
THE
Statutes at Large,

FROM THE
Twelfth Year of Queen ANNE,

TO THE
Fifth Year of King GEORGE I.

BY
DANBY PICKERING, of GRAY'S INN, Esq;

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FROM THE
Twelfth Year of Queen ANNE,
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To which is prefixed,
A TABLE containing the TITLES of all the STATUTES
during that Period.

VOL. XIII.

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CAMBRIDGE,
Printed by **JOSEPH BENTHAM**, Printer to the **UNIVERSITY**;
for **CHARLES BATHURST**, at the Cross-Keys, opposite St. Dunstan's
Church in Fleet-Street, London. 1764.

CUM PRIVILEGIO.

general quarter-sessions, or the greater number of them, to make such order therein, as to them shall be thought convenient, and the same to conclude and bind all persons.

General issue.

XIII. And be it further enacted by the authority aforesaid, That if any action or suit shall hereafter be commenced or prosecuted against any person or persons for putting in execution the authority of this act, every person or persons so sued may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff shall become nonsuit, or forbear further prosecution, or suffer discontinuance, or if a verdict pass against him or her, the said defendant or defendants shall recover his or her double costs, for which he or they shall have the like remedy as in cases where costs by law are given to defendants.

Prosecution within six months.

XIV. Provided also, That no person or persons shall be punished for any offence against this act, unless such offender be prosecuted for the same within six months after the said offence committed; and that no person who shall be punished for any offence by virtue of this act, shall be punished for the same offence by virtue of any other act or law whatsoever.

Lord mayor, &c. of London may execute the powers vested in them by 22 & 23 Car. 2. c. 17.

XV. And be it further enacted by the authority aforesaid, That the lord mayor, and the justices of the peace for the city of *London* and the liberties thereof, for the time being, and the commissioners appointed, pursuant to an act made in the twenty-second and twenty-third years of the reign of King *Charles* the Second, intituled, *An act for the better paving and cleansing the streets and sewers in and about the city of London*, shall and may from time to time, within the said city of *London* and liberties thereof, use and execute all and every the powers and authorities vested in them respectively by the said act, or any other act, as if this act had not been made.

C A P. LIII.

An act for the attainder of Thomas Forster junior, Esquire, and William Mackintosh, Esquire, (commonly called Brigadier Mackintosh) of high treason.

C A P. LIV.

An act for the more effectual securing the peace of the Highlands in Scotland.

This act is enforced by 11 Geo. I. c. 26.

WHEREAS the custom that has two long prevailed amongst the Highlanders of Scotland, of having arms in their custody, and using and bearing them in travelling abroad in the fields, and at publick meetings, has greatly obstructed the civilizing of the people within the counties herein after named; has prevented their applying themselves to husbandry, manufactures, trade, and other virtuous and profitable employments; has been the cause of many riots, robberies, and tumults; hath and does tend to disappoint the execution of the law, to the dishonour of government, and unspeakable loss of his Majesty's subjects; has in a peculiar manner been one of the fatal causes of the late unnatural rebellion, and may occasion the like or reater

greater calamity in time to come, if not prevented by a proper remedy: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *November* in the year of our Lord one thousand seven hundred and sixteen, it shall not be lawful for any person or persons within the shires of *Dunbartain* on the north side of the water of *Leven*, *Sterling* on the north side of the river of *Forth*, *Perth*, *Kincardin*, *Aberdeen*, *Inverness*, *Nairn*, *Cromarty*, *Argyle*, *Forfar*, *Banff*, *Sutherland*, *Caithness*, *Elgin*, and *Ross*, to have in his or their custody, use or bear broad sword, or target, poy-nard, whingar, or durk, side-pistol or side-pistols, or gun, or any other warlike weapons, in the fields, or in the way, coming or going to, from, or at any church, market, fair, burials, huntings, meetings, or any other occasion whatsoever, within the bounds aforesaid, or to come into the *Low-Countries* armed, as aforesaid: and in case any of the said person or persons above described, shall have in his custody, use or bear arms, otherwise than in this act directed, every such person or persons so offending, being thereof lawfully convicted before one or more justices of the peace, or before any other judge competent of the place summarily, shall, for the first offence, forfeit all such arms, and be liable to a fine, not exceeding the sum of forty pounds sterling, and not under the sum of five pounds sterling, and to be imprisoned till payment of the said fine; which if not instantly paid after commitment, the said fine may and shall be levied out of the offender's goods and estate, by warrant of the judge who shall pronounce any such sentence, to be applied, the one half to the use of the informer, and the other at the sight of the justices of the peace where such offenders shall be convicted, towards repairing the publick works within the said shire; and further, liable to a month's imprisonment: and being convicted for a second offence before the court of judicary, or before the judges at their circuit, shall forfeit such arms and be liable to a fine, not exceeding the sum of eighty pounds sterling, and not under the sum of ten pounds sterling; and for every subsequent offence, to a fine the double of the former, to be levied and applied as above: and for want of payment of any such fine, or a sufficient distress to satisfy the payment of it, the offender shall be liable to be transported to any of his Majesty's plantations beyond the seas, there to remain for the space of seven years.

