

' and where the same was committed, as the Case shall be]. Given under my Hand and Seal the Day and Year aforesaid.'

XLIV. And be it further enacted by the Authority aforesaid, That where any Distress shall be made, or any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers *ab initio*, on account of any Defect or want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not unlawful for want of Form.

XLV. Provided always, That any Person or Persons thinking himself, herself, or themselves aggrieved by the Order or Determination of any Justice or Justices of the Peace, or by the Order or Determination of any of the said Commissioners, or by any other Order, Act, Matter, or Thing, done or executed in pursuance of this Act, may, within six Calendar Months after such Order, Matter, or Thing, shall have been made, done, or executed, and Notice given, complain to the Justices of the Peace, at their General Quarter Sessions of the Peace to be held for the said County of *Stafford*; who, if they see Cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and may order such further Satisfaction to be made to the Party or Parties injured, as they shall think reasonable.

Persons thinking themselves aggrieved may appeal to the Quarter Sessions.

XLVI. And be it further enacted by the Authority aforesaid, That if any Action, Suit, or Information, shall be brought or commenced against any Person or Persons, for any Thing done, or to be done, in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Directions, herein before given or granted, every Suit or Information shall be brought or commenced within six Calendar Months next after the Fact committed, or, in case there shall be a Continuation of Damages, then within six Calendar Months next after the doing or committing such Damages shall cease, and not afterwards; and shall be laid and brought in the County where the Matter in Dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if it shall appear to have been so done, or if any Action, Suit, or Information, shall be brought after the Time so limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then, and in such Case, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared; or if a Verdict shall pass against the Plaintiff or Plaintiffs; the Defendant or Defendants shall have double Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Limitation of Actions.

General Issue.

Double Costs.

XLVII. And be it further enacted by the Authority aforesaid, That this Act shall be allowed in all Courts whatsoever as a Publick Act; and all Judges, Justices, and other Persons, are hereby required to take Notice of it as such, without specially pleading the same.

Publick Act.

#### C A P. XVII.

An Act to indemnify such Persons as have omitted to qualify themselves for Offices and Employments; and to indemnify Justices of the Peace, or others, who have omitted to register or deliver in their Qualifications within the Time limited by Law, and for giving further Time for those Purposes; and to indemnify Members and Officers, in Cities, Corporations, and Borough Towns, whose Admissions have been omitted to be stamped according to Law, or, having been stamped, have been lost or mislaid; and for allowing them Time to provide Admissions duly stamped; and to give further Time to such Persons as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors. *Further Time given for these Purposes, to 25th December, 1776.*

#### C A P. XVIII.

An Act to restrain the Trade and Commerce of the Colonies of *New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina*, to *Great Britain, Ireland, and the British Islands* in the *West Indies*, under certain Conditions and Limitations.

WHEREAS by an Act, made in the twelfth Year of the Reign of King *Charles* the Second, intituled, *An Act for the encouraging and increasing of Shipping and Navigation*; and by several subsequent Acts of Parliament, which are now in Force, it is, amongst other Things, enacted, That for every Ship or Vessel which shall load any Commodities, in those Acts particularly enumerated, at any *British* Plantation, being the Growth, Product, or Manufacture thereof, Bonds shall be given, with one Surety, to the Value of one thousand Pounds, if the Ship be of less Burthen than one hundred Tons, and of the Sum of two thousand Pounds, if the Ship be of greater Burthen, that the same Commodities shall be brought by such Ship or Vessel to some other *British* Plantation, or to some Port in *Great Britain*: And whereas, by several other Acts of Parliament which are now in Force, no Commodities of the Growth, Product, or Manufacture, of *Europe* (except Salt for the Fisheries, Wines of the *Madeiras* and *Azores* and *Western Islands*, and Victual and Linen Cloth from *Ireland*, under the Restrictions in such Acts particularly mentioned), can be imported into any Plantation, Colony, Territory, or Place, belonging to his Majesty, in *Asia, Africa, or America*, but what shall be *bona fide*, and without Fraud, laden and shipped in *Great Britain*, and carried directly from thence: And whereas,

Preamble. Clause in Act 12 Car. II. recited.

