

hereby allowed the liberty and benefit of returning home navigated in the manner as herein before is provided.

CAP. IV.

An act for the more effectual securing and encouraging the trade of his Majesty's British subjects to America, and for the encouragement of seamen to enter into his Majesty's service.

Preamble.

Officers, seamen, marines, and soldiers, to have the sole property of all prizes they take in Europe after 4 Jan. 1739. And in any other part of the world, after 4 June, 1740.

WHEREAS the trade of his Majesty's subjects in America hath for many years been greatly annoyed by the Spaniards, their undoubted right to navigate in those seas, without any molestation, hath been unjustly interrupted, on pretences altogether groundless and unwarrantable, divers ships and vessels belonging to British subjects have been seized and confiscated, the sailors have been injuriously imprisoned, and barbarously treated, and the British colours have been insulted in the most ignominious manner: and whereas his Majesty hath been obliged to declare war against the king of Spain, his vassals, and subjects, to revenge the injuries, and obtain ample satisfaction for the wrongs done to his subjects: now for the better carrying on the said war with vigour, and for the encouragement of the officers and seamen of his Majesty's ships of war, and the officers and seamen of all other British ships and vessels having commissions or letters of marque, and for inducing all British seamen, who may be in any foreign service, to return into this kingdom, and become serviceable to his Majesty, and for the more effectual securing and extending the trade of his Majesty's subjects to America, and elsewhere, 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 flag-officers, commanders, and other officers, seamen, marines, and soldiers, on board every ship and vessel of war in his Majesty's pay shall have the sole interest and property of and in all and every ship, vessel, goods, and merchandize, which they shall take after the fourth day of *January*, in the year of our Lord one thousand seven hundred and thirty nine, in *Europe*; and after the twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and forty, in any other part of the world (being first adjudged lawful prize in any of his Majesty's courts of admiralty in *Great Britain*, or in his plantations in *America*, or elsewhere) to be divided in such proportions, and after such manner, as his Majesty, his heirs and successors shall think fit to order and direct, by proclamation to be issued for that purpose.

Lord high admiral, &c. to grant commissions to commanders of privateers.

II. 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, or any three or more of them, or any person or persons in any part of *America*, or elsewhere, by him or them impowered or appointed, shall, from and after the fourth day of *January*, one thousand seven hundred and thirty nine,

nine, at the request of any *British* owner or owners of any ship or vessel, giving such bail and security as have been usually taken upon granting commissions, or letters of marque (except only for the payment of the tenths of the value of prizes which shall be taken, to the lord high admiral, or commissioners for executing the office of lord high admiral for the time being) cause to be issued forth in the usual manner, one or more commission or commissions, to any person or persons whom such owner or owners shall nominate to be commander, or in case of death successively commanders, of such ship or vessel, for the attacking, surprizing, seizing, and taking, by and with such ship or vessel, or the crew thereof, any place or fortrefs upon the land, or any ship or vessel, goods, ammunition, arms, stores of war, or merchandizes, belonging to or possessed by any of his Majesty's enemies, in any sea, creek, haven, or river; and that such ship or ships, vessel or vessels, arms, ammunitions, stores of war, goods, and merchandizes whatsoever, with all their furniture, tackle, or apparel so to be taken by or with such private owner or owners, ship or vessel, according to such commission and commissions, being first adjudged lawful prize in any of his Majesty's courts of admiralty as aforesaid, shall wholly and intirely belong to, and be divided between and among, the owner and owners of such ship or vessel, and the several persons which shall be on board the same, and be aiding and assisting to the taking thereof, in such shares and proportions, as shall be agreed on with the owner or owners of such ship or vessel, as shall be the captor thereof, their agents, or factors, as the proper goods and chattels of such owner or owners, and the persons that shall be thus intitled thereto, by virtue of such agreements among themselves; and that neither his Majesty, his heirs or successors, or any admiral, vice-admiral, governor or other person commissioned by or claiming under his Majesty, his heirs or successors, or any person or persons whatsoever, other than the owner or owners of such ship or vessel, being the captor of such prize, ship, or vessel, arms, ammunition, stores of war, goods, and merchandizes, and the persons claiming under him or them, shall be intitled to any part or share thereof, except as to the customs and duties herein after mentioned; any custom, statute, or other law to the contrary notwithstanding.

