

C A P. XII.

An act giving further encouragement for the importation of naval stores, and for other purposes therein mentioned.

3 & 4 Ann.
c. 10.

12 Ann. stat. 1.
c. 9.

Premium for
ton of hemp
&c. continued
from expira-
tion of the act
12 Ann. for
16 years, &c.
Further conti-
nued by 16 Geo.
s. c. 26. and
24 Geo. 2. c. 57.

Hemp import-
ed after 24
June, 1722,
duty-free.

WHEREAS in the third and fourth years of the reign of her late Majesty Queen Anne, a good law was made for encouraging the importation of naval stores from her Majesty's plantations in America, by an act which commenced the first day of January one thousand seven hundred and five, and continued from thence forward for the space of nine years; and by an act made in the twelfth year of her said late Majesty's reign, the aforesaid act is continued from the time of the expiration of the same, for the further term of eleven years, and from thence to the end of the next session of parliament; and by the act last mentioned, encouragement is given for the importation of naval stores from that part of Great Britain called Scotland, to that part of Great Britain called England, during the remainder of the time limited for granting premiums to the importers of naval stores from America, by the said acts: and whereas, in consequence of the said encouragement, it is found by experience that great quantities of good and merchantable pitch and tar (part of the naval stores mentioned in the said acts) have been imported into this kingdom from the said plantations in America, which pitch and tar have been found useful for the service of his Majesty's navy, and it is necessary to give further encouragement therein: and whereas it is probable that the owners of large tracts of land in the said plantations, and in that part of Great Britain called Scotland, lying near the sea, and upon navigable rivers, would be induced to sow the same with hemp, if farther encouragement were given for that purpose: 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 the premium or reward of six pounds, given by the said acts for every ton of hemp water-rotted, bright and clean, each ton containing twenty gross hundreds and six pounds, shall be continued from the expiration of the said act of the twelfth year of her said late Majesty's reign, for and during the term of sixteen years, and from thence to the end of the next session of parliament, and shall be paid and payable in the same manner, and under the same rules, methods and restrictions, as are prescribed in and by the said former acts or either of them, touching the same; and all such hemp, being lawfully imported into this kingdom after the four and twentieth day of June one thousand seven hundred and twenty two, shall be free and clear of and from all duties, customs and impositions whatsoever, payable to his Majesty, his heirs or successors; any law, custom or other matter or thing to the contrary in any wise notwithstanding.

II. *And whereas great quantities of wood and timber, and of the goods commonly called lumber, herein after particularly enumerated, (that is to say) deals of several sorts, timber balks of several sizes,*
barril

barrel boards, clap boards, pipe boards, or pipe holt, white boards for shoemakers, boom and cant spars, bow staves, capravens, clap holt, ebony wood, headings for pipes, and for hogsheds and barrels, hoops for coopers, oars, pipe and hogsheds staves, barrel staves, firkin staves, trunnels, speckled wood, sweet wood, small spars, oak, plank and wainscot, or some of them, have usually been imported into this kingdom from foreign countries at excessive rates or prices, especially in time of war, and foreigners have thereby found opportunities to export the coined monies of this realm; and it is well known that the said commodities, being of the growth and product of his Majesty's plantations in America, may be furnished from thence, if due encouragement was given in that behalf: be it therefore enacted by the authority aforesaid, That all and every person and persons, who, within the term of one and twenty years, to be reckoned from the four and twentieth day of June one thousand seven hundred and twenty two, shall import or cause to be imported into Great Britain, directly from any of his Majesty's British plantations or colonies in America, in any ship or vessel, ships or vessels, which may lawfully trade to or from his Majesty's said plantations or colonies, and which shall be navigated according to law, any sort of wood, plank or timber whatsoever, wrought or unwrought, or any of the goods called lumber, before in this act enumerated, such wood, plank, timber and lumber, being of the growth and product of the said plantations or colonies, or some of them, (except masts, yards and bowsprights, touching which duties and premiums are ascertained by former acts in that behalf) shall and may import the same free from all customs and impositions whatsoever, granted to his Majesty, his heirs or successors.

Wood, lumber, &c. (except masts, &c.) imported from America, for 21 years after 24 June 1722, duty-free.

Lignum Vita may be imported duty-free by 1 Geo. 2. stat. 2. c. 17. s. 5.

III. And to the end his Majesty's royal navy may, from time to time, have the benefit of so much of such hemp, as shall be requisite for the service thereof; be it further enacted by the authority aforesaid, That upon the importation of any hemp, for which any bounty or premium is by this or any former act given, the pre-emption or refusal of such hemp shall be offered and tendered to the commissioners of his Majesty's navy, or some of their agents for the time being, upon landing the same; and if within the space of twenty days after such tender, the said commissioners shall not contract or bargain for the same, it shall be lawful for the importer or importers, owner or owners of such hemp, otherwise to dispose thereof, as by law they may, for his, her or their best profit and advantage.