II. And be it further enacted by the authority aforesaid, That all trials for the aforesaid offences shall be entred in a register or record to be kept apart by the clerk of the court of judicary, or his deputies; and that where any offender or offenders shall be tried for the first offence before any inferior court, the clerk of every such court shall, and he is hereby required to exhibit full duplicates of every such trial and sentence following thereupon, signed by his hand judicially, before the judge or judges at their circuits, in the very next court after such trials

Persons within the shires of Dunbarton, &c. shall not keep or wear any arms.

Penalty for the first offence.

Second offence.

Every subsequent offence.

Trials of offenders to be entred in a register.

Duplicates to be exhibited to the judges at their circuits,

and shall have
the same force
as other de-
crees.

shall have been, to be delivered to the clerk of the circuit; who is hereby required and commanded to enter the same upon the book of register, which is appointed to be kept separate in manner aforesaid: and that within forty days after such duplicates shall be exhibited and delivered in manner aforesaid, extracts whereof, signed by the said clerk of justiciary, shall have the same force and authority as extracts from other registers of decrees and acts in *Scotland*, by the laws there, have; and that the clerks of such inferior courts, within the jurisdiction of any separate court of justiciary general, shall in like manner forthwith transmit the duplicates aforesaid into the said court, there to be kept in a register apart, in order to the conviction of such persons who shall be guilty a second time, or oftner, of the above-mentioned offence.

Clerks, &c.
neglecting to
make such du-
plicate shall
forfeit 10l.

III. And be it further enacted, That if any clerk or clerks of any of the said inferior courts shall neglect to make and sign such duplicate, or to exhibit the same judicially in the circuit-courts, or to deliver the same to the clerk of the said circuits, or to transmit the same in the case above-mentioned; or if the said clerk of justiciary, or his deputy-clerks of the said circuits, shall neglect to enter the said duplicates upon the register appointed to be kept in manner before-mentioned, every such clerk so offending shall be liable to a fine of ten pounds sterling, to be levied as aforesaid.

The said mat-
ters shall be
point of dit-
tay.

IV. And be it further enacted by the authority aforesaid, That the matters above-mentioned shall be point of dittay, and that the judges at their circuits shall enquire concerning the prosecutions that shall have been made upon this act, and the keeping of the duplicates of the trials in manner above directed.

The register
to be exhibited
into the court
of justiciary.

V. And be it further enacted by the authority aforesaid, That the clerk of justiciary, or his deputy, shall exhibit into the said court of justiciary the book of register above directed, at the first court that shall happen to be held after the return of the judges from their circuits, and the running of the forty days allowed for filling up the said register; to the end, that all neglects by not making, exhibiting, and delivering duplicates, or by not entering the same, together with the proceedings had before the said court of justiciary, or judges at their circuits, in manner above directed, may be punished, according to this act, without delay.

This act shall
not extend to
peers, &c.

VI. Provided always, and be it further enacted by the authority aforesaid, That the prohibition above-mentioned of keeping, bearing or wearing any warlike weapons, and the pains and penalties aforesaid, shall not extend to the case of any peers of this realm, nor their sons, nor of any officers or their assistants, employed in the execution of justice; nor shall this act be construed to hinder any commoner, having the yearly income of four hundred pounds *Scots*, or more, or who is otherwise qualified to vote at elections of parliament-men to serve for any of the above-named counties, to have in his custody or use, in manner allowed by laws now in force, any number of arms not

Commoners
having 400l.
Scots per ann.
may keep two
firelocks, &c.

exceeding

exceeding two firelocks, two pair of pistols, two swords; the magistrates of every burgh royal to have in their custody a sufficient number of arms for keeping guard within their burghs, and the inhabitants of burghs royal to use the said arms in keeping guard, according to the directions of their respective magistrates: provided always, That the arms in burghs royal be kept in magazines under the care of the magistrates, and not left in private houses; and that the whole number of arms so kept in any burgh royal shall not exceed the number of two hundred; nor hinder the officers of the army having his Majesty's commissions, and the soldiers under their command, to keep, use, or bear arms as formerly; nor the lieutenants of counties, their deputies and the militia, and sensible men under their command, to keep or receive out of his Majesty's magazines, arms, and to use the same during the time that their militia and sensible men shall be called out by lawful authority.

Magistrates of burghs royal may keep arms in magazines.

Lieutenants of counties may receive arms out of the King's magazines.

