

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 wife 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, Bini-ny 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 hispre-²³ Geo. 2. c. 6, sent Majesty, intituled, An act for extending and improving the^{31.} 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^a

they were thereby constituted and appointed commissioners for examining into the claims of the creditors of the said royal African company, and to inquire and state how and when the same were respectively incurred, in such manner as in and by the said act is directed, together with their opinion of the justness and reasonableness of such debts respectively, and to lay accounts of their proceedings before the parliament with all convenient speed: and whereas the commissioners appointed by and in pursuance of the said act did lay accounts of their proceedings before the parliament the last session, but several claims of several of the company's officers and servants abroad, for salaries due to them, or for goods sold and delivered, and for monies laid out and expended for the said company's use, for want of proper vouchers from abroad could not be examined into within the time prescribed for that purpose by the said act: and whereas by an act of parliament made and passed in the twenty fourth year of the reign of his present Majesty, intituled, *An act for allowing further time to the commissioners appointed by and in pursuance of an act of the twenty third year of his present Majesty's reign, intituled, An act for extending and improving the trade to Africa*, to inquire into the claims of certain creditors of the royal African company therein mentioned, and for the relief of *David Crichton*, and for restraining the said company from disposing of such of their effects as are therein mentioned; and for staying all suits for money due from or on account of the said company for the time therein mentioned; it was enacted among other things, That all and every the powers, and authorities in and by the said above recited act of the twenty third year of the reign of his present Majesty granted to and vested in the said commissioners appointed by or in pursuance of the said act for enabling them to examine into the claims, of the creditors of the said company, and stating the same, with their opinion thereon, should, for the purposes of examining into and stating the claims therein particularly mentioned, and no other, be and continue in full force until the twelfth day of January one thousand seven hundred and fifty two, and the said commissioners, or any two of them, were thereby authorized and required, from and after the twenty fourth day of June, one thousand seven hundred and fifty one, to proceed with all convenient speed upon the examination of the several claims of the several persons thereafter named; and the said commissioners were thereby required to close and finish their examination of all the said claims on or before the twelfth day of January then next ensuing, and to lay accounts of their proceedings before the parliament with all convenient speed: and whereas the said commissioners have laid accounts of their proceedings, under the said last recited act, before the parliament: and whereas several other sums of money are due and owing to several other persons from the said royal African company: and whereas captain *Thomas Pye*, commander of his Majesty's ship *Humber*, did, in pursuance of directions given him by the commissioners for executing the office of lord high admiral of Great Britain for that purpose in the year one thousand seven hundred and forty nine, take a survey of the forts and castles of the said royal African company of England, on the coast of Africa, and of the quantity, number and quality of cannon and their military stores, ca-

748

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 manner as herein after is expressed and directed;

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 the royal *African* company of England, from and after the tenth day of April one thousand

The African company divested of their charter, forts, &c.

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.

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

vesting 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 premisses 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 impower such persons, as they shall think fit, at any of the said forts, castles, settlements and factories, or elsewhere in *Africa*, to raise, arm, train and muster such military forces, as to them shall seem requisite and necessary; and to execute and use within the said forts, castles, factories and settlements, such rules and regulations for the defence of the said places, and for the punishment of offences committed within the same, as from time to time shall be given them, by the said company of merchants or their committee, by and with the consent and approbation of the said commissioners for trade and plantations, or the majority of them, so as such punishment shall not extend to the loss or deprivation of life or limb; and that it shall and may be lawful for the persons autho-
rized

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 Maſteſty, 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 Maſteſty 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 contracts, &c. to be delivered over to the new company.

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 and one hundred and forty two pounds, three shillings and three pence, the further sum of eighty four thousand six hundred and fifty two pounds, twelve shillings and seven pence, be distributed and paid to the several creditors mentioned and set forth in the second schedule to this act annexed, in the respective sums and proportions in the said schedule mentioned, in full satisfaction of all and every their demands.

