

## C A P. XXX.

*An act to prevent the marriage of lunaticks.*

**W**HEREAS persons who have the misfortune to become lunaticks, may, by reason of such their disorder, be liable to be surprized into unsuitable marriages, which may be of pernicious consequence, and a great misfortune to their families: wherefore, for preventing the same, and the ill consequence thereof, he it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *June*, in the year of our Lord one thousand seven hundred and forty two, in case any person who now is, or at any time hereafter shall be found a lunatick, by any inquisition taken or to be taken by virtue of a commission under the great seal of *Great Britain*, or any lunatick or person under a phrenzy, whose person and estate by virtue of any act of parliament, now are, or hereafter shall be committed to the care and custody of particular trustees, shall marry before he or she shall be declared of sane mind by the lord high chancellor of *Great Britain*, the lord keeper, or lords commissioners of the great seal of *Great Britain* for the time being, or such trustees as aforesaid, or the major part of them respectively, every such marriage shall be, and is hereby declared to be null and void to all intents and purposes whatsoever.

Lunatick not to marry till declared of sane mind by the lord chancellor, &c.

## C A P. XXXI.

*An for further regulating the plantation trade; and for relief of merchants importing prize goods from America, and for preventing collusive captures there; and for obliging the claimers of vessels seized for exportation of wool, or any unlawful importation, to give security for costs; and for allowing East India goods to be taken out of warehouses, in order to be cleaned and refreshed.*

7 & 8 W. 3.  
C. 22.

and 5 Ann.  
c. 8.

**W**HEREAS by an act of parliament made and passed in the seventh and eighth years of the reign of his late majesty King William the Third, for preventing frauds, and regulating abuses in the plantation trade, and by another act of the fifth year of her late majesty Queen Anne, for the union of the two kingdoms of England and Scotland, no ship or vessel whatsoever shall be deemed or pass as a ship of the built and property of Great Britain, Ireland, Guernsey, Jersey, or any of his Majesty's plantations in America, or a prize ship made free, so as to be qualified to trade to, from, or in any of the said plantations, until the person or persons claiming property in such ship or vessel shall make oath, and register the same in the manner therein directed; and in case any ship's name so registered shall be altered, or any transfer of property to another port, such ship is thereby directed to be registered de novo, upon delivering up the former certificate

certificate of the register to the proper officers to be cancelled; and in case of any alteration of property in the same port, by the sale of one or more shares in any ship, after registering thereof, such sale is to be acknowledged by indorsement on the certificate of the register before two witnesses; notwithstanding which, the certificates of the register of several ships have been frequently sold to foreigners, and such certificates delivered to the purchasers, and the ships of foreigners, under colour thereof, have been admitted to trade from and to the said plantations (though of foreign property) contrary to law, to the prejudice of the navigation of Great Britain, and the plantations; for the prevention thereof for the future, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of *December*, one thousand seven hundred and forty two, no ship or vessel required by the said recited acts to be registred, and carrying any goods, wares, or merchandizes, to or from any of his Majesty's said plantations in *America*, or to or from one plantation to another, shall be permitted to trade, or be deemed qualified for that purpose, within the intent of the said recited acts, until the master or person having charge of the said ship or vessel, shall upon oath (or in case of a *Quaker*, upon his solemn affirmation) before the governor or collector of the customs of every of his Majesty's said plantations where the same shall arrive, give a just and true account of the name and burthen thereof, and of the place from whence she came, and of the other particulars according to the form following; that is to say,

Masters of vessels registred, shall give account upon oath, &c.

A. B. maketh oath, (or if a *Quaker*, solemnly affirms) that the ship or vessel called the \_\_\_\_\_, whereof he this deponent (or affirmant) is master, or hath the charge or command during this present voyage, being of the burthen of \_\_\_\_\_ tons, came last from \_\_\_\_\_, and that she is, as he verily believes, the same ship or vessel described, meant and intended in and by the certificate now produced by him; and that the same does now, as he believes, belong wholly to his Majesty's British subjects, and that no foreigner has directly or indirectly any share, property or interest therein, to his knowledge or belief.

