner ſhall be confined, by any licence in writing ſigned by ſuch judge or juſtice for that purpoſe, for and during the time of ſuch ſtay of execution; any thing herein before contained to the contrary thereof notwithstanding.

Judge may relax the ſaid reſtraints.

VIII. And be it further enacted by the authority aforeſaid, That after ſentence paſſed as aforeſaid, and until the execution thereof,

Priſoner to be fed with bread

and water,
except, &c.

thereof, fuch offender fhall be fed with bread and water only, and with no other food or liquor whatfoever (except in cafe of receiving the facrament of the Lord's fupper, and except in cafe of any violent ficknefs or wound, in which cafe fome known phyfician, furgeon or apothecary may be admitted by the gaoler or keeper of the faid prifon to adminifter neceffaries; the christian and furname of fuch phyfician, furgeon or apothecary, and his place of abode, being firft entered in the books of fuch prifon or gaol, there to remain) and in cafe fuch gaoler or prifon-keeper fhall offend againft or neglect to put in execution any of the directions or regulations hereby enacted to be obferved, fuch gaoler or prifon-keeper fhall for fuch offence forfeit his office, and be fined in the fum of twenty pounds, and fuffer imprifonment until the fame be paid.

Gaoler making default to forfeit his office, and 20l.

Penalty of refcuing a murderer.

IX. And be it enacted by the authority aforefaid, That if any perfon or perfons whatfoever fhall by force fet at liberty, or refcue or attempt to refcue or fet at liberty, any perfon out of prifon who fhall be committed for, or found guilty of murder, or refcue or attempt to refcue any perfon convicted of murder going to execution, or during execution, every perfon fo offending fhall be deemed, taken and adjudged to be guilty of felony, and fhall fuffer death without benefit of clergy.

Penalty of refcuing the body after execution.

X. And be it further enacted by the authority aforefaid, That if any perfon or perfons whatfoever fhall, after fuch execution had, by force refcue or attempt to refcue the body of fuch offender out of the cuftody of the fheriff or his officers, during the conveyance of fuch body to any of the places hereby directed, or fhall by force refcue or attempt to refcue fuch body from the company of *Surgeons*, or their officers or fervants, or from the houfe of any furgeon where the fame fhall have been depofited in purfuance of this act; every perfon fo offending fhall be deemed and adjudged to be guilty of felony, and fhall be liable to be transported to fome of his Majefty's colonies or plantations in *America* for the term of feven years, in like manner as is directed by the laws now in force relating to the transportation of felons; and fhall be fubject to the like punifhment and methods of conviction, in cafe of returning into, or being found at large within *Great Britain*, within the faid term of feven years, in all refpects, as by law other felons are fubject to, in cafe of unlawfully returning from transportation.

This act not to extend to 11 Geo. 1. c. 26.

XI. Provided always, and it is hereby enacted by the authority aforefaid, That nothing herein contained fhall extend to repeal or alter fo much of an act made in the eleventh year of his late Majefty's reign (intituled, *An act for the more effectual difarming the Highlands in that part of Great Britain called Scotland; and for the better fecuring the peace and quiet of that part of the kingdom*) as relates to the fufpention of the execution of perfons convicted of capital offences within that part of *Great Britain* called *Scotland*, for the refpective times in the faid act mentioned; any thing herein before contained to the contrary notwithstanding.

CAP. 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.

CAP. 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.

WHEREAS in and by an act of parliament made and paſſed in the eleventh and twelfth years of the reign of his late ma-^{11 & 12 W. 3.} jeſty King William the Third, intituled, An act to enable his Ma-^{c. 6.} jeſty'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 ſubject 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 inconveniencies 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, Binnny 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 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, should 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 premisses 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 lords 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

24 Geo. 2.
c. 49.

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 Maſteſty, 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 Maſteſty'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 Maſteſty 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 Maſteſty'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 ſixty 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, ca-

noe

noe men, caſtle ſlaves, canoes and veſſels then at each reſpective fort, which belonged to the ſaid royal African company of England, a particular 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 account, papers, contracts and agreements, and all their property, eſtate, intereſt, and effects whatſoever, for ſuch compenſation and ſatisfaction, and to be applied in ſuch mannner as herein after is expreſſed and directed; be it therefore enacted by the King's moſt excellent 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 the royal African company of England, from and after the tenth day of April one thouſand ſeven hundred and fifty two, ſhall be, and they are hereby abſolutely diveſted 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 inclusive, 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 aforeſaid 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 ſame and every of them are and is hereby fully and abſolutely veſted in the ſaid corporation called and known by the name of *The company of merchants trading to Africa*, and their ſucceſſors, freed and abſolutely diſcharged 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 perſon or perſons claiming under them, or any or either of them.