III. And for the more speedy proceeding to condemnation, or other determination of any prize, ship or vessel, goods or merchandizes, taken as aforesaid, and for lessening of the expences that have been usual in the like cases, be it further enacted by the authority aforesaid, That the judge or judges of such court of admiralty, or other person or persons thereto authorized, shall, within the space of five days, after request to him or them for that purpose made, finish the usual preparatory examination of the persons commonly examined in such cases in order to prove the capture to be lawful prize, or to enquire whether the same be lawful prize or not, and that the proper monition usual in such cases shall be issued by the person or persons proper to issue the same, and shall be executed in the usual man-

How the prizes shall be tried, for condemnation.

manner by the person or persons proper to execute the same, within the space of three days after request in that behalf made; and in case no claim of such capture, ship, vessel, or goods, shall be duly entered or made in the usual form, and attested upon oath, giving twenty days notice after the execution of such monition; or if there be such claim, and the claimant or claimants shall not within five days give sufficient security (to be approved by such court of admiralty) to pay double costs to the captor or captors of such ship, vessel, or goods, in case the same so claimed shall be adjudged lawful prize, that then the judge or judges of such court of admiralty shall, upon producing to him or them the said examinations or copies thereof, and upon producing to him or them upon oath all papers and writings which shall have been found taken in or with such capture, or upon oath made that no such papers were found, immediately and without further delay, proceed to sentence, either to discharge and acquit such capture, or to adjudge and condemn the same as lawful prize, according as the case shall appear to him or them, upon perusal of such preparatory examinations, and also of the writings found taken in or with such capture, if any such writing shall be found; and in case such claim shall be duly entered or made, and security given thereupon, according to the tenor and true meaning of this act, and there shall appear no occasion to examine any witnesses, other than what shall be then near to such court of admiralty, that then such judge or judges shall forthwith cause such witnesses to be examined, and within the space of ten days after such claim made and security given, proceed to such sentence as aforesaid, touching such capture; but in case upon making or entering such claim and the allegation and oath thereupon, or the producing such writings as shall have been found taken in or with such capture, or upon the said preparatory examinations, it shall appear doubtful to the judge or judges of such court of admiralty, whether such capture be lawful prize or not; and it shall appear necessary according to the circumstances of the case, for the clearing and determining such doubt, to have an examination of witnesses that are remote from such court of admiralty, and such examination shall be desired, and that it be still insisted on behalf of the captors that the said capture is lawful prize, and that the contrary be still persisted in on the claimants behalf, that then the said judge or judges shall forthwith cause such capture to be appraised by persons named on the part of the captor, and sworn truly to appraise the same according to the best of their skill and knowledge; for which purpose the said judge or judges shall cause the goods found on board to be unladen, and put into proper warehouses, with separate locks of the collector and comptroller of the customs, and where there is no comptroller, of the naval officer; and the agents or persons employed by the captors and claimants at the charge of the party or parties desiring the same, and shall after such appraisement made, and within the space of fourteen days after the making of such claim, proceed to take good and suf-

sufficient security from the claimants to pay the captors the full value thereof, according to such appraisement, in case the same shall be adjudged lawful prize; and after such security duly given, the said judge or judges shall make an interlocutory order, for releasing or delivering the same to such claimant or claimants, or his or their agents, and the same shall be actually released or delivered accordingly.

IV. And it is further enacted by the authority aforesaid, That if any claimant or claimants shall refuse to give such security, the judge or judges shall cause the captor or captors in like manner to give good and sufficient security, to be approved of by the claimant or claimants, to pay the said claimant or claimants the full value thereof according to the appraisement, in case any such capture or captures shall be adjudged not to be lawful prize; and the said judge or judges shall thereupon proceed to make an interlocutory order, for the releasing and delivering of the same to the said captor or captors, or their agents.