Pre-emption of hemp imported, to be tendered to commissioners, &c. of the navy.

Such hemp not contracted for by them within 20 days, to be otherwise disposed of.

IV. And whereas in and by the said act, made in the third and fourth years of her said late Majesty Queen Anne, [intituled, An act for encouraging the importation of naval stores from her Majesty's plantations in America,] a reward or premium was given for tar, brought into this kingdom directly from her Majesty's plantations in America, after the rate of four pounds for every ton of good and merchantable tar, under such rules, regulations, and provisoes, as are therein mentioned; which act was continued by one other act made in the twelfth year of the same reign, [intituled, An act for continuing

3 & 4 Ann. c. 10.

22 Ann. stat. 2. c. 9.

an act made in the third and fourth years of the reign of her present Majesty, intituled, An act for encouraging the importation of naval stores from her Majesty's plantations in *America*; and for encouraging the importation of naval stores from that part of *Great Britain* called *Scotland* to that part of *Great Britain* called *England*, and is still in force; and by the said last mentioned act the like reward or premium of four pounds per ton, was extended to and given for tar brought from that part of *Great Britain* called *Scotland* to that part of *Great Britain* called *England*, under the like rules, regulations, and provisos, as in the case of plantation tar:

5 Geo. I. c. 11. and whereas by one other act passed in the fifth year of the reign of his present Majesty, intituled, An act against the clandestine running of uncustomed goods; and for the more effectual preventing of frauds relating to the customs, the said reward or premium is to be allowed for such tar only as should be clean, good, merchantable, and well conditioned, and fit for making cordage; and nevertheless, the tar imported from the said plantations has hitherto been found to retain an bot and thick quality, whereby it is not so fit for making cordage, as the *East country tar*: wherefore for remedy thereof for the future and to the end his Majesty's navy may have the benefits intended by the said acts, in being supplied with plantation tar fit for making cordage; be it enacted by the authority aforesaid, That from and after the twenty ninth day of *September* which shall be in the year of our Lord one thousand seven hundred and twenty four, no certificate be made out by any officer of his Majesty's customs, in any port of this kingdom, for any tar which shall be imported into this kingdom, from any of his Majesty's colonies or plantations in *America*, nor any bill made out by the commissioners or principal officers of his Majesty's navy, whereby to entitle the importer of such tar to any reward or premium, unless the certificate of the governor, lieutenant-governor, collector of the customs, and naval officer, or any two of them, (which certificate is by the said act of the third and fourth years of the reign of her said late Majesty *Queen Anne*, directed to be by them made out in such terms, manner and form, and for such intents and purposes as are therein mentioned) do express, That it has appeared to them (the persons so certifying) by the oath of the owner or maker of the tar, for which such certificate shall be granted (such oath to be made before any justice of the peace within the colony or plantation where such tar shall be made, who is hereby authorized to administer the same) that the tar therein mentioned was made from green trees prepared for that purpose, after the following manner; that is to say, That when such trees were fit to bark, the bark thereof was stript eight foot, or thereabouts, up from the root of each tree, a slip of the bark of about four inches in breadth having been left on one side of each tree; and that each tree, after having been so bark'd, had stood during one year at the least, and was not before cut down for the making of tar; any thing herein, or in any former law to the contrary notwithstanding.

After 29 Sept. 1724, No certificate to be made by officer of the customs for tar imported, &c. nor bill granted by commissioners of navy to entitle importer to a premium, unless certificate from governor, &c. do express that such tar was made from green trees in manner hereby prescribed.

The manner.

Further provisions relating hereto, 2 Geo. 2. c. 35. L. 12.