The African company divested of their charter, forts, &c.

and the ſame veſted in the company of merchants trading to Africa.

II. Provided always, and it is hereby enacted, That the di-

C c 2

reſſing No other powers con-

ferred than
what are
granted by
23 Geo. 2.
c. 31.

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.

Bance island
vested in
Alexander
Grant, John
Sargent and
Richard
Oswald;

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.*

Provido that
they grant
not the same
to foreigners.

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.*

The new com-
pany, with the
consent of the
commission-
ers for trade,
may raise mi-
litary forces,

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-*

riated

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.

and erect
courts.

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.

His Majesty
may revoke
any of the
powers, and
establish other
regulations,
&c.

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 to the commissioners hereafter mentioned, such of the stock

Former con-
tracts, &c. to
be delivered
over to the
new company.

Stock ledger
and transfer
books to be
produced to
ledger,

the commis-
sioners.

leidger, and transfer books, of the said royal *African* company as they shall require.

112, 142 l. 3 s.
3 d. to be ap-
plied out of
the supplies,
as a satisfac-
tion to the
old company,

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.

whereof

1,695 l. 3 s. to
be paid to the
commission-
ers to state
the claims of
the creditors.

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 *Edmund 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.

84,652 l. 12 s.
7 d. to the
creditors set
forth in the
second sche-
dule.

XI. 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 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.

23,688 l. 15 s.
5 d. to the
persons nam-
ed in the
third sche-
dule.

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, That the ſum of two thouſand one hundred and five pounds, twelve ſhillings and three pence, reſidue of the ſaid ſum of one hundred and twelve thouſand one hundred and forty two pounds three ſhillings and three pence, be paid and divided to and amongſt the 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, 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 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 in bar thereto; and if the plaintiff be nonſuited, or verdict paſs againſt him, or judgment be given on demurrer, the defendant ſhall have full coſts.

XV. And be it further enacted by the authority aforeſaid, That the ſaid *Richard Edwards* eſquire, and *Edmund 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, 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 impowered 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.

nexed, 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 dying, or declared bankrupt, certificate to be delivered 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 commissioners all securities.

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 aforefaid, That for the purpofes aforefaid, all and every the faid creditors of the faid company, and the faid proprietors of *African* transferrable ftock, or the executors or adminiftrators of fuch of them as are dead, or may hereafter die, or the affignees of fuch of them as are or may be duly declared bankrupt, fhall attend the faid commissioners on fuch days and times, and at fuch place within the cities of *London* or *Weftminfter*, or the fuburbs thereof, as the faid commissioners, or any two or more of them, fhall from time to time appoint; of which notice fhall be given in the *London Gazette*.

Creditors to attend the commissioners according to notice in the *London Gazette*.

XIX. And be it further enacted by the authority aforefaid, That the commissioners of his Majefty's treafury, or any three or more of them now being, or the high treafurer, or any three or more of the commissioners of the treafury 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 faid commissioners, or any two of them, to iffue and pay, or caufe to be iffued and paid, to the perfon or perfons named in the faid certificates, the feveral fums in the faid certificates refpectively contained.

Treafury to pay the certificates.

XX. And be it further enacted by the authority aforefaid, That in cafe of the death of two of the faid commissioners, or of any other commissioner to be hereafter appointed, by and in purfuance of this act, fuch other mafter or mafters of the faid court of *Chancery*, as the lord high chancellor of *Great Britain* for the time being, or lord keeper of the great feal of *Great Britain* for the time being, or the lords commissioners for the great feal of *Great Britain* for the time being, fhall from time to time nominate for that purpofe, fhall be, and he or they is and are hereby conftituted and appointed a commissioner or commissioners for the purpofes in this act contained; and the faid commissioners are hereby required to lay accounts of their proceedings before the parliament.