The oath.

And in case any ship or vessel shall load or unload any goods, wares or merchandizes, in any of his Majesty's plantations in *America*, before such proof shall be made; that every such ship and vessel shall be forfeited and lost, and shall and may be prosecuted, recovered and divided in like manner as if she had not been registred in pursuance of the said act of the seventh and eighth of King *William* the Third.

Loading or unloading goods, before proof of English owners, the ship to be forfeited.

II. And whereas by the said act of the seventh and eighth years of his said late majesty King *William* the Third, it is enacted, That no ship's name registred, shall afterwards be changed without regi-  
string

*bring the same de novo, which is by the said act required to be done upon any transfer of property to another port, and delivering up the certificate of the first registry to be cancelled: and whereas masters of ships have frequently lost or mislaid certificates, to the great prejudice of the owners, who have thereby lost their voyages, and been deprived of the benefit of registering their ships de novo, and such losses have happened at great distances from the port proper for the registering the ship de novo; be it further enacted by the authority aforesaid*

Oath to be made of certificate lost or mislaid.

That from and after the twenty fifth day of December, one thousand seven hundred and forty two, if any ship or vessel duly qualified to trade to, from and in his Majesty's said plantations, shall happen to be in any of the said plantations, and the certificate of the register thereof shall be lost or mislaid, the master or other person having charge of the said ship or vessel, may make oath, or being a Quaker a solemn affirmation, before the governor or collector of the customs, in the port where the ship or vessel shall happen to be, in the following form;

The oath.

A. B. being master (or having the charge) of the ship or vessel called the \_\_\_\_\_, does swear (or solemnly affirm) that the said ship or vessel has been, as he verily believes, registred according to law, to qualify her to trade to, from and in his Majesty's plantations in America, and that he had a certificate thereof granted at the port of \_\_\_\_\_ but that the same is lost or mislaid, and that he cannot find the same, and does not know where the same is, or what is become thereof, and that the same hath not been, nor shall be, with his privity or knowledge, sold or disposed of to any person or persons whatsoever; and that he this deponent (or affirmant) and three fourths of the mariners navigating the said ship or vessel are his Majesty's British subjects, and the said ship or vessel does now, as he believes, belong wholly to his Majesty's British subjects, and that no foreigner has to his knowledge or belief any share, property or interest therein.

Security to be given, that no illegal use shall be made of the register, if found.

And the said master, or other person navigating the said ship or vessel, shall also give good and sufficient security in the penalty of five hundred pounds, if the ship or vessel be of the burthen of one hundred tons, or under, and so in proportion for every ship or vessel of a greater burthen, to the collector of the port where the said ship shall be, in his Majesty's name, and to his Majesty's use, with condition that the said ship or vessel was duly registred according to law, for qualifying the same to trade to, from, and in his Majesty's plantations in America, and that the certificate of the said register, if found, shall be delivered up to the commissioners of the customs to be cancelled, and no illegal use has been or shall be made thereof, and that the same has not been or shall be fraudulently disposed of, and that the said ship or vessel does wholly belong to his Majesty's British subjects, and that no foreigner has any share, property or interest therein; and upon making such oath or affirmation, and giving such bond as aforesaid, the governor and collector of his Majesty's

ty's customs shall freely, and without fee or reward, give the said master, or other person having the charge of the said ship or vessel, a certificate under their hands and seals, of his having given such bond, and made such oath or affirmation, and thereupon the said ship or vessel shall have liberty to trade for that voyage only, in the same manner, as if the original certificate had been produced, and the first herein before mentioned oath or affirmation had been taken, and no otherwise; and the said certificate so to be given, shall have the same force and effect during the said voyage only, as the original certificate of the register if produced, and taking the said first mentioned oath or affirmation would have had, and no other; and the officers taking the said oath and bond, shall transmit an account thereof to the commissioners of his Majesty's customs.

Liberty to trade for one voyage after the register is lost.