‘ during the Continuance of the Combinations and Disorders, which at this Time prevail within the Colonies of *New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina*, to the Obstruction of the Commerce of these Kingdoms, and other his Majesty’s Dominions, and in Breach and Violation of the Laws of this Realm, it is highly unfit that the Inhabitants of the said Colonies should enjoy the same Privileges of Trade, and the same Benefits and Advantages to which his Majesty’s faithful and obedient Subjects are intitled;’ 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 twentieth Day of *July* one thousand seven hundred and seventy-five, and during the Continuance of this Act, no Goods, Wares, or Merchandises, which are particularly enumerated in and by the said Act made in the twelfth Year of King *Charles the Second*, or any other Act, being the Growth, Product, or Manufacture, of the Colonies of *New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina, in North America*, or any or either of them, are to be brought to some other *British* Colony, or to *Great Britain*; or any such enumerated Goods, Wares, or Merchandise, which shall at any Time or Times have been imported or brought into the said Colonies, or any or either of them, shall be shipped, carried, conveyed, or transported, from any of the said Colonies respectively, to any Land, Island, Territory, Dominion, Port, or Place whatsoever, other than to *Great Britain*, or some of the *British* Islands in the *West Indies*, to be laid on Shore there; and that no other Goods, Wares, or Merchandises whatsoever, of the Growth, Product, or Manufacture of the Colonies herein before mentioned, or which shall at any Time or Times have been imported or brought into the same, shall, from and after the said twentieth Day of *July*, and during the Continuance of this Act, be shipped, carried, conveyed, or transported, from any of the said Colonies respectively, to any other Land, Island, Territory, Dominion, Port, or Place whatsoever, except to the Kingdoms of *Great Britain or Ireland*, or to some of the *British* Islands in the *West Indies*, to be laid on Shore there; any Law, Custom, or Usage, to the contrary notwithstanding.

II. And be it further enacted by the Authority aforesaid, That from and after the said twentieth Day of *July*, before any Ship or Vessel shall lade or take on Board any Goods, as aforesaid, in any or either of the Colonies before mentioned, sufficient Bond, with one Surety, besides the Master of such Ship or Vessel, shall be given to the Collector, or other principal Officer of the Customs at the Port or Place where such Goods are intended to be laden or taken on Board, in the Penalty of one thousand Pounds if the Ship be of less Burthen than one hundred Tons, and of the Sum of two thousand Pounds if the Ship shall be of that or any greater Burthen; with Condition, that such enumerated Goods shall not be landed or put on Shore at or upon any other Land, Island, Territory, Dominion, Port, or Place whatsoever, except some Port or Place within the Kingdom of *Great Britain*, or some of the *British* Islands in the *West Indies*; and that all other Goods, Wares, or Merchandises, so intended to be laden as aforesaid, shall not be landed or put on Shore at or upon any Land, Island, Territory, Dominion, Port, or Place whatsoever, other than and except some Port or Place within the Kingdoms of *Great Britain or Ireland*, or some of the *British* Islands of the *West Indies*; and with further Condition, to bring a Certificate in Discharge thereof, within eighteen Months from the Date of such Bond, for such of the said Goods as shall be entered for, or landed in, *Great Britain or Ireland* respectively; and within six Months for such of the said Goods as shall be entered for, or landed in, any of the *British* Islands in the *West Indies*; which respective Certificates shall be under the Hands and Seals of Office of the Collector and Comptroller, or other Principal Officer of the Customs, resident at the Port or Place where such Goods shall be landed, testifying the Landing thereof; or such Bond or Bonds shall and may be discharged by Proof upon Oath, made by credible Persons, that the said Goods were taken by Enemies, or perished in the Seas.

III. And it is hereby further enacted by the Authority aforesaid, That where any such Bond or Bonds shall be given as aforesaid, in pursuance of this Act, the Collector, or other Principal Officer of the Customs, to whom such Bond or Bonds shall have been given, shall deliver, under his Hand and Seal of Office, without Fee or Reward, to the Master of the Ship or Vessel taking in such Goods, for the Security of her Navigation, a Certificate that such Bond or Bonds hath or have been given, expressing therein the Quantity and Species of the Goods, with the Marks and Numbers of the Packages, and the Port or Place for which they were entered; and if any such Goods shall be laden on Board any such Ship or Vessel, in any of the Colonies in this Act before mentioned, before such Bond or Bonds shall be given, or shall be found on Board any Ship or Vessel without the Certificate herein before directed, that such Bond or Bonds hath or have been given, the Goods so laden, together with the Ship or Vessel, with her Guns, Ammunition, Tackle, Apparel and Furniture, shall be forfeited; and if any Goods, so laden as aforesaid, shall be landed or discharged at any Port or Place contrary to the Intent and Meaning of this Act, over and above the Penalty of the Bond or Bonds, the Shipper and Owner of such Goods, and the Master or Person taking Charge of the Vessel on Board which they were laden, shall respectively forfeit the full Value of the Goods so landed or discharged, to be estimated according to the highest Price or Value which such Sort of Goods bear in the Colony where, and at the Time when, they were shipped and laden; which Ship and Goods may be seized and prosecuted, or the Value of such Goods prosecuted for, by any Admiral, Chief Commander, or Commissioned Officer, of his Majesty’s Fleet or Ships of War, or by any Officer of his Majesty’s Customs, in the Manner herein after directed.