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, ^{2,105 l. 12 s. 3 d. to the} That the sum of two thousand one hundred and five pounds, ^{persons nam-} twelve shillings and three pence, residue of the said sum of one ^{ed in the} hundred and twelve thousand one hundred and forty two pounds ^{fourth sche-} three shillings and three pence, be paid and divided to and a- ^{dule.} mongst 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 <sup>The old com-
pany to cease,</sup> 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 <sup>and all claims
on them de-
clared void;</sup> in bar thereto; and if the plaintiff be nonsuited, or verdict pass <sup>may plead
the general
issue, &c.</sup> against him, or judgment be given on demurrer, the defendant shall have full costs.

XV. And be it further enacted by the authority aforesaid, <sup>Commission-
ers appointed
for two years,
for making
out certifi-
cates to the
creditors, &c.</sup> 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 190 l.

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 attornies 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 aforesaid, Creditors to
That for the purposes aforesaid, all and every the said creditors attend the
of the said company, and the said proprietors of *African* trans- commission-
ferrable stock, or the executors or administrators of such of them ers according
as are dead, or may hereafter die, or the assignees of such of the London to notice in
them as are or may be duly declared bankrupt, shall attend Gazette.
the said commissioners on such days and times, and at such place
within the cities of *London* or *Westminster*, or the suburbs there-
of, as the said commissioners, or any two or more of them, shall
from time to time appoint; of which notice shall be given in
the *London Gazette*.

XIX. And be it further enacted by the authority aforesaid, Treasury to
That the commissioners of his Majesty's treasury, or any three pay the cer-
or more of them now being, or the high treasurer, or any three tificates.
or more of the commissioners of the treasury for the time being,
are hereby authorized and empowered on tender to them of the
certificates herein before directed to be made out by the said
commissioners, or any two of them, to issue and pay, or cause to
be issued and paid, to the person or persons named in the said
certificates, the several sums in the said certificates respectively
contained.

XX. And be it further enacted by the authority aforesaid, On death of
That in case of the death of two of the said commissioners, or of commission-
any other commissioner to be hereafter appointed, by and in ers others to
pursuance of this act, such other master or masters of the said be appointed.
court of *Chancery*, as the lord high chancellor of *Great Britain*
for the time being, or lord keeper of the great seal of *Great*
Britain for the time being, or the lords commissioners for the
great seal of *Great Britain* for the time being, shall from time to Proceedings
time nominate for that purpose, shall be, and he or they is and to be laid be-
are hereby constituted and appointed a commissioner or com- fore parlia-
missioners for the purposes in this act contained; and the said ment.
commissioners are hereby required to lay accounts of their pro-
ceedings before the parliament.

XXI. And it is hereby further enacted by the authority a- The effects of
foresaid, That the said company of merchants trading to *Africa*, the old com-
and their successors, shall and do, and they are hereby required, pany to be
with all convenient speed, to sell and dispose of all and every the sold,
goods, wares and merchandize of the said royal *African* com-
pany of *England*, which now are or hereafter shall come to the
hands, custody or possession of the said company of merchants,
their agents, officers or servants, (the military stores, slaves,
canoes and vessels, in the first schedule to this act annexed, ex-
cepted) for the best price that can be got for the same; and that
the said company of merchants do every session of parliament,
until the whole shall be disposed of, lay before both houses of and the a-
parliament an account of the disposition of the said goods, wares mount to be
and merchandize. laid before
parliament.

XXII. And it is hereby further enacted, That the said com- Allowances to
missioners shall and may take for each certificate from the parties the commis-
obtaining sioners 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*

Creditors to
pay 2 l. per
cent. to Ro-
bert Myre,
William Mills,
and John
Leapidge, for
soliciting
their debts.

year

year of our Lord one thouſand ſeven hundred and fifty four, or within three calendar months next after all the contributions aforeſaid ſhall have been paid in as aforeſaid (if the ſame ſhall be ſooner paid) lay and ſubmit an account thereof, and of their payments and diſburſements, in writing under their hands, before the ſaid commiſſioners for their examination and allowance; and ſhall diſpoſe of the ballance then remaining in their hands (if any) in ſuch manner as the ſaid creditors at a general meeting to be ſummoned for that purpoſe, by advertisement in the *London Gazette*, or the major part in value of the creditors preſent at ſuch meeting, ſhall reſolve, agree or direct.