V. And it is further enacted by the authority aforesaid, That all such captures as aforesaid, which shall be brought into any of his Majesty's colonies or plantations in *America*, shall without breaking bulk stay there, and be under the joint care and custody of the collector and comptroller of the customs, or where there is no comptroller, of the naval officer of the port or place where the same shall be brought; and all the captors thereof, and their agents, until either the same shall by final sentence have been either cleared and discharged, or adjudged and condemned as lawful prize; or that such interlocutory orders, as aforesaid, shall have been made for the releasing or delivering of the same; and upon the condemnation or adjudication thereof as lawful prize, shall in case the same were taken by any such private ship or ships commissioned as aforesaid, be immediately delivered unto the captors thereof, and their agents, to be by them disposed of as their goods and chattels; and in case the same were taken by any of his Majesty's ships of war, unto such person or persons, and to be so divided and disposed of, as his Majesty, his heirs and successors, shall by proclamation for that purpose order and direct.

VI. And be it further enacted by the authority aforesaid, That if any judge or judges, or other officer or officers, in any of his Majesty's plantations or dominions abroad, to whom respectively it shall appertain, shall delay the doing, performing, making, or pronouncing any of the several proceedings, matters, or things for, towards, or relating to condemning or discharging, releasing or delivering of any such capture, in manner aforesaid, within the respective times herein before limited, or as soon as the same or any of them ought to be done, according to the tenor and true meaning of this act, all and every such judge and judges, and other officer and officers, shall for every such offence forfeit the sum of five hundred pounds; one moiety thereof to his Majesty, his heirs and successors, the other moiety thereof, with full costs of suit, to such person or persons who shall

Penalty on judges neglect of duty.

shall inform or sue for the same, in any of the courts in or for any of his Majesty's said colonies or plantations, or in any of his Majesty's courts of record within his kingdom of *Great Britain*.

What shall be paid in the courts of admiralty abroad, for trying and condemning prizes.

VII. And it is hereby further enacted by the authority aforesaid, That there shall not be paid unto or among all the judges and officers of such court of admiralty in any of his Majesty's plantations or dominions abroad, for, towards, or relating to the adjudging or condemning of such capture as aforesaid, as lawful prize, above the sum of ten pounds, in case such prize, ship, or vessel be under the burthen of one hundred tons; nor above the sum of fifteen pounds, in case the same be of that or any greater burthen; and that upon payment of either of the said respective sums, as the case shall require, to the said judge or judges, or any of them, to be by him or them disposed or divided, as he or they shall think fit, among the officers of such court, such judges and officers, and every of them, shall be liable to all and every the several penalties hereby imposed, for neglecting or delaying to do and perform their several and respective duties or offices in and relating to the several proceedings aforesaid, within the respective times herein for that purpose limited.

Appeal to commissioners.

VIII. Provided nevertheless, and it is hereby further enacted by the authority aforesaid, That if any captor or captors, claimant or claimants, shall not rest satisfied with the sentence given in such court of admiralty in any of his Majesty's plantations or dominions abroad, it shall and may be lawful for the party or parties thereby aggrieved, to appeal from the said court of admiralty to the commissioners appointed or to be appointed under the great seal of *Great Britain*, for receiving, hearing, and determining appeals in causes of prizes; such appeal to be allowed in the like manner as appeals to such commissioners are now allowed from the court of admiralty within this kingdom; so as the same be made within fourteen days after sentence, and a good security be likewise given by the appellant or appellants, that he or they will effectually prosecute such appeal, and answer the condemnation, as also pay treble costs, as shall be awarded, in case the sentence of such court of admiralty be affirmed; any thing in this act before to the contrary hereof in any wise notwithstanding. Provided always, That the execution of any sentence so appealed from as aforesaid shall not be suspended by reason of such appeal, in case the party or parties appellate shall give sufficient security, to be approved of by the court in which such sentence shall be given, to restore the ship, vessel, goods, or effects, concerning which such sentence shall be pronounced, or the full value thereof, to the appellant or appellants, in case the sentence so appealed from shall be reversed.