IV. And it is hereby further enacted by the Authority aforesaid, That from and after the first Day of *September* one thousand seven hundred and seventy-five, and during the Continuance of this Act, no Sort of Wines, Salt, or any Goods or Commodities whatsoever (except Horses, Victual, and Linen Cloth, the Produce and Manufacture of *Ireland*, imported directly from thence), shall be imported into any of the said Colonies herein before respectively mentioned, upon any Pretence whatsoever, unless such Goods shall be *bona fide*, and without Fraud, laden and shipped in *Great Britain*, and carried directly from thence, upon Forfeiture thereof, and of the Ship or Vessel on Board which such Goods shall be laden; and it shall

After July 20, 1775, no Goods, Wares, &c. enumerated in and by Act 12 Car. II. being of the Growth, Product, &c. of New Jersey, &c. are to be brought into some other British Colony, or into Great Britain; and no other Goods of the Manufacture of the Colonies mentioned, are to be transported to any other Place except to Great Britain or Ireland, &c.

Bonds, with Sureties, to be given, besides the Shipmaster’s, before taking on Board any Goods of the Growth, &c. of said Colonies.

Shipmasters to deliver Certificates of the due landing of Goods, which are to be signed by the Collector at the Port where landed.

After Bonds have been delivered, Collector to certify the same.

Goods laden on Board before Bond given, or without Certificate, are to be forfeited, with the Ship, &c.

After Sept. 1, 1775, certain Goods prohibited to be brought into the Colonies, unless without Fraud shipped from Great Britain.

be lawful for any Admiral, Chief Commander, or Commissioned Officer of his Majesty's Fleet or Ships of War, or any Officer of his Majesty's Customs, to seize any Ship or Vessel arriving at any of the said Colonies before mentioned, or which shall be discovered within two Leagues of any Shore thereof, having such Goods on Board, and the Goods laden thereon (except as before excepted), for which the Master, or other Person taking Charge of such Ship or Vessel, shall not produce a Cocket or Clearance from the Collector, or proper Officer of his Majesty's Customs, certifying that the said Goods were laden on Board the said Ship or Vessel in some Port of *Great Britain*, any Law, Custom, or Usage, to the contrary notwithstanding.

V. Provided always, and it is hereby further enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to prohibit the Exportation or carrying out from any of the Colonies before mentioned, or the Importation into the same, of any Goods or Commodities whatsoever, for the victualling or providing any of his Majesty's Ships of War, or other Ships or Vessels in his Majesty's Service, or for his Majesty's Forces, Forts, or Garrisons; any Thing herein contained to the contrary notwithstanding.

VI. And provided also, That nothing herein contained shall extend, or be construed to extend, to hinder or restrain the lawful Importation into any or either of the said Colonies herein before mentioned, from any of the *British* Islands in the *West Indies*, of any such Goods or Commodities, being the Growth or Produce thereof, as may now by Law be imported from thence into the said Colonies, or any or either of them.

VII. And, in order to prevent Frauds and Abuses which may be committed contrary to the Intention and against the Provisions of this Act, by the Exportation of any Goods of the Growth, Product, or Manufacture of the Colonies of *New Jersey*, *Pennsylvania*, *Maryland*, and *Virginia*, from any of the Ports within the Government of the Counties of *Newcastle*, *Kent*, and *Suffex* on *Delaware*, in *North America*, it is hereby further enacted by the Authority aforesaid, That during the Continuance of this Act, no Goods or Commodities whatsoever shall be shipped, to be carried from any Port or Place within the said Counties of *Newcastle*, *Kent*, and *Suffex* on *Delaware*, or either of them, to any other Land, Port, or Place whatsoever, except to the Kingdoms of *Great Britain* or *Ireland*, or to some of the *British* Islands in the *West Indies*, until the Owner or Exporter of such Goods shall have made Oath, or being one of the People called *Quakers*, shall have affirmed, before the Collector or other proper Officer of the Customs at the Port or Place where the same shall be shipped (which Oath or Affirmation such Collector or other Officer is hereby authorized to administer), that such Goods are really and *bona fide* of the Growth, Product, or Manufacture, of one or other of the said Counties; of which Fact the Collector or other proper Officer of the Customs shall and is hereby required to give a Certificate, under his Hand, to the Master of the Ship or Vessel on Board which such Goods are laden, for the Security of her Navigation; and in Failure of producing such Certificate, such Ship or Vessel, and the Goods thereon laden, shall be forfeited, and shall and may be seized and prosecuted as herein after directed.