On death of commissioners others to be appointed.

Proceedings to be laid before parliament.

XXI. And it is hereby further enacted by the authority aforefaid, That the faid company of merchants trading to *Africa*, and their fucceffors, fhall and do, and they are hereby required, with all convenient fpeed, to fell and difpofe of all and every the goods, wares and merchandize of the faid royal *African* company of *England*, which now are or hereafter fhall come to the hands, cuftody or poffeffion of the faid company of merchants, their agents, officers or fervants, (the military ftores, flaves, canoes and veffels, in the firft fchedule to this act annexed, excepted) for the beft price that can be got for the fame; and that the faid company of merchants do every feffion of parliament, until the whole fhall be difpofed of, lay before both houfes of parliament an account of the difpofition of the faid goods, wares and merchandize.

The effects of the old company to be fold,

and the amount to be laid before parliament.

XXII. And it is hereby further enacted, That the faid commissioners fhall and may take for each certificate from the parties obtaining

Allowances to the commissioners for

making out
the certifi-
cates.

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 their

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
account there-

of, and of the
disburse-
ments, to be
laid before the
commission-
ers.

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.

General issue.

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.

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 same.

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.	Cattle Slaves.	No	Guns.	Pound.	Where mounted.	Shot.	No	Powder.	Musquets.	Military Stores.	No	Vessels.	No
	Carpenters—	10	12	12	On the Platform	Differt Sizes.	4616	3000lb. damaged.	Musquets At Queen Ann's Point	Bayonets Swords—Car-touch Boxes Halberts—Bells—Drums—Daggers—Partizans	23	Lively Schooner—A Launch Seven-teen-hand Canoe—	1
	Blacksmiths—	7	10	9	On the S. E. Ba- ttion.						19		1
	Armourers—	3	5	9	On the S. W. Round Battion.						6		1
	Brickmakers—	3	4	6	On the N. W. Battion.						6		1
	Bricklayers—	9	2	9	On the N. E. Ba- ttion.						13		1
	Gunner—	1	4	6							2		1
	Goldsmiths—	3	5	6							9		1
	Slaves Cooks—	2	5	1							5		1
	Chief Cooks—	3	1	3									
	Doctors Servants	3	3	9									
	Coopers—	2	2	6	On Greenhill Point.								
	Chapel Servants—	7	1	3									
	Gold-takers—	2	3	6	Bras on the Pa- rade.								
	Men—	137	1	4	In the Spun un- serviceable.								
	Canoe Men—	20	1	3	Bras on the Lieu- tenant's Room.								
	Women—	79	3	12									
	Children—	76	2	6	At Fort Royal dismounted and nailed up.								
			3	9	At Philippe Tow- ers, Carriages broke, &c.								

Names of Forts.	Cattle Slaves.	N ^o	Guns.	Pound.	Where mounted.	Shot.	N ^o	Powder.	Musquets	N ^o	Military Stores.	N ^o	Vessels.	N ^o
	Bomb Boy—	1	7	3	S. W. Baffion.	From 9 Pound	800	390 lb.	Musquets Bayonets—Car-touch Boxes Buk- ancr Guns } Danes Guns }	6 6 6 6 10	Granado Shells Formers— Copper Ladles Swords— Fathom 2 $\frac{1}{2}$ } in Rope— Lead Ball— Gun Flints— Iron Barrs—	42 6 2 6 30	13 hand Canoe } 7 hand Do 5 hand Do 3 hand Do	1 1 1 1
	Sawyers— Women— Children—	10 6 5	2 3 1	2 3 4	S. E. Baffion.	From 2 Pound.						538 lb. 347 3		
Commenda.														
	Men—	5	1	9	N. Baffion.	From 2 pound- ers to 6 pound- ers }	360	none.	Musquets	6	Powder horns— Priming wires— Brass Ladles— Worms— Country Match Coehorn— Bayonets— Swords—	1 13 2 7 Fathom 40 1 6 6	11 hand Canoe } 3 hand Do	1 1
Succondee.	Women— Children—	2 3	2 3	3 4	W. Baffion.									
					S. Baffion.									
					E. Baffion.									
					N. E. Curtain.									
Dick's Cove.	Slawyers— Carpenters— Smiths— Malons— For all Uses— Sick—	4 4 4 2 43 5	8 1 3 2 5 2	3 3 3 6 4 10	S. Platform. N. E. Baffion. S. W. Baffion. S. E. Baffion. S. W. Platform. N. W. Baffion.	Differ ^t Sizes from 3 pound- ers to 6 pound- ers }	150	104 lb.	Musquets	6	Copper Ladles— Worms— Formers— March— Musquet Ball— Swords— Bayonets— Carouch Boxes Habert—	2 6 3 3 3 6 6 6 1	5 hand Canoe } 2 hand Do.	3 6