To forfeit treble value for all goods embezzled on board any prizes.

IX. And be it further enacted by the authority aforesaid, That if any commander or commanders, officer or officers, seamen, marines, soldiers, or others, shall break bulk on board, or embezzle any of the money, jewels, plate, goods, merchandize, tackle, furniture, or apparel of or belonging to such prize or prizes so taken, such commander, officer, seaman, marine, fol-

foldier, or others, shall forfeit treble the value of all such money, jewels, plate, goods, merchandize, tackle, furniture, or apparel, as he or they shall embezil; one third part thereof to be to the use of *Greenwich Hospital*, and the other two third parts thereof to him or them that will sue for the same, by action of debt, plaint, or information, in any court of record in *Great Britain*, in which no essoin, protection, or wager of law, or more than one imparlance shall be allowed.

X. And be it further enacted by the authority aforesaid, That all appraisements and sales of any ship or ships, goods, wares, or merchandizes, as shall be taken by any of his Majesty's ships of war, shall be made by agents, or persons nominated and appointed in equal numbers by the commander, officer, or ship's company, and others intituled thereunto (that is to say) That if the commander or commanders of such ship or ships, as shall take any such prize or prizes, shall nominate and appoint one or more person or persons, agent or agents, to sell or appraise the same as aforesaid, then the officers intituled thereunto, or the majority of them, shall nominate and appoint the like number of persons or agents to act for them, and the ship's company and others, or the major part of them, shall also nominate and appoint the same number of persons or agents to act on their behalf in such appraisement or sale; provided that nothing herein contained shall extend or be construed to alter or make void any agreement or agreements made or to be made in writing between the owners, officers, and seamen of any private ships or vessels of war.

Agents for sale of prizes, how to be appointed.

XI. And be it further enacted by the authority aforesaid, That after the sale or sales of such prize or prizes, as shall be taken from the enemy by any of his Majesty's ships of war, publick notification shall be given by the persons or agents appointed as aforesaid, of the day appointed for the payment of the severall shares to the captors aforesaid; after which publick notification if any mens shares shall remain in the hands of the persons or agents appointed as aforesaid, and shall not be legally demanded within three years, then such share or shares so remaining in the persons or agents hands shall go and be paid to the use of *Greenwich Hospital*.

Publick notice to be given by the agents, of the day appointed to pay the captors shares. Shares not demanded in 3 years, to go to *Greenwich Hospital*.

XII. Provided always, and be it declared and enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to exempt any ships, goods, wares, or merchandizes, which shall be taken as prize, and brought or imported into this kingdom, or any of his Majesty's plantations in *America*, from the payment of any customs or duties, or from being subject to such restrictions and regulations, to which the same now are or shall hereafter be liable by virtue of the laws and statutes of this realm.

Proviso.

XIII. And for the encouraging his Majesty's subjects to engage in joint and united as well as separate expences, expeditions, and adventures, be it further enacted by the authority aforesaid, That his Majesty be, and he, and his heirs and successors, are hereby

Charters, &c. to be granted to adventurers.