VIII. And whereas it is the Intent and Meaning of this Act, that the several Prohibitions and Restraints herein before enacted should be discontinued and cease, so soon as the Trade and Commerce of his Majesty's Subjects may be carried on without Interruption within the said Colonies; be it therefore enacted by the Authority aforesaid, That whenever it shall be made appear, to the Satisfaction of his Majesty's Governor or Commander in Chief, and the Majority of the Council of the Colonies of *New Jersey*, *Pennsylvania*, *Maryland*, *Virginia*, and *South Carolina*, that Peace and Obedience to the Laws shall be so far restored within the said Colonies, or either of them, that the Trade and Commerce of his Majesty's Subjects may be carried on without Interruption within the same, and that Goods, Wares, and Merchandise, have been freely imported into the said Colonies, or either of them, from *Great Britain*, and exposed to Sale, without any Let, Hindrance, or Molestation, from or by reason of any unlawful Combinations to prevent or obstruct the same; and that Goods, Wares, and Merchandise, have in like Manner been exported from the said Colonies, or either of them respectively, to *Great Britain*, for and during the Term of one Calendar Month preceding; that then, and in such Case, it shall and may be lawful for the Governor or Commander in Chief, with the Advice of the Council of such Colonies respectively, by Proclamation, under the Seal of such respective Colony, to notify the same to the several Officers of the Customs, and all others; and after such Proclamation, this Act, with respect to such Colony, within which such Proclamation or Proclamations have been issued as aforesaid, shall be discontinued and cease (except as herein after provided); and all Officers of his Majesty's Customs, and all other Persons having Charge of the Execution of this Act, having received due Notice of such Proclamation, are hereby directed and required to yield and pay Obedience to such Proclamation, and to proceed in the Discharge of their respective Duties, in admitting to Entry, clearing, and discharging, all Ships and Vessels, and all Goods, Wares, and Merchandises, into and out of such respective Colony, in like Manner as if this Act had never been made; any Thing herein contained to the contrary notwithstanding.

IX. Provided nevertheless, and it is hereby further enacted and declared by the Authority aforesaid, That such Proclamation or Proclamations shall not extend, or be construed to extend, to discharge or suspend any Proceedings upon any Seizure which shall have been made, or any Prosecution which shall have been commenced for any Penalty or Forfeiture inflicted by this Act before the issuing of such Proclamation or Proclamations.

X. And it is hereby further enacted by the Authority aforesaid, That if any Person or Persons shall give or grant any false Certificate, Cocket, or Clearance, for any of the Purposes required or directed by this Act, such Person or Persons shall forfeit the Sum of five hundred Pounds, and be rendered incapable of serving his Majesty, his Heirs and Successors, in any Office whatsoever; and if any Person or Persons shall counterfeit, erase, alter, or falsify any Certificate, Cocket, or Clearance, required or directed by this Act, or shall knowingly or willingly make use of any false Certificate, Cocket, or Clearance, or of any

This Act not to extend to Goods, &c. necessary for his Majesty's Ships of War, or Forts, &c.;

nor to hinder the lawful Importation of Goods from the *British* *West India* Islands into the said Colonies.

No Goods to be shipped from *Newcastle*, *Kent*, &c. except to *Great Britain* or *Ireland*, till Oath be made that such Goods are the Product, &c. of the said Counties, and a Certificate granted. On Failure, the Ship and Goods to be forfeited.

Whenever it shall appear to the Governor of *New Jersey*, &c. that Peace is so far restored in the said Colonies, that Trade may be carried on, he is to notify the same by Proclamation;

and all Officers of the Customs, &c. are required to pay due Obedience thereto.

Proclamation not to discharge Proceedings upon any Seizure made before issuing thereof.

Persons giving false Certificates, or counterfeiting, &c. the same, to forfeit goods.

Certificate, Cocket, or Clearance, so counterfeited, erased, altered, or falsified, such Person or Persons shall, for every such Offence, forfeit the Sum of five hundred Pounds; and such Certificate, Cocket, or Clearance, shall be invalid and of no Effect.

How Penalties and Forfeitures may be prosecuted and applied.