VII. Provided always, That the said lieutenants of counties, their deputies, militia and sensible men under their command, return the arms received out of the King's magazines within twenty days after the expiration of the time for which they shall be called out, under the pains and penalties above-mentioned.

But shall return them to the magazines.

VIII. And be it further enacted by the authority aforesaid, That from and after the sixteenth day of *July* one thousand seven hundred and sixteen, when a warrant is granted by any lord lieutenant, or two deputy lieutenants of any of the shires or bounds above-mentioned, to search for any ammunition or other warlike stores, which he or they shall judge dangerous to the peace of the kingdom, and kept or used contrary to the directions of this present act, in pursuance of an act passed this present session of parliament to that effect, the said search may be made within the said shires or bounds between sun-setting and sun-rising, if the warrant shall so direct; and in case of resistance or refusal of entry into the place where such search is to be made, or of the hiding, concealing or conveying away such arms, ammunition or other warlike stores, all and every person and persons wilfully aiding or abetting, or being guilty art and part of such resistance or refusal of entry, or the hiding, concealing or conveying away such arms, ammunition or other warlike stores, shall be liable to a fine not exceeding fifteen pounds sterling, and not under five pounds sterling, to be levied as above.

After July 16, 1716, Search may be made for arms, &c. in the night.

Penalty of resisting such search.

IX. *And whereas it is just and reasonable, That all such persons as have continued faithful to his Majesty during the late unnatural rebellion, and who are by this act discharged from keeping or using arms, should have the just and true value of all such arms as they are obliged by this act to lay aside:* be it therefore enacted by the authority aforesaid, That all persons within the limits aforesaid, who have continued faithful to his Majesty, and who are hereby obliged to lay aside their arms, shall deliver them up to the lords lieutenants of their respective counties, or their deputies, or such other persons as his Majesty shall be pleased to commission for that

Such persons as have remained faithful to his Majesty, shall be paid the full value of the arms they deliver up.

purpose, and shall receive the true and just value of them in money in manner after-mentioned ; that is to say, The lords lieutenants of the several counties above-mentioned, or their deputies, or such other persons commissioned as aforesaid, are hereby commanded and required, before the first day of *August* in the year of our Lord one thousand seven hundred and sixteen, to appoint, by proclamation to be made at the several market-crosses and parish-churches, proper places and times, within their respective counties, where such arms shall be delivered ; and to appoint five or more persons to receive and value the same upon oath, and grant receipts under their hands for them, bearing the names, number and value of the arms so delivered ; which oath, the said lords lieutenants, or their deputies, or such other persons commissioned as aforesaid, are hereby required and impowered to administer : and if any of the persons to be appointed to receive and value the said arms, shall wilfully refuse to take the said oath, or to receive or value the said arms, every person so refusing shall forfeit the sum of one hundred pounds sterling ; and within forty days after the receipt of such arms, the lords lieutenants, or their deputies, or such other persons commissioned as aforesaid, are hereby commanded and required to transmit the same to such places as his Majesty shall think fit to direct, with a signed list of the names and designations of the several persons who delivered them, and their particular values ; and for the effectual payment of the said value, the collectors of the land-tax or excise within the said counties are hereby commanded and required to pay the sums contained in the said receipts out of the first and readiest monies that are in or shall come to their hands for the use of the publick : the which receipts, indorsed by the persons to whom they were first granted, are hereby ordered to be passed to the credit of the said collectors of the land-tax or excise, at making up of their accounts.

After Aug. 1,
1717, the annual value of personal attendance, &c. shall be paid in money.

How the annual value

X. *And whereas the prevailing custom of convocating numbers of his Majesty's subjects together, with the practice of obliging them to perform divers services, arbitrary and oppressive, by virtue of clauses in charges, contracts or agreements, within the limits aforesaid, is contrary to the nature of good government, destructive to the liberties of free people, inconsistent with the obedience and allegiance due to his Majesty and government, as well as the greatest obstruction to the improvement of trade, husbandry and manufactories, and was one of the greatest means of raising and carrying on the late unhappy rebellion:* be it therefore enacted by the authority aforesaid, That from and after the first day of *August* in the year of our Lord one thousand seven hundred and seventeen, and all time thereafter, the annual value of the services, commonly called personal attendance, hosting, hunting, watching and warding, due by virtue of any charter, contract, custom or agreement whatsoever, shall be paid in money annually instead of them.

XI. And for the determining the said annual value of services and attendance, it is hereby further enacted by the authority aforesaid,

foresaid, That the persons to whom such services and attendance are due, and those by whom they are payable, shall each for themselves agree mutually for the said annual value, or by arbitrators chosen by their mutual consent; and in case they cannot agree in manner aforesaid, either party may apply to the lords of the session at *Edinburgh*, by bill or petition, to have the said annual value ascertained by them; and the said lords of the session are hereby impowered and required summarily to determine the said annual value, after having heard both parties, or summoned and given them time to compare.