hereby impowered, from time to time during the continuance of the present or any future war, to grant or make any charter, commission, or grant, charters, commissions, or grants, for the better or more effectual enabling any society or societies, or particular persons, to join in any expeditions or adventures by sea or land, and to sail to and in any of the seas in *America*, for the attacking, surprizing, taking, or destroying any ships, goods, moveables and immoveables, settlements, factories, creeks, harbours, places of strength, lands, forts, castles, and fortifications, now belonging, or hereafter to belong to, or to be possessed by any enemy of his Majesty, his heirs or successors, in any part or parts of *America*; and for the better making and carrying on any preparations for such purpose and purposes, and for the making and assuring to the societies and persons which may be concerned, their heirs, successors, executors, administrators and assigns, full and undoubted properties, rights, and titles, of, in, and to, and the full enjoyment of all and every the ships, ammunition, stores of war, goods, chattels, moveables and immoveables, settlements, factories, places of strength or security, lands, forts, castles or fortifications, now belonging to, or possessed by, or hereafter to belong to, or to be possessed by any enemy of his Majesty, his heirs or successors, in any of the parts of *America*, which such society or persons shall take, or cause to be taken from any such enemy, together with all the proceed, profits and advantages, which may accrue of or by the same, or any of them, with and under such regulations, and in such manner and form as his Majesty, his heirs and successors shall think fit; and at any time and times afterwards, by any further grants or charters, to confirm, corroborate, and further assure the premisses, and every or any of them, to the said societies or persons concerned, their and every of their heirs, successors, executors, administrators or assigns, so as to enable them, and every of them, to have, hold and enjoy the full benefit thereof according to the true intent and meaning of this act; any law, statute, provision, or declaration to the contrary in any wise notwithstanding.

Proviso.

XIV. Provided always, That nothing shall be contained in any charter, commission, or grant, made in pursuance of this act, to exclude or restrain any of his Majesty's subjects from having a full and free trade to and in any part of *America*.

Bounty money to be paid for taking or destroying the enemies ships.

XV. And as a further encouragement to the officers, seamen, marines, soldiers, and others on board his Majesty's ships of war, as also of privateers, to attack, take and destroy any ships of force belonging to the enemy; be it enacted by the authority aforesaid, That there shall be paid by the treasurer of his Majesty's navy, upon bills to be made forth by the commissioners of the navy, to be paid according to the course thereof without fee or reward, unto the officers, seamen, marines, soldiers or others, that shall have been actually on board such of his Majesty's ship or ships of war, or privateer or privateers, in any action where any ship or ships of war, or privateers, shall have been taken from the enemy, sunk, burnt, or otherwise destroyed, five pounds for every man which

which was living on board any ship or ships so taken, sunk, burnt, or otherwise destroyed, at the beginning of the engagement between them; the numbers of such men to be proved by the oaths of three or more of the chief officers, or men, which were belonging to the said ship or ships of war, or privateers of the enemy, at the time of her or their being taken as prize, sunk, burnt or otherwise destroyed, before the mayor, or other chief magistrate of the port, whereunto any prize, or officers, or men of such ships, as were sunk, burnt or otherwise destroyed, shall be brought; which oaths the said mayor, or other chief magistrate of any such port, is hereby impowered and required to administer, and shall forthwith grant a certificate thereof, without fee or reward, directed to the commissioners of the navy; upon producing which certificate to the commissioners of his Majesty's navy, together with an authentick copy of the condemnation of such ship so taken, or if such ship be sunk, burnt or otherwise destroyed, on producing only a certificate from the mayor, or other chief magistrate as aforesaid, the said commissioners of his Majesty's navy, or such person or persons as they shall appoint for that purpose, shall, according to the course of the navy, within fifteen days make out bills for the amount of such bounty, directed to the treasurer of the navy, payable to, and to be divided amongst the officers, seamen, marines and soldiers on board his Majesty's ships of war, in manner, form and proportion, as by his Majesty's proclamation to be issued for that purpose shall be directed and appointed; and amongst the owners, officers and seamen of any private vessel, or ship of war, in such manner and proportion, as by any agreement in writing they shall have entred into for that purpose, shall be directed.