III. And be it further enacted by the authority aforesaid, That if the certificate of the register of any ship or vessel shall be lost, and the master or person having charge of the said ship or vessel, and one or more of the owners shall make proof to the satisfaction of the commissioners of his Majesty's customs, in case the owner or owners, or any of them, shall reside in *Great Britain* or *Ireland*, *Guernsey* or *Jersey*, or of the governor or collector of the customs, residing in any of his Majesty's plantations in *America*, in case she was registred in such plantation, and none of the owners shall reside in *Great Britain* or *Ireland*, *Guernsey* or *Jersey*, upon oath, or in case of a *Quaker*, upon solemn affirmation of the loss of such certificate, and likewise of the name, burthen, built, property and other particulars required by the said act of the seventh and eighth of King *William* the Third, in the same manner, and before the same persons, as by that act are required upon original registers; and shall likewise give good and sufficient security, in the penalty of five hundred pounds, if the ship or vessel be of the burthen of one hundred tons, and so in proportion for every ship or vessel of a greater burthen, to the collector of the port, to which such ship or vessel shall belong; and that the original certificate hath not been, nor shall be fraudulently disposed of, or used contrary to law; and that the same when found, shall be delivered up to the commissioners of the customs to be cancelled; in such case, it shall and may be lawful for the said commissioners of his Majesty's customs, and the governor and collector of the customs, residing at the plantations respectively; and the said commissioners, governor and collector are hereby required to permit the said ship or vessel to be registred *de novo*; and the proper officers shall deliver a certificate thereof to the owner or owners registering the same, in the manner directed by the said act of the seventh and eighth of King *William* the Third, and therein mention the name by which the ship or vessel was formerly registred, and that such certificate of a new register is granted in pursuance of this act, instead of a former certificate, which appears, by such proof as this act requires, to be lost; and that such new register and certificate shall have the same

Directions for registering a ship *de novo*, after the loss of the first certificate.

force

force and effect as if the same were an original register and certificate, and no other; and a duplicate thereof shall be transmitted by the officers who shall grant the same to the commissioners of his Majesty's customs.

IV. *And whereas by the before recited act of parliament made in the seventh and eighth years of the reign of King William the Third, for preventing frauds, and regulating abuses in the plantation trade, it is enacted among other things, That in all bonds (commonly called Plantation Bonds) that are given in the plantations, in pursuance of*

12 Car. 2. c. 18. *an act of parliament made in the twelfth year of the reign of King Charles the Second, for encouraging and encreasing of shipping and navigation, and another act made in the twenty second year of his*

22 Car. 2. c. 26. *said Majesty's reign, to prevent planting tobacco in England, and regulating the plantation trade, the governors of the plantations, before they permit any ship, that by law is to trade there, to load on board any of the commodities enumerated in the said act last mentioned, are to take bond in the manner, and to the value expressed and directed by the said act, that such ships or vessels shall carry all the aforesaid enumerated goods that shall be laden on board the said ship, to some other of his Majesty's British plantations, or to Great Britain; and that the condition of the said bonds shall be within eighteen months after the date thereof (the danger of the seas excepted) to produce certificates of having landed and discharged the goods therein mentioned, in one of his Majesty's said British plantations, or in Great Britain, otherwise such bonds to be in full force: but there being no provision made in any of the said acts, or any other law, for returning and producing certificates within any limited time of the landing and discharging such goods for such ships as give bond in Great Britain, in pursuance of the directions of the said acts made in the twelfth and twenty second years of King Charles the Second; be it therefore enacted by the authority aforesaid, That from and after the twenty ninth day of September, one thousand seven hundred and forty two, that in all bonds, commonly called*

The condition of plantation bonds.