[illegible]

James Island, Gambia.

Names of Forts.	No	Guns.	Pound.	Where mounted.	Shot.	No	Powder.	Musquets.	No	Military Stores.	No	Vessels.	No
Cattle Slaves.													
Men—	33	7	3	S. W. Battalion.	From 2 pound					Copper Ladles.	6	Eleven hand Canoe, bad	1
Women—	46	2	4		ers to 9 pound.	380	240 lb.	Musquets blunder-busses }	56	Worms—	2		
Children—	27		2	S. E. Battalion.					5				
Canoe Men—	12	3	3										
		1	6	N. E. Battalion.									
		2	4										
		3	3	N. W. Battalion.									
		7	6										
		2	4	Parade.									
		1	4										
Sawyers—	4	5	6	N. W. Battalion, one of the 4 pounders out of repair.	Of eleven different Sizes }	900	Barrels, No 12, Miquelet Cartridges filled, 200.	Musquets in very bad repair }	48	Match—	0	Sloops, 20 tons each }	2
Carpenters—	4	2	4							Hand-spikes—	17	Guns	
Smiths—	4	4	6	N. E. Battalion.						Rammers—	9	Long Boats	4
Malons—	2	5	6	4 pounders very bad, and 2 Guns wanting.						Cordage—	0	Canoes—	4
For all Uses—	3	1	4	S. W. Battalion, 1 Gun wanting.						Iron Crows—	0		
Sick, —	5	5	6	N. Half									
		1	4	Moon.									
		4	24	W. Half									
		1	12	Moon.									
		3	9	Swivels unmounted.									
		2	24										
		15	0	Not fit for use.									
		8	0										

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Wbydab.

Names of Forts.	No	Guns.	Pound.	Where mounted.	Shot.	No	Powder.	Musquets.	No	Military Stores.	No	Vessels.	No
Cattle Slaves.													
Men—	33	7	3	S. W. Battalion.	From 2 pound					Copper Ladles.	6	Eleven hand Canoe, bad	1
Women—	46	2	4		ers to 9 pound.	380	240 lb.	Musquets blunder-busses }	56	Worms—	2		
Children—	27		2	S. E. Battalion.					5				
Canoe Men—	12	3	3										
		1	6	N. E. Battalion.									
		2	4										
		3	3	N. W. Battalion.									
		7	6										
		2	4	Parade.									
		1	4										

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 } 1821 15 0 &c.
 500 l. making together the sum of —

The Third SCHEDULE referred to in this ACT.

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Stock. The sum of

l. s. d.

l. s. d.

To John Ash of Alderbroke, for 6 17 6 0 13 9 &c.

The Fourth SCHEDULE referred to in this ACT.

Stock.

The sum of

l. s. d.

l. s. d.

To Solomon Ashley esquire, James ?
 Street, Westminster, for — } 350 0 0 17 10 0 &c.

CAP. 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 highlands of Scotland, and preventing disorders there for the future.

WHEREAS by an act made in the twentieth year of his Majesty's reign, (intituled, An act for vesting in his Majesty the ^{20 Geo. 2.} ^{c. 41.} 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

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estates

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 tailzied estate in Scotland, to sell, dispone 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 by one 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 dress, 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 tailzied 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 tailzied 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 orac 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 forfeited estates annexed to the crown unalienably,

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 attainder of *Simon* late lord *Loval*; *John Drummend*, 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-
foresaid, That nothing in this act contained shall extend, or be 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. Right of claims not injured.