XVI. And be it further enacted by the authority aforesaid, Captors to ap-
 That the bill or bills to be made out for the bounty hereby point agents
 granted to the commanders, officers, seamen, marines, soldiers, to receive the
 and others of his Majesty's ships of war, for taking, sinking, bounty-mo-
 burning or otherwise destroying any ships of war, or privateers, ney.
 belonging to any of his Majesty's enemies, shall be made pay-
 able to such person or persons as shall be authorized and ap-
 pointed by the commander, and by the majority of the officers,
 and the major part of such ship's company, and others, as shall
 have taken, sunk, burnt or otherwise destroyed the same, to be
 distributed and divided by the said person or persons so autho-
 rized and appointed, amongst the captors, in such manner,
 form and proportion as aforesaid; the several shares of which
 captors, if not legally demanded within three years after pub-
 lick notification, shall be applied to the use of *Greenwich Hos-
 pital*; and that the bill or bills to be made out for the bounty
 hereby granted to privateers, for taking, sinking, burning or
 otherwise destroying any ships of war or privateers belonging to
 any of his Majesty's enemies, shall be made payable to such
 person or persons as shall be nominated and appointed by the
 owner or owners, officers and seamen of such privateer or pri-
 vateers

vateers, who shall have taken, sunk, burnt or otherwise destroyed the same, or the major part of them, to be divided in such manner and proportion as shall have been agreed by them as aforesaid.

Prizes of galleons, &c. not to be adjudged in the American courts of admiralty.

XVII. Provided nevertheless, and be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to oblige or authorize any judge of any of his Majesty's courts of admiralty in the plantations or colonies in *America*, or elsewhere out of *Great Britain*, to adjudge or determine concerning the validity of the capture of any ship or ships, whether men of war or merchant ships, commonly called *Flota Ships* or *Galleons*, or any ship having a register, bound from *Buenos Ayres* or *Honduras*, or any goods on board any such ship; but that all such ships called *Flota Ships*, or *Galleons*, and every ship having a register, bound from *Buenos Ayres*, or *Honduras*, which shall be taken by any ship or ships, shall with their cargoes be tried and adjudged in his Majesty's high court of admiralty; any thing in this act to the contrary in any wise notwithstanding.

Goods of British subjects retaken from the enemy, how to be disposed of.

XVIII. Provided always, and be it enacted, That if any ship, vessel or boat taken as prize, or any goods therein, shall appear and be proved in the court of admiralty to be belonging to any of his Majesty's subjects of *Great Britain* or *Ireland*, or any of the dominions and territories remaining and continuing under his Majesty's protection and obedience, which were before taken or surprized by any of his Majesty's enemies, and afterwards again surprized and retaken by any of his Majesty's ships of war, or any private man of war, or other ship, vessel, or boat, under his Majesty's protection or obedience; that then such ships, vessels, boats, and goods, and every such part and parts thereof as aforesaid, belonging to such his Majesty's subjects, shall be adjudged to be restored, and shall be by decree of the said court of admiralty accordingly restored to such former owner or owners or proprietors, he or they paying for and in lieu of salvage, if taken by one of his Majesty's ships of war, an eighth part of the true value of the ships, vessels, boats, and goods, respectively so to be restored; which salvage shall be answered and paid to the captains, officers and seamen in the said man of war, to be divided in such manner as before in this act is directed touching the share of prizes belonging to the flag officers, captains, officers, seamen, marines and soldiers, where prizes are taken by any of his Majesty's ships of war: and if taken by a privateer or other ship, vessel or boat, after having been in the possession of the enemy twenty four hours, an eighth part of the true value of the said ships, vessels, boats and goods; and if above twenty four hours, and under forty eight hours, a fifth part thereof; and if above forty-eight hours, and under ninety-six hours, a third part thereof; and if above ninety-six hours, a moiety thereof: all which payments to be made to any privateer or other ship, vessel, or boat, shall be without any deductions; and if such ship so retaken shall appear to have been, after

ter the taking by the enemy, by them set forth as a man of war, the former owners and proprietors to whom the same shall be restored, shall be adjudged to pay, and shall pay for salvage, the full moiety of the true value of the said ship so taken and restored, without deduction as aforesaid; any law, custom, or usage to the contrary notwithstanding.