XXIV. *And whereas there is a conſiderable ſum of money due to William Newland, the ſolicitor of the royal African company, for his fees, labour and diſburſements in divers ſolicitations, for and on account of the ſaid company, in their general buſineſs ſince the one and thirtieth day of December one thouſand ſeven hundred and forty nine: and whereas it is juſt and reaſonable, that all the proprietors of the transferrable ſtock of the ſaid company, ſhould contribute to a proportionable part of the charges and expences of obtaining and paſſing the ſaid act of the laſt ſeſſion of parliament, and alſo of this preſent act;*

be it therefore enacted by the authority aforeſaid, That each and every proprietor of the ſaid company, whoſe names are expreſſed in the third and fourth ſchedules to this act annexed, ſhall pay to John Vaughan eſquire, Solomon Aſhley eſquire, Bibye Lake, eſquire, captain Thomas Collett, and Samuel Exell gentleman, or one of them, a contribution at and after the rate of two pounds *per centum*, for and upon the reſpective ſums in the ſaid reſpective ſchedules expreſſed, to be payable to the perſons therein mentioned, to be by them the ſaid John Vaughan eſquire, Solomon Aſhley eſquire, Bibye Lake eſquire, captain Thomas Collett and Samuel Exell gentleman, applied in payment of ſuch ſums of money as are now due to the ſaid William Newland, on the account before mentioned; and in payment of a proportionable part of the charges and expences of obtaining the ſaid act of parliament paſſed the laſt ſeſſion, and of the charges and expences of paſſing this act, in ſuch manner as ſhall be adjudged and directed by the ſaid commiſſioners, or any two of them, in writing under their reſpective hands; and no one of the ſaid proprietors ſhall have or be intitled to have a certificate, of or for his or her ſaid ſhare and proportion from the ſaid commiſſioners, or any of them, by virtue of this act, until he or ſhe ſhall produce to ſuch commiſſioners a note in writing under the hands of the ſaid John Vaughan eſquire, Solomon Aſhley eſquire, Bibye Lake eſquire, captain Thomas Collett and Samuel Exell gentleman, or one of them, expreſſing the receipt of the ſaid contribution; and the ſaid John Vaughan eſquire, Solomon Aſhley eſquire, Bibye Lake eſquire, captain Thomas Collett and Samuel Exell gentleman, ſhall, on or before the tenth day of May one thouſand ſeven hundred and fifty four, or within three calendar months next after all the contributions aforeſaid ſhall have been paid in as aforeſaid, (if the ſame ſhall be ſooner paid) lay an account thereof, and of

Proprietors of transferrable ſtock to pay 2 l. per cent. to be applied in payment of the company's ſolicitor, &c.