*Plantation Bonds, which shall be hereafter taken or entered into in Great Britain, in pursuance of the said act, or any other law since made, whereby the goods therein enumerated are to be brought to Great Britain, such bonds shall be with condition, that within eighteen months from the date thereof (the danger of the seas excepted) a certificate shall be produced from the collector and comptroller of the port where such goods shall be delivered, that they have been there landed and discharged, otherwise such bonds shall be forfeited, and the penalty thereof shall and may be sued for in any of his Majesty's court of exchequer in England, Scotland or Ireland respectively; provided that this act shall not extend or be construed to extend to bonds given for ships which lade rice at Carolina or Georgia, by virtue of a licence granted by the commissioners of the customs, to be carried to some part of*

3 Geo. 2. c. 28. *Europe, to the southward of Cape Finisterre, pursuant to an act passed in the third year of his present Majesty's reign, or for ships lading sugars in any of his Majesty's sugar colonies in America, by virtue of a licence granted by the commissioners of his*

Majesty's

Majesty's customs, to be carried directly to any foreign part of Europe, except Ireland, pursuant to an act passed in the twelfth year of the reign of his present Majesty. 12 Geo. 2. c. 30.

V. *And whereas by an act made in the thirteenth year of his Majesty's reign, for the more effectual securing and encouraging the trade of his Majesty's British subjects to America, and for the encouragement of seamen to enter into his Majesty's service, it is declared and enacted by the authority aforesaid, That nothing therein contained shall extend or be construed to extend to exempt any ships, goods, wares or merchandizes, which shall be taken as prize, and brought or imported into this kingdom, or any of his Majesty's plantations in America, from the payment of any customs or duties, or from being subject to such restrictions and regulations, to which the same now are or shall hereafter be liable, by virtue of the laws and statutes of this realm: and whereas during the present war with Spain, several goods and commodities of the growth and production of foreign plantations, not belonging to his Majesty, and other goods and commodities, being the product of other countries, have been already, and may be taken in America, which may by the laws now in force be subject to forfeiture, or liable to the payment of high duties to his Majesty, as not coming directly from the places of their growth, or from the ports or places, where the said goods can only or usually have been first shipped for transportation, which will not only be a discouragement to the captors and importers thereof, but put them under a necessity to send such goods for the future directly to foreign markets, which will be a loss to his Majesty's revenue, and tend to the prejudice of the trade of this kingdom: for remedy whereof be it enacted by the authority aforesaid, That all goods and commodities of the growth or product of foreign plantations, not belonging to his Majesty, or any of his subjects, which have been already taken, or shall be taken in America during this present war, and have been or shall be condemned as prize as aforesaid, and shall be imported into this kingdom, in any of his Majesty's ships of war, or in British Shipping, duly navigated, and for which the duties due to his Majesty have not been paid, or secured to be paid, upon producing such affidavits and certificates thereof as are herein after mentioned, shall pay such customs and duties only as the same would have paid, if the said goods had been of the growth and product of the plantations, islands or colonies, subject to the crown of Great Britain; and that all other goods, wares and merchandizes whatsoever, which have been or shall be taken and condemned as prize in America as aforesaid, and which shall be imported into this kingdom from any of the said plantations, islands or colonies, upon producing a certificate under the hand and seal of the collector or chief officer at the port or place where such goods were put on board in America, that they are the same goods which were condemned in the high court of admiralty, within such plantation, island or colony, (the truth of which shall appear to the said collector or chief officer there, by affidavit made by the person or persons exporting such prize goods) and also upon an affidavit made before the collector* 13 Geo. 2. c. 4.

Regulation of  
the duty for  
prize goods.

OR

or chief officer of the customs of such port in this kingdom, where the said goods shall be imported, by the master, purser, or other person who commands the ship in which the same shall be imported, that the goods so imported are the same goods for which the said certificate of the collector or chief officer in *America* was made as aforesaid, shall be subject and liable to, and shall pay such duties only as in *Great Britain* as such goods would be liable unto in case they had been imported directly from the ports or places, of which the said goods are of the growth, production or manufacture, or from those ports or places where the said goods can only or usually have been first shipped for transportation; any law, custom, or usage to the contrary notwithstanding.