XIX. And be it further enacted, That in case any ship or vessel, or any goods or merchandizes, shall be taken by any privateer through consent or clandestinely, or by collusion or connivance, such ship and vessel, and such goods and merchandizes, and also the ship's tackle, apparel, furniture and ammunition of such privateer, shall, upon proof thereof to be made in his Majesty's court of *Exchequer*, or in the court of admiralty, be declared and judged to be good prize to his Majesty, one moiety thereof shall be to the use of his Majesty, his heirs and successors, and the other moiety to the use of such person who shall discover and sue for the same; and the bond given by the captain of such privateer, shall be and is hereby adjudged to be forfeited to his Majesty: and in case any such ship or vessel, or any goods or merchandizes as aforesaid shall be taken by any man of war through consent, clandestinely, or by collusion or connivance of the commander or captain, such commander or captain shall forfeit the sum of one thousand pounds; one moiety thereof to the use of his Majesty, his heirs and successors, and the other moiety to the use of such person who shall discover and sue for the same; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, wherein no essoin, protection, privilege, or wager of law, or any more than one imparlance shall be allowed; and such captain or officer shall forfeit his command and employment, and shall be and is hereby disabled and made incapable of any office or employment under his Majesty during the space of seven years; and the said goods and merchandizes, and the ship, tackle, apparel, furniture, guns and ammunition, so taken by collusion, shall be and is hereby adjudged to be good prize to his Majesty.

Penalties on ships taken by collusion.

XX. And whereas good and necessary laws have been made, and are still in force, within several of his Majesty's colonies or plantations in America, for the preventing the carrying off from the said colonies or plantations any servant or slave without the consent of the owner, or the carrying off from thence any other person or persons whatsoever, until such person shall have taken out his ticket from the secretary's office within such respective colony or plantation, in such manner, and under such penalties and forfeitures, as in and by the said several laws is declared and provided; be it therefore further enacted by the authority aforesaid, That all commanders of private ships of war, or merchant ships having letters of marque, shall upon their going into any of those ports or harbours, be subject and they are hereby determined to be subject to the several directions, provisions, penalties and forfeitures in and by

No privateer, &c. in America, to take on board any servant, without consent of the master.

But in all cases to observe the laws of that country.

such laws made and provided; any thing in this act contained to the contrary thereof in any wise notwithstanding.

CAP. V.

An act for making more effectual three several acts of parliament, one of the sixth year of the reign of her late majesty Queen Anne, and another of the eleventh year of the reign of his late majesty King George, *For repairing the highways from Old Stratford in the county of Northampton, to Dunchurch in the county of Warwick*; and the third made in the tenth year of his present Majesty's reign, for making more effectual the said two former acts.

The tolls are further continued for 21 years,

CAP. VI.

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. Persons taking the oaths 1 Geo. 1. c. 13. by 8 Nov. 1740. and receiving the sacrament, indemnified, and recapacitated, and their acts valid. But persons not hereby restored to places already avoided or filled up.

CAP. VII.

An act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle, in any of his Majesty's colonies in America.

Preamble.

WHEREAS *the increase of people is a means of advancing the wealth and strength of any nation or country: and whereas many foreigners and strangers from the lenity of our government, the purity of our religion, the benefit of our laws, the advantages of our trade, and the security of our property, might be induced to come and settle in some of his Majesty's colonies in America, if they were made partakers of the advantages and privileges which the natural born subjects of this realm do enjoy; 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 first day of June, in the year of our Lord one thousand seven hundred and forty, all persons born out of the ligeance of his Majesty, his heirs or successors, who have inhabited and resided, or shall inhabit or reside, for the space of seven years or more, in any of his Majesty's colonies in *America*, and shall not have been absent out of some of the said colonies for a longer space than two months at any one time during the said seven years, and shall take and subscribe the oaths, and make, repeat, and subscribe the declaration appointed by an act made in the first year of the reign of his late majesty King George the First, intituled, *An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late Princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, his open and secret abettors; or being of the people called Quakers, shall make and subscribe the declaration of fidelity, and take and affirm the effect of the abjuration oath, appointed and prescribed by an*

Foreigners living 7 years in any of our colonies, to be deemed natives, on taking the oaths, &c.

Quakers to subscribe the declaration of fidelity, &c.

act