After the contributions are paid in, an their account there-

of, and of the
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.	Castle Slaves.	N ^o	Guns.	Pound.	Where mounted.	Shot.	N ^o	Powder.	Musquets.	N ^o	Military Stores.	N ^o	Vessels.	N ^o
	Carpenters—	10	12	12	On the Platform	Differ ^t Sizes.	4616	3000lb. damaged.	Musquets At Queen Ann's Point	23	Bayonets—	23	Lively Schooner	1
	Blacksmiths—	7	10	9	On the S. E. Battalion.					4	Swords—	19	A Launch	1
	Armourers—	3	5	9	On the S. W. Round Battalion.						Car-touch Boxes	2	Seven-teen hand Canoe	1
	Brickmakers—	3	2	6	On the N. W. Battalion.						Halberts—	6		
	Gunner—	1	4	6	On the N. E. Battalion.						Bells—	26		
	Goldsmiths—	3	5	6							Drums—	6		
	Slaves Cooks—	2	5	1							Daggers—	2		
	Chief Cooks—	3	1	3							Partizans	2		
	Doctors Servants	2	3	6	On Greenhill Point.									
	Coopers—	3	2	4										
	Chapel Servants—	7	1	6										
	Gold-takers—	2	3	4	Brass on the Parade.									
	Men—	137	1	3	In the Spun un- servicable.									
	Canoe Men—	20	1	3	Brass on the Lieu- tenant's Room.									
	Women—	79	3	12	At Fort Royal dismounted and nailed up.									
	Children—	76	2	6	At Phipps Tow- er, 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
<i>Commenda.</i>	Bomb Boy	1	7	3	S. W. Baffion.	From 9 Pound-ers to 2 Pound-ers	800	390lb.	Musquets Bayonets-Car-touch Boxes Buck-aneer Guns Danes Guns	6	Granado Shells Formers—Copper Ladles Swords—Fathom 2 $\frac{1}{2}$ } Lead Ball—Gun Flints—Iron Barrs—	42 6 2 6 30 538lb. 347 3	13 hand Canoe } 7 hand Do } 5 hand Do } 3 hand Do }	1 1 1 1
	Sawyers— Women— Children—	10 6 5	2 2 1	2 3 4	S. E. Baffion.					10				
										9				
										30				
<i>Succondee.</i>	Men	5	1	9	N. Baffion.	From 2 pound-ers to 6 pound-ers	360	none.	Musquets	6	Powder horns—Priming wires—Bras Ladles—Worms— Country Match Coehorn—Bayonets—Swords—	2 13 2 7 Fathom 40 1 6 6	11 hand Canoe } 3 hand Do }	1 1
	Women	2	3	4	W. Baffion.									
	Children	3	3	4	S. Baffion.									
					E. Baffion.									
					N. E. Curtain.									
<i>Dick's Cove.</i>	Sawyers— Carpenters— Smiths— Mafons— For all Ufes— Sick—	4 4 4 2 43 5	8 1 3 2 5 Swivel	3 4 3 6 4 10 4	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	104lb.	Musquets	6	Copper Ladles—Worms—Formers—Match—Musquet Ball—Swords—Bayonets—Cartouch Boxes Halbert—	2 6 3 3 50lb. 3 6 6 6 1	5 hand Canoe } 2 hand Do }	3 6

Names of Ports.	Cattle Slaves.		Guns.	pound.	Where mounted.	Shot. From 1 pound- er to 9 pound- ers.	No	Powder.	Muskets	No	Military stores.	No	Vessels.	No
	Men	Women												
<i>Tantumquerry.</i>			2	4	S. E. Bastion.	{	241	3 C. wt.	{	6	{	30 1 5 Fathom	None.	
			1	1	S. W. Bastion.									
			2	4	N. E. Bastion.									
			1	1	S. W. Bastion.									
			2	4	Unserviceable in the Tower.									
<i>Winnebab.</i>			1	3	N. B. All hardly fit for use.						{	20 1		
			2	4										
			1	4										
			1	4										
			2	4										
<i>Accra.</i>			1	3	S. E. Bastion.	{	197	2 C. wt.	{	5	{	8	None.	
			1	3	S. W. Bastion.									
			1	3	N. E. Bastion.									
			1	3	N. W. Bastion. Platform.									
			2	3	Over the Gate.									
<i>Accra.</i>			3	6		{	600	5 C. wt.	{	6	{	50	{	
			1	9	N. W. Bastion.									
			2	4	N. E. Bastion.									
			2	4	S. W. Bastion.									
			3	9	S. E. Bastion. Platform.									
<i>Accra.</i>			1	1		{	6		{	6	{	3 8 1	{	
			2	2										
			2	2										
			3	3										
			7	7										
	Men	Women									Hand Gra- nadoes		7 hand Canoe	
	15	4									Spunges		5 hand D°	
	4	3									Worms		3 hand D°	
	6	3									Copper Ladders			
	6	3												

[illegible]

8 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.

	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 high-lands 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 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