XII. And for preventing the like abuses in time to come, it is hereby further enacted by the authority aforesaid, That all clauses in charters, contracts or agreements of any sort, whereby the foresaid services of personal attendance, hosting, hunting, watching and warding are contracted to be payable, and for which a certain sum of money is ordered to be paid annually as above, as well as all obligations to pay the aforesaid services and attendance, which shall hereafter be contracted, shall, from and after the said first day of *August* one thousand seven hundred and seventeen, be void and null, and of no effect in law, and so remain in all time to come.

XIII. Provided always, That nothing in this act contained shall be construed to enervate or take away any other clause or article in the aforesaid charters, contracts or agreements, besides those clauses, by virtue of which the foresaid services and personal attendance of hosting, hunting, watching and warding are payable.

XIV. Provided also, That the foresaid agreements by mutual consent or by arbitrators, or failing of these, the sentences of the lords of the session interposing as above, whereby a certain sum of money shall be determined to be paid annually, instead of the foresaid services of personal attendance, hosting, hunting, watching and warding, shall have, and they are hereby ordered to have the same force and effect in law, as if the said sum of money ascertained and determined as above, were insert as payable in the said respective charters, contracts or agreements, instead of the said services of personal attendance, hosting, hunting, watching and warding; any law, statute or usage to the contrary notwithstanding.

XV. *And whereas by an act passed in the sixth year of the reign of her late majesty Queen Anne, intituled, An act for rendring the union of the two kingdoms more intire and complete; it is among other things enacted, That circuit courts shall be holden in that part of the united kingdom called Scotland, in manner and at the places mentioned in the said act: and whereas, by the late unnatural rebellion, the course of justice in Scotland has been so interrupted, as rendred it impossible to give up and transmit presentments in such due time, as prosecutions might thereupon commence before the circuits to be holden in May one thousand seven hundred and sixteen, whereby and by the absence of several sheriffs and other officers appointed by law for executing the portous rolls, who joined in the said rebellion, there*

Lord justice
clerk, &c. in-
demnified for
not perform-
ing the cir-
cuit in May
1716.

appeared a necessity of superseding the said circuit : be it therefore enacted by the authority aforesaid, That the lord justice clerk, and commissioners of justiciary, and all and every other person and persons therein concerned, are hereby exonerated and indemnified for their not performing the said circuit, as by the forecited act they were obliged to do; any thing in the same act, or in any other law or statute to the contrary notwithstanding.

Account to be
laid before his
Majesty, of
proper places
for schools.

XVI. *And whereas the want of schools in proper places, for the education of youth within the bounds aforesaid, is also a great cause of the ignorance and rudeness of the meaner sort of people in those parts : be it therefore further enacted by the authority aforesaid, That such persons as his Majesty shall appoint under his royal sign manual, shall, and they are hereby required and impowered, on or before the first day of December in the year of our Lord one thousand seven hundred and sixteen, to lay before his Majesty an account of the proper places for establishing schools, and of the necessary salaries for the maintenance of them, that all needful provision may be made for that end.*

CAP. LV.

An act to oblige papists to register their names and real estates.

WHEREAS the papists within this kingdom, notwithstanding the tender regard that hath been shewn them for many years last past, by omitting to put in execution the many penal laws which (on occasion of the many just provocations they have given, and horrid designs they have framed, for the destruction of this kingdom and the extirpation of the protestant religion) have been made against them; and notwithstanding they have enjoyed, and do still enjoy the protection and benefit of the government, as well as the rest of his Majesty's subjects, have not only, all or the greatest part of them, been concerned in stirring up and supporting the late unnatural rebellion, for the dethroning and murdering his most sacred Majesty; for destroying our present happy establishment; for settling a popish pretender upon the throne of this kingdom; for the destruction of the protestant religion, and the cruel murdering and massacring its professors; by which they have brought a vast expence upon this nation: and whereas it manifestly appears by their behaviour, that they take themselves to be obliged, by the principles they profess, to be enemies to his Majesty and to the present happy establishment, and watch for all opportunities of fomenting and stirring up new rebellions and disturbances within the kingdom, and of inviting foreigners to invade it: and for as much as it is highly reasonable that they should contribute a large share to all such extraordinary expences as are or shall be brought upon this kingdom by their treachery and insligation: and to the end that, by paying largely to the late great expences by them brought upon this nation, they may be deterred, if possible, from the like offences for the future: and that this nation may have the benefit of his Majesty's gracious condescension, in giving his interest in the two third parts of all the papists estates, which are already forfeited to him by law, for the use of the publick, either by seizing the said two third parts