III. And to the end that payment may be made to the just and lawful creditors on the forfeited estates hereby annexed to the crown, so far as the value of such lands and premisses, whereupon such claim shall have been sustained, shall respectively extend, and no further; be it enacted by the authority a-
foresaid, 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-

valuation 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 premises 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 concerning 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.

Where the
claims do not
exceed 20
years purchase
the same to
be certified,

VI. *And whereas in such cases, wherein the claims upon the lands, and other the premises hereby annexed, shall clearly fall short of the value of such lands and premises 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

or

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.

and the creditors to be paid out of the next aids.

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 attainder of high treason of the persons following, namely, Donald Cameron of Lochiel, Charles Stuart of Ardsheil, Donald Mac Donald of Kenloch Moydart, Evan Mac Pheron of Clunie, Francis Buchannan of Arnprior, Donald Mac Donald of Lochgary, 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.*

Power to purchase the superiority of all other estates holden of subject superiors.

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.

Where the superiority was subject to a strict tailzie, the purchase-money to be laid out.

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

Lands held of subjects to be vested in trustees.

and to be applied as this act directs.

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 premises 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.

Heirs of such trustees not to incur the passive titles, &c.

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.

Trustees may be changed.

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.

Such superiorities as shall be forfeited,

XII. And be it further enacted by the authority aforesaid, That whensoever 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.

or purchased to be annexed unalienably to the crown.

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 premises before mentioned.

The barony of Strowan annexed to the crown. Debts thereon to be paid.

The rents of the said estates how to be applied.

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 high-lands 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.

Commissioners to be appointed by the crown,

XVI. Provided always, and be it enacted by the authority 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.

without salary.

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.

Commissioners may grant leases.

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.

Condition of the leases.

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

Leases void, unless the lessee take the oaths.

None to hold
lands above
the rent of
20 l.

Commission-
ers may sue
for the rent,
and breach of
covenant.

Commission-
ers with ap-
probation of
the treasury
may appoint
receivers.

Factors to be
appointed.

Penalty on
factors taking
any gratuity.

Commission-
ers with ap-
probation of
the treasury,
may appoint

offices of publick trust in *Scotland*, at the quarter-fessions of the county where the premises 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 sheriff's 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 empowered 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 empowered, by and with the approbation of the high treasurer, or of the commissioners of the treasury for the time being, to ap-
point

point clerks and other necessary officers, with proper and reasonable salaries: and that the said commissioners shall cause such lands to be surveyed, and proper plans to be made thereof, setting forth the extent and different qualities of the grounds, the several advantages and disadvantages arising from their situation, 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 abstract thereof shall by them be reported annually, or oftner if required, to the high treasurer, or the commissioners of the treasury for the time being, who shall cause copies of such reports to be laid before both houses of parliament in every session.

clerks, &c.
and cause survey to be made.

XXV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs and successors, where any one or more of the estates aforesaid comprehend whole parishes, belonging in property to the crown, which they shall judge to be of too large an extent to be under the charge of one minister, to divide such parishes into two or more, by warrant or grant to be passed under the privy seal of Scotland, which shall prescribe the bounds of the new erected parishes, and grant competent provisions to the ministers of such parishes, to be paid out of the present maintenance for the minister of the old parish, and the remainder out of the rents of the said estates, but so as the stipend to be settled on one minister shall not exceed fifty pounds sterling *per annum*, in money or value; and upon production of such grant before the commissioners for plantation of kirks and valuation of tythes, they are hereby required and impowered to interpose their authority thereto, in such manner as to render the provision thereby made effectual to the ministers serving the cure in such new erected parishes.

Where estates comprehend whole parishes, the crown may divide the same into more parishes;

with a stipend to the minister.

XXVI. Provided always, That the patronage of such new erected parishes, whereof the stipend shall be wholly, or the greater part thereof paid out of the rents of the said estates, shall belong to and for ever remain united to the crown; saving and reserving to all persons their rights and titles to the tythes of such old parishes, and to the patronage of the disjoined or new parishes to the minister whereof the old stipend shall be allocated, as the whole or greater part of his provision; and also saving and reserving to the incumbent for the time being, when such division or new erection shall be made during his incumbency, the stipend or maintenance he shall then be possessed of, although the same should exceed fifty pounds sterling in money or value.