VI. *And whereas by the said act of parliament passed in the thirteenth year of his Majesty's reign, it is enacted, That for the more speedy proceeding to condemnation or other determination of any ship or other vessel, goods or merchandizes, taken prize, and for lessening the expences that have been usual in the like cases, the judge or judges of the court of admiralty, or other person or persons thereto authorized, shall proceed in the manner directed by the said act; and if the case shall appear doubtful, and it shall be necessary for the clearing and determining such doubt to have an examination of witnesses that are remote, that then the said judge or judges shall forthwith cause such capture to be appraised by persons named on the part of the captors, and sworn truly to appraise the same according to the best of their skill and knowledge, for which purpose the said judge or judges shall cause the goods found on board to be unladen, and put in proper warehouses, with separate locks of the collector and comptroller of the customs, and where there is no comptroller, of the naval officer; and the agents or persons employed by the captors and claimants, at the charge of the party or parties desiring the same; and shall, after such appraisement made, and within the space of fourteen days after the making such claim, proceed to take good and sufficient security from the claimant to pay the captors the full value thereof, according to such appraisement, in case the same shall be adjudged lawful prize; and after such security duly given, the said judge or judges shall make an interlocutory order for releasing or delivering the same to such claimant or claimants, or his or their agents, and the same shall be actually released or delivered accordingly: and whereas there is no sufficient provision made by the said act for securing the duties on such goods as shall be so delivered by such interlocutory order, nor for preventing the consumption in his Majesty's colonies and plantations in *America* of such European goods taken as prize, as shall be so delivered, which may be of the utmost consequence to the trade of this kingdom; be it enacted by the authority aforesaid, That no goods taken as prize shall be delivered by such interlocutory order as aforesaid, until the duties payable for the same shall be first paid or secured to be paid, in such manner as the duty on goods of the like kind ought to be paid or secured respectively; and that no prize goods of the growth, production, or manufacture of *Europe*, which shall be brought into any of his Majesty's colonies*

Directions for paying the duty on prize goods in the plantations.

ries or plantations in *America*, shall be delivered by such interlocutory order as aforesaid, until sufficient security shall be first given to the collector or comptroller of his Majesty's customs there, or where there is none such, to the naval officer there, to the use of his Majesty, that all such goods shall within three months after be re-exported out of the said colony or plantation; and that no part thereof shall be consumed there.

VII. *And whereas by an act of parliament passed in the eighth* 8 Anræ, c. 7.  
*year of the reign of her late majesty Queen Anne, for granting to her Majesty new duties on excise, and upon several imported commodities, it is enacted, That every person upon entry of any claim in the court where prohibited and uncustomed goods are prosecuted, shall be obliged to give security, in the penalty of thirty pounds, to answer and pay the costs occasioned by such claim; and in default of giving such security within the time limited by the course of the court, for entering claims, such goods shall be recovered. And forasmuch as no provision is made by the said recited act, with respect to seizures of ships, vessels, and boats, by reason whereof groundless and vexatious claims are frequently entered thereto, and the officers of the customs put to great charges in the condemning thereof, be it enacted by the authority aforesaid, That from and after the twenty fourth day of June, one thousand seven hundred and forty two, where any ship, vessel, or boat whatsoever shall be seized by virtue of any law now in force, made for the more effectual preventing the exportation of wool, and where any ship, vessel, or boat of the burthen of one hundred tons, or under, shall be seized for the unlawful importation of tea, brandy, arrack, rum, strong waters, or spirits, or for being used in the relanding any goods whereon there is a drawback or bounty, or in the removing, carriage, or conveyance of prohibited or uncustomed goods after the unshipping thereof, or for any other cause of forfeiture, every person upon entry of any claim in the court where any such ship, vessel, or boat shall be prosecuted, shall be obliged to give security in the penalty of thirty pounds, to answer and pay the costs occasioned by such claim, and in default of giving such security within the time limited by the course of that court for entering claims, such ship, vessel, or boat shall be recovered.*

Claimants of vessels seized, to give security to pay costs.