V. And

V. *And whereas the laws already made, and still in force, for the preservation of white pine-trees in his Majesty's colonies of New Hampshire, the Massachusetts Bay, and province of Main, Rhode-Island, and Providence Plantation, the Narraganset country, or King's Province, and Connecticut in New England, and New York, and New Jersey, in America, for the masting the royal navy, have been found insufficient for that purpose, so that a further provision is necessary to be made therein: and forasmuch as there are great numbers of white pine-trees, fit for masting the royal navy, growing in his Majesty province of Nova Scotia in America; be it therefore enacted by the authority aforesaid, That from and after the twenty first day of September one thousand seven hundred and twenty two, no person or persons within the said colonies or plantations of Nova Scotia, New Hampshire, the Massachusetts Bay, and province of Main, Rhode-Island, and Providence Plantation, the Narraganset country, or King's Province, and Connecticut in New England, and New York, and New Jersey, in America, or within any of them, do or shall presume to cut, fell or destroy any white pine-trees, not growing within any township, or the bounds, lines or limits thereof, in any of the said colonies or plantations, without his Majesty's royal licence for so doing first had and obtained, on pain that every person so cutting, felling and destroying such pine-trees, or who shall be aiding or assisting therein, or in drawing away the said pine-trees, after the same shall have been so cut, felled or destroyed, shall, for every such offence, forfeit and pay the several and respective sums following; That is to say, for every white pine-tree, of the growth of twelve inches diameter and under, at three foot from the earth, the sum of five pounds; for every such tree, from twelve inches to eighteen inches diameter, the sum of ten pounds; for every such tree, from eighteen inches to four and twenty inches diameter, the sum of twenty pounds; and for every such tree, from four and twenty inches diameter and upwards, the sum of fifty pounds; which several penalties and forfeitures shall and may be sued for within six months after the offence committed, by plaint or information, upon the oath of one or more credible witness or witnesses, before the judge of the admiralty, or his deputy, within the colony or plantation, where such pine-tree shall be cut, felled or destroyed; one moiety of such penalties and forfeitures to be to his Majesty, his heirs or successors, the other moiety to the informer who shall sue for the same; and in case any dispute shall arise whether such tree, when cut, felled or destroyed, was growing within any township, or the bounds, lines or limits thereof, as aforesaid, the proof shall lie upon the owner; and on conviction of such offender for such offence, as aforesaid, if he shall refuse or neglect to pay the penalty and forfeiture thereby incurred by the space of twenty days after such conviction, that then such judge or his deputy shall and may, by warrant under his hand and seal, cause the same to be levied by distress and sale of the goods of the offender, re-dering the overplus, if any be, to the owner; and when no suf-*

No white pine-trees, &c. in America to be cut or felled after 21 Sept. 1722.

Further provisions relating hereto, 2 Geo. 2.

c. 35.

Penalties on offenders.

How to be recovered.

White pine-trees, masts, &c. felled without licence, forfeited to the King.

9 Ann. c. 17.

Repeal of part of 9 Ann. c. 17. for preservation of white and other pine-trees, &c.

ficient distress can be found, such judge or deputy shall commit the offender to prison, within the colony or plantation where such offence shall be committed, there to remain without bail or mainprize, during such time as such judge or deputy shall appoint, not exceeding twelve months, nor less than three months, or until such offender shall pay the penalty or sum of money so recovered; and after such payment made, shall likewise find sufficient security for his good behaviour, during the space of three years, to be accounted from the time of such his conviction: and it is hereby declared, that all white pine-trees, masts or logs made from such trees, which from and after the said one and twentieth day of *September* one thousand seven hundred and twenty two shall be found cut or felled without such licence as aforesaid, in any of his Majesty's said colonies or plantations, shall be forfeited and seized for the use of his Majesty, his heirs and successors; any former law, usage or custom to the contrary notwithstanding.

VI. *And whereas by one other act made in the ninth year of the reign of her late Majesty Queen Anne, intituled, An act for the preservation of white and other pine-trees growing in her Majesty's colonies of New Hampshire, the Massachusetts Bay, and province of Main, and Rhode Island, and Providence Plantation, the Narraganset country, or King's Provence, Connecticut in New England, and New York, and New Jersey, in America, for the masting her Majesty's navy, it was amongst other things, enacted, That no person or persons, within the said colonies and plantations, should cut, fell or destroy any white pine-tree, fit for mast (not being the property of any private person) such tree being of the growth of four and twenty inches diameter and upwards, at twelve inches from the earth, without her Majesty's licence, on the penalty of one hundred pounds sterling, to be recovered, levied and distributed, as therein is mentioned; be it hereby further enacted, That so much of the said act as relates to the cutting, felling or destroying such white pine-trees, and the penalties to be incurred thereby, shall, from and after the one and twentieth day of *September* one thousand seven hundred and twenty two, be and stand absolutely repealed.*

CAP. XIII.

An act for the amending the highways leading from Brampton Bridge near Church Brampton in the county of Northampton, through the parish of Thornby, to a bridge called Welford Bridge in the parish of Welford in the said county; and also the great post-road from a place called Morter Pit Hill in the parish of Pistord in the said county, through the towns and parishes of Brixworth, Lamport, Maidwell, Kelmarsh and Oxenden Magna, to a bridge called Chain Bridge, leading into Market Harborough in the county of Leicester.

The toll granted by this act is to have continuance from the 25th of March 1721, for 21 years. *Continued by 23 Geo. 2. c. 8.*

CAP. XIV.

An act for making the river Eden navigable to Bank End in the county of Cumberland.

The undertakers Thomas Pattinson, &c. their heirs and assigns, empowered to improve the passage of the river Eden, and render it more navigable