XI. And be it further enacted by the Authority aforesaid, That the several Forfeitures and Penalties inflicted by this Act shall and may be prosecuted, sued for, and recovered, and be divided, paid, and applied, in like Manner as other Penalties and Forfeitures, inflicted by any Act or Acts of Parliament relating to the Trade or Revenues of the *British Colonies* or Plantations in *America*, are directed to be prosecuted, sued for, or recovered, divided, paid, and applied, by two several Acts of Parliament, the one passed in the fourth Year of his present Majesty, intituled, *An Act for granting certain Duties in the British Colonies and Plantations in America*; for continuing, amending, and making perpetual an Act, passed in the sixth Year of the Reign of his late Majesty King George the Second, intituled, *An Act for the better securing and encouraging the Trade of his Majesty's Sugar Colonies in America*; for applying the Produce of such Duties, and of the Duties to arise by virtue of the said Act, towards defraying the Expences of defending, protecting, and securing, the said Colonies and Plantations; for explaining an Act, made in the twenty fifth Year of the Reign of King Charles the Second, intituled, *An Act for the Encouragement of the Greenland and Eastland Trades*, and for the better securing the Plantation Trade; and for altering and disallowing several Drawbacks on Exports from this Kingdom, and more effectually preventing the clandestine Conveyance of Goods to and from the said Colonies and Plantations, and improving and securing the Trade between the same and Great Britain; and the other, passed in the eighth Year of his present Majesty's Reign, intituled, *An Act for the more easy and effectual Recovery of the Penalties and Forfeitures inflicted by the Acts of Parliament relating to the Trade or Revenues of the British Colonies and Plantations in America*.

Persons sued for any Thing done in pursuance of this Act, may plead the General Issue,

XII. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act of Parliament, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give the said Act, and the special Matter, in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance of and by the Authority of this Act: And if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action, after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law.

and recover treble Costs.

#### C A P. XIX.

An Act to enable the Commissioners for executing the Office of Treasurer of his Majesty's Exchequer, or the Lord High Treasurer for the Time being, to compound with the Representatives of *Hugh Barlow*, *Herbert Lloyd*, and *William Skyrme*, a Debt due to his Majesty from *William Williams*, deceased.

#### C A P. XX.

An Act to amend and render more effectual two Acts, passed in the sixth and tenth Years of the Reign of his present Majesty, for making a Navigable Cut or Canal from the River *Trent*, at or near *Wilden-Ferry*, in the County of *Derby*, to the River *Mersey*, at or near *Runcorn-Gap*.

Preamble.  
Act 6 Geo. III.  
recited.

WHEREAS by an Act, made in the sixth Year of the Reign of his present Majesty, intituled, *An Act for making a Navigable Cut or Canal from the River Trent, at or near Wilden-Ferry, in the County of Derby, to the River Mersey, at or near Runcorn-Gap*, certain Persons therein mentioned and described were united into one Body Politick and Corporate, by the Name of *The Company of Proprietors of the Navigation from the Trent to the Mersey*, with Power and Authority, at their own Costs and Charges, by the Ways and Means therein mentioned, to make, complete, and maintain, such Navigable Cut or Canal passable for Boats, Barges, and other Vessels; and were enabled to raise and contribute amongst themselves the Sum of one hundred and thirty thousand Pounds, in Manner therein mentioned, with Power, if that Sum was not sufficient, by the same Means to raise, for the Purposes aforesaid, a further Sum of twenty thousand Pounds; and the said Company are thereby required, out of the Monies to be raised as aforesaid, during the Time the said Cut or Canal should be carrying on, and until the same should be completed, to pay unto every Person who should subscribe and pay, the Sum of two hundred Pounds, or such Sum or Sums of Money as should be demanded in respect thereof, towards carrying on and completing the said Navigation, Interest for the same, after the Rate of five Pounds for every hundred Pounds for one Year, from the Time that each of such Sum or Sums should be so respectively advanced, as aforesaid: And whereas the said Company did, in pursuance of the said Act, raise and contribute amongst themselves, by several Subscriptions, the Sum of one hundred and thirty thousand Pounds, for the Purposes of making and carrying on the said Navigation: And whereas, by a certain other Act of Parliament, made in the tenth Year of the Reign of his said present Majesty, intituled, *An Act to amend an Act made in the sixth Year of the Reign of his present Majesty, for making a Navigable Cut or Canal from the River Trent, at or near Wilden-Ferry, in the County of Derby, to the River Mersey, at or near Runcorn-Gap; and for granting further Powers for that Purpose*; the said Company were enabled to raise and contribute amongst themselves, or by the Admission of new Subscribers to the said Undertaking, any such Sum or Sums of Money as should be further wanted, beyond the said Sum of one hundred and thirty thousand Pounds, for perfecting the said Works, not exceeding

Act 10 Geo. III.  
recited.