Patronage of such new parishes to belong to the crown, &c.

Reservation of tythes, &c.

XXVII. And whereas it may happen that other persons may have interest or property in some of the parishes which his Majesty, his heirs or successors, may judge proper to be divided; be it enacted by the authority aforesaid, That all such new divisions or erections of parishes, in which other persons besides his Majesty shall have an interest, either as heretors, patrons or titulars of the tythes in the parish or parishes to be disjoined, or in the new parish to

The new erections of such parishes, in which other persons have

be

an intereſt, to
be ſettled.

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 Maſteſty's advocate for *Scotland*, and which he is hereby enabled to raiſe 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
ereſt ſchools;

XXVIII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for his Maſteſty, his heirs and ſucceſſors, to ereſt 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 ereſt 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 ereſting 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 Maſteſty, his heirs or ſucceſſors ſhall be thought proper for promoting the purpoſes aforeſaid.

and impower
the commiſſi-
oners 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 Maſteſty, 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 ereſted on the ſaid eſtates, or to apply ſuch part of the clear rent of ſuch eſtates as his Maſteſty, 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 ereſted in other parts of the highlands or iſlands of *Scotland*.

and to grant
lands to be
held ſeu of the
crown, for
building hou-
ſes, and for
gardens, &c.

XXX. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to his Maſteſty, 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 Maſteſty's perſon and government, and who ſhall be duly qualified by taking the oaths to the govern-
ment,

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 feued 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 to his Majesty, his heirs and successors to authorize and empower the said commissioners to grant charters, containing precepts of sasine, 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 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 named as aforesaid, are hereby empowered 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 empowered 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 monies 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

Persons residing in such houses, may hold leases of other parts of the estates.

Crown may erect prisons.

Commissioners may appoint gaolers,

and baillies.

Rents to be reserved to answer the orders of the commissioners.

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 defraying 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 infancy, 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
impowered to
contract for

them, to purchaſe, and alſo for all bodies politick, corporate or the purchaſe
 collegiate, corporations aggregate or ſole, mortgagee and mort- of the lands
 gagees, trustee and truſtees, teoſſee and feoffees, in truſt for any before deſcri-
 charity, or otherwiſe, guardian or guardians, committee or com- bed.
 mittees, 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 mort-
 gagor and mortgagors, and other perſon and perſons intitled to
 any equity of redemption, who are or ſhall be ſeiſed 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 re-
 ſpectively 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 go-
 vernors 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, e-
 ſtate, intereſt, uſe, equity of redemption, property, claim and de-
 mand whatſoever, of their ſeveral and reſpective ceſtuique truſts,
 whether infants, or iſſue unborn, lunaticks, ideots or ſemes
 covert, or other perſons whatſoever, and all claiming or to claim
 by, from or under them, or any of them: and the ſaid pre-
 miſſes ſo conveyed ſhall be, and are hereby declared to be veſt-
 ed in the ſaid commiſſioners or governors, or in ſuch perſon or
 perſons as by the ſaid commiſſioners or governors, or any ſe-
 ven or more of them, ſhall be ſo appointed as aforeſaid, from
 the time of ſuch conveyance made in fee-ſimple, freed and diſ-
 charged of all claims, demands and equity of redemption, of
 any perſon or perſons, either at law or in equity; any law, ſta-
 tute, 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, ſeiſed 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 col-
 legiate, or at the houſe of the tenant in poſſeſſion of the ſaid
 parcels of land reſpectively; or, in caſe the ſame be unte-
 nanted, by affixing the ſame on ſome notorious part there-
 of, ſhall for the ſpace of twenty one days after ſuch notice
 given, left or affixed as aforeſaid, reſuſe or delay to treat and
 agree for the ſale and conveyance thereof, or of their reſpect-
 ive eſtates and intereſts therein, with the ſaid commiſſioners or
 governors,

Where parties
 reſuſe 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 reſuſe 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 diſinterreſted 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 Maſteſty's courts at *Weſtmiſter*, by an act made in the third year of the reign of his preſent Maſteſty, 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 jury men, 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 premiſſes 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 premiſſes, in caſe the premiſſes 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 premiſſes before particularly deſcribed, either in poſſeſſion, re- verſion, remainder or expectancy, or otherwiſe howſoever; 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 premiſſes, 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 premiſſes, 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

and aſſeſs the ſum to be paid for the purchaſe, &c.