VIII. *And whereas by an act passed in the eleventh and twelfth* 11 W. 3. c. 10.  
*years of King William the Third, it is, among other things, enacted, That all wrought silks, bengals, and stuffs, mixed with silk or herba of the manufacture of Persia, China, or East India, and all callicoes painted, dyed, printed, or stained there, which are or shall be imported into this kingdom, shall not be worn or otherwise used within this kingdom but under such limitations as are therein mentioned and expressed; and that all such goods which shall be imported into this kingdom, shall, after entry thereof, be forthwith carried and put into such warehouse or warehouses as shall for that purpose be approved of by the commissioners of his Majesty's customs for the time being, so as none of them shall be taken or carried out thence upon any account whatsoever, other than in order for exportation, and not until sufficient security be first given to the King's majesty, his heirs and successors (which the said commissioners are thereby required and impowered*

*to take) that the same and every part thereof shall be exported, and not landed again in any part of this kingdom; and that the warehouse keeper or warehouse keepers shall keep one or more book or books, wherein he or they shall fairly enter or write an exact, particular, and true account of all and every chest, bale, and number of pieces therein contained, of such of the aforesaid goods only which shall be brought into, and carried out of his or their said warehouse or warehouses, and the days and times when the same shall be brought in and carried out; and if upon examination it shall appear that any of the aforesaid goods were carried out, unless for exportation, or before sufficient security given for their exportation, as aforesaid, that then the warehouse keeper or warehouse keepers so offending therein, shall not only forfeit and lose the value of the said goods so carried out, as aforesaid, and be for ever disabled from any publick employment for the future, but shall also forfeit the sum of five hundred pounds for every such offence: and whereas the goods before mentioned, upon opening thereof, are frequently found to be spotted or stained with salt water, or otherwise damaged in the voyage, and unless permitted to be taken out of the warehouse or warehouses to be refreshed and cleaned, they may totally perish, and the said goods in several other respects, in the condition they come over, are entirely unfit for many markets, to which they are now sent, and thereby give other nations the sole vent of those goods, and render the value of them here much less, which in both cases would be of very great loss to this kingdom; be it therefore enacted by the authority aforesaid, That from and after the twenty fourth day of June, one thousand seven hundred and forty two, if any wrought silks, bengals, and stuffs mixed with silk or herba, of the manufacture of Persia, China, or East India, or any callicoes painted, dyed, printed, or stained there, which shall be imported into this kingdom, and secured in a warehouse or warehouses as aforesaid, shall, upon examination by the proper officers, appear to be spotted or stained with salt water, or otherwise damaged in the voyage, or to be unfit for foreign markets, unless cleaned and refreshed, dyed, glazed, or calendered, then it shall and may be lawful, upon bond being first given to his Majesty, his heirs and successors, which the said commissioners are hereby impowered to take, with two or more sufficient sureties, in the penalty of double the value of the goods, with condition that all and every part of the goods delivered out, shall be again returned into the same warehouses within a certain time to be limited in the said bond, which time shall be such as the said commissioners shall judge reasonable, then, and in such case, it shall and may be lawful to and for the warehouse keeper or warehouse keepers, of the said warehouses, by leave of the said commissioners, to suffer any of the said goods in the condition aforesaid, to be taken out of the said warehouses, or any of them, under the care, and in the custody of such officer or officers, as the said commissioners shall direct and appoint, to be cleaned, dyed, pressed, glazed, calendered, or refreshed, in order to make them the more merchantable, and fit for foreign markets; provided, and it is hereby enacted*

Foreign goods may be taken out of the warehouses and refreshed.

enacted, that the officer or officers who shall be appointed to have the charge and custody of the said goods, while they are out of the warehouse or warehouses for the purposes aforesaid, be paid for his or their attendance and trouble therein, by the person or persons at whose request the goods shall be delivered out; and in case of any dispute, as to the allowance to be made such officer or officers for his or their attendance and trouble therein, the same shall be adjudged and determined by the said commissioners.