The judgment of the commiſſioners and verdict of the jury to be binding;

and entered among the records of the ſeſſions, &c.

Conveyance to be made on payment of the ſum awarded.

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
truitees.

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 premiſſes to the ſaid commiſſioners or governors, and make, or procure to be made, good and legal conveyances thereof, or ſhall reſuſe 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 premiſſes, 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 premiſſes 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 premiſſes, to be paid into the bank of *England*, for the uſe of the parties intereſted in the ſaid premiſſes, to be paid to them, and each and every of them, according to their reſpective eſtates and intereſts in the ſaid premiſſes, 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 premiſſes, 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 premiſſes, 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, Of, in, to, from or out of the ſaid premiſſes, had actually conveyed the ſame by leaſe and releaſe, bargain and ſale inrolled, ſeoffment 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 premiſſes, 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 premiſſes 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 premiſſes 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 premiſſes, 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 premiſſes in mortgage, or any ſum or ſums ſhall, in manner as before-mentioned, be aſſeſſed or awarded as the value of ſuch mortgaged premiſſes, 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

On petition of any poſſeſſor of the premiſſes, the commiſſioners may inveſt the money in the funds, &c.

Where the premiſſes are mortgaged, the purchaſe money may be veſted in the funds, for his uſe, &c.

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 Majesty's 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, upon 21 days notice;

and on refusal, the sheriff is to deliver the same.

Monies paid to bodies corporate, or other 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, seoffee or seoffees 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 here-

redita-

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 reſuſe to be ſworn on ſuch jury, or being ſworn, ſhall reſuſe 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 reſuſe 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.

In default of jurymen, the ſheriff may return ſtanders-by.

Sheriff, and other perſons neglecting their duty, may be fined.

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, mortgagee or mortgagees, truſtee and truſtees, ſeoffee and ſeoffees in truſt for any charity or otherwiſe, guardian or guardians, committee or committees of any infant, idiot 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 mortgagers, 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, idiots, or ſemes covert, or other perſons whatſoever, and all claiming, or to claim, by, from or under them, or any of them: and the

Governors may purchaſe any other lands, &c. which ſhall be thought neceſſary, &c.

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 all and every person and 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 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, purchase 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 empowered to finish the said royal hospital in such manner as most conveniently may be, without waiting for or expecting to purchase any such premisses.

If such other lands cannot be purchased 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 purchase money.

IX. And be it further enacted by the authority aforesaid, 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 purchase-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 purchase-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 intitled unto in case this act had not been made.

Publick act.

X. And it is hereby further enacted and declared, That this act shall be deemed and allowed to be a publick 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.

CAP. 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 burgeses 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 burgeses, 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 burgeses 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 burgeses 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 burgeses 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 burgeses 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. 5^l. 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 &c. by the year to the corporation. Bailiffs, &c. to deliver upon oath, all books and writings relating to the duties, on penalty of 10^l. 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 preſcripts 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 Oſſham 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. 16. &c. amended.*

CAP. 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.*

CAP. 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.*

CAP. 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.*

CAP. 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 Wiſley, 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.*

CAP. 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, Wooferswood Gate, and Herefordſhire Lake, in the ſaid pariſh of Bromyard, in the counties of Hereford and Worceſter. *Certain tolls granted for 21 years.*

CAP. LVII.

An act 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 Bampton in the county of Huntingdon. *Certain tolls granted for 21 years.*

CAP. 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 Riply over Burage Green, and the other through Knaresborough and Boroughbridge) to Ripon; and from thence to the fiſt rill of water, or watercourſe, on Hutton Moor in the county of York; and for repairing the ſloughs or rutts on the ſaid Moor. *Certain tolls granted for 21 years.*

CAP. 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 Sodbury Hill in the said county of Gloucester. *Certain tolls granted for 21 years.*

CAP. LX.

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 Turley 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. *Certain tolls granted for 21 years.*

The END of the Twentieth Volume.

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