IX. *And whereas by the said act of the eleventh and twelfth of William the Third it is provided, That the warehouse keeper or warehouse keepers shall keep an account, in the manner therein directed, of all the said goods brought in and carried out of the said warehouses, and transmit to the said commissioners an exact account thereof, upon oath, every six months, together with an exact account how much shall be remaining in his or their said warehouse or warehouses respectively; which accounts the said commissioners are by the said act empowered and enjoined, within one month after the same shall be transmitted to them, to cause to be examined in the manner therein directed, and to lay a true account of the same before the parliament, within the first week of every sessions thereof; be it therefore enacted by the authority aforesaid, That in all the accounts to be kept, prepared, transmitted, or delivered as aforesaid, a true and exact account shall be therein inserted and expressed, of all such of the said goods as shall have been delivered out to be cleaned, dyed, pressed, glazed, calendered, or refreshed, by virtue or in pursuance of the directions of this act, and which shall be returned again into such warehouses, mentioning the days and times when the same shall have been so delivered out or brought back, together with an exact account how much shall be remaining in the care and custody of the officer or officers appointed to have the charge and custody thereof, while they are out of the warehouse or warehouses, for the purposes aforesaid.*

Account to parliament of all foreign goods taken out of the warehouses to be refreshed and returned.

X. *And it is hereby further enacted, That if the officer or officers who shall be intrusted with the care and custody of any of the said goods delivered out of any of the said warehouses for the purposes aforesaid, shall not return all such goods into the warehouse or warehouses from whence they were taken, agreeable to the intention of this act, the officer or officers offending therein, shall not only forfeit and lose the value of the said goods so carried out as aforesaid, and be for ever disabled from any publick employment for the future, but shall also forfeit the sum of five hundred pounds for every such offence, and all penalties and forfeitures herein before-mentioned, shall and may be recovered and divided in like manner as is provided by the said act of the eleventh and twelfth of William the Third, for recovery of the penalties and forfeitures arising thereon.*

Penalty on officers offending against this act.

## C A P. XXXII.

*An act for preventing the mischief which may happen by keeping dangerous quantities of gunpowder in or near the cities of London and Westminster.*

5 Geo. 1. c. 26.  
11 Geo. 1. c. 23.

**W**HEREAS by act passed in the eleventh year of the reign of his late majesty King George the First, intituled, An act for the making more effectual an act passed in the fifth year of his Majesty's reign, intituled, *An act for preventing the mischiefs which may happen by keeping too great quantities of gunpowder in or near the cities of London and Westminster, or the suburbs thereof; it is enacted, That it shall not be lawful to have or keep more than two hundred pounds of gunpowder at any time in any house, storehouse, warehouse, shop, cellar, or other place, or in any houses, storehouses, warehouses, shops, cellars, or other places under one or the same roof, or in any yard or yards within the cities of London and Westminster, or either of them, or within the suburbs thereof, or within three miles of the tower of London, or within three miles of his Majesty's palace of Saint James's, or within two miles of any magazine erected for keeping gunpowder belonging to his Majesty, his heirs and successors, for the use of the publick, for more than the space of twenty four hours, upon pain of forfeiting such gunpowder, and the value thereof: and whereas the dealers in gunpowder continue to keep within the limits aforesaid, as large and dangerous quantities as they used to do before the making and passing of the said acts, evading or eluding the same, either by disposing of such gunpowder under divers roofs, or in places not described by the said statutes, or by taking advantage of the difficulty of proving the same to have been kept twenty four hours under the same roof, or by some other device or craft; and although the justices of the peace authorized by the said acts, have authority to cause dangerous quantities of gunpowder to be removed out of the limits aforesaid, yet there being no power given for detaining the same when removed, and the property not being divested, the owners or proprietors thereof can immediately after such removal demand the same again, and maintain an action at law for the recovery thereof, although the same be not detained an hour after such removal, whereby the good intentions of the said statutes are utterly defeated, to the great and apparent danger of the publick safety: for remedy whereof, and for the more effectual preventing in future the dangers aforesaid, and for making the said remedy more extensive, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of July, one thousand seven hundred and forty two, it shall not be lawful for any person or persons, not being a dealer or dealers in gunpowder, to have or keep within the limits aforesaid more than fifty pounds of gunpowder, or for any person or persons being a dealer or dealers in gunpowder, to have or keep within the*

Persons not  
dealers, to  
keep but 50lb.  
of gunpow-  
der; dealers  
no more than  
200lb. longer  
than 24 hours;