Anno vicesimo nono

Georgii II. Regis.

An Act for granting a Bounty upon certain Species of *British* and *Irish* Linens exported; and taking off the Duties on the Importation of Foreign Raw Linen Yarns made of Flax.



WHEREAS the Wealth and Prosperity of this Kingdom do very much depend upon the Preservation and Improvement of the Manufactures thereof: And whereas the Manufacture of Linen would be greatly improved, and the Exportation of it to Foreign Parts considerably increased, if a Bounty was allowed on the Exportation of all British and Irish Linens of a certain Value, and the Duties payable upon the Importation of Raw or Brown Linen Yarn made of Flax were discontinued: May it therefore 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 there shall be given and paid without any Fee, Reward, or Deduction whatsoever, a Bounty for every Yard of British and Irish Linens made of Hemp or Flax, and of the Breadth of Twenty five Inches, or more, under the Value of Five Pence

Preamble.

Bounty granted on certain Species of *British* and *Irish* Linens, exported;

viz. under 5 d. per Yard 2 q. of 5 d. and under 6 d. per Yard 1 d. of 6 d. and not exceeding 15. 6 d. per Yard, 1 d. 2 q.

Pence per Yard, the Sum of One Halfpenny; and of the Value of Five Pence per Yard, and under the Value of Six Pence per Yard, the Sum of One Penny; and of the Value of Six Pence per Yard, and not exceeding the Value of Eighteen Pence per Yard, the Sum of One Penny Halfpenny, which from and after the Twenty fourth Day of June, in the Year One thousand seven hundred and fifty six, and within the Term of Fifteen Years, to commence from the said Twenty fourth Day of June, or at any Time thereafter before the End of the then next Session of Parliament, shall be exported out of Great Britain to Africa, America, Spain, Portugal, Gibraltar, the Island of Minorca, or the East Indies; which said Bounty shall be paid upon Demand to the Exporter of such Linens, or the Seller thereof for Exportation, by the Collector of the Port from whence the same shall be exported, out of any Monies that shall be in his Hands, arising from any of the Duties, Revenues, and Customs, collected and received at such Port; and in case any Collector of the Customs in any Out Port in South Britain, or of any Port in North Britain, shall not have Money sufficient in his Hands to pay such Bounty, that then every such Collector shall, if thereunto required, forthwith without Fee or Reward give to the Person or Persons intitled to such Bounty a Certificate under his Hand, attested by the Comptroller, certifying to the Commissioners of His Majesty's Customs at London, if such Linens are exported from any Port in that Part of Great Britain called England, or to the Commissioners of His Majesty's Customs at Edinburgh, if such Linens are exported from any Port in that Part of Great Britain called Scotland, that he hath not Money in his Hand sufficient to pay the said Bounty, and also what is due for the same to such Person or Persons, and upon producing such Certificate, and the Debenture of the Linens exported, the said respective Commissioners of the Customs shall cause to be paid without Fee or Reward, by the Receiver-general or Cashier of the Customs at London or Edinburgh respectively, to the Person or Persons producing every such Certificate and Debenture the Sum or Sums of Money so certified to be due out of the Monies arising from any of the Duties, Revenues, and Customs, under the Management of such respective Commissioners; and if the Receiver-general or Cashier of the Customs at Edinburgh shall not have Money sufficient in his Hands to pay the Bounty so certified to be due, the Commissioners of His Majesty's Customs at Edinburgh, or any Three of them, shall forthwith, without Fee or Reward, give such Exporter, or Seller for Exportation, a Certificate certifying

for the Term of 15 Years.

Bounty payable to the Exporter or Seller, by Collector of the Port,

and for want of Money Certificates to be granted for the same, &c.

the same to the Commissioners of His Majesty's Customs at London; which Certificates being affixed to the Debentures for the Bounty of the said Linens so exported, and being produced to the said Commissioners of His Majesty's Customs at London, they the said Commissioners are hereby authorized and required on Demand by such Exporter, or Seller for Exportation, or other Person legally authorized to receive the same, that shall bring such Certificate and Debenture, to cause the Money thereby certified to be due, to be paid by the Receiver-general, or Cashier of the Customs, without Fee or Reward, out of the Monies that shall be in his Hands, arising from any of the Duties, Revenues, and Customs, under the Management of the said Commissioners at London.

Quantity and Value of the Linens, to be entered and endorsed on the Cocquet, and Certificate from the Searcher produced, and Security given for not relanding,

Provided always, That the Exporter, or Seller for Exportation, of such British and Irish Linens, shall in his Entry thereof express the Quantity and Value, and likewise endorse on the Cocquet granted upon such Entry, the true Quantity and Value of the Linens intended to be shipped; and moreover shall, before he receives such Bounty, produce a Certificate from the Searcher or other proper Officer appointed to see the same shipped, verifying the shipping thereof, and shall likewise give sufficient Security to the Collector or Customer of the Port, in the Penalty of double the Value of the Goods intended to be exported, and One hundred Pounds (which Security every such Collector or Customer is hereby impowered and required to take in the Name and to the Use of His Majesty, His Heirs, and Successors) that such Linens so shipped or intended to be shipped, or any Part thereof, shall not be relanded or brought on Shore again in any Port or Part of Great Britain, Ireland, or The Isle of Man; and shall also, before he receives any such Bounty, make Oath (which Oath the proper Officers of the Customs have hereby Power to administer) of the Value of such Linens, and that the same were made in Great Britain or Ireland.

and Oath to be made of the Value and Manufacture of the Linens.

Searcher may examine if the Goods agree with the Entry and Cocquet;

And, in order to prevent Abuses in obtaining the said Bounty, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Searcher, or other proper Officer, after the Entry of any Linens, as being intitled to the said Bounty, and before or after the shipping thereof, to open and strictly examine any Bale, Truss, Chest, or other Package, to see if the Goods are right entered and endorsed on the Cocquet; and if on such Examination the same shall be found to be right entered and endorsed, the Searcher shall at his own Charge cause the same to be repacked; which Charge

if right, they are to be repacked at his Charge,

to be allowed by the Commissioners.

shall be allowed to the said Officer by the Commissioners of the Customs if they think it reasonable.

Linens entered for the Bounty of greater Value than 1 *s.* 6 *d. per* Yard, to be delivered on Demand into the King's Warehouse,

And be it further enacted by the Authority aforesaid, That if upon View and Examination by the proper Officers of the Customs it shall appear that all or any Piece or Pieces of Linen which shall be entered for Exportation, as intitled to the Bounty hereby granted, is or are of greater Value than One Shilling and Six Pence per Yard, then, and in such Case, the Exporter, or Seller of such Linen for Exportation, shall, on Demand made in Writing by the Customer or Collector and Comptroller of the Port where such Goods or Merchandizes are entered, deliver, or cause to be delivered, so many Pieces of such Linen as shall be demanded by the said Officer; into His Majesty's Warehouse at the Port of Exportation, for the Use and Benefit of the Crown; and upon such Delivery, the Customer or Collector of such Port, with the Privity of the Comptroller, shall, out of any Money in the Hands of such Customer or Collector arising by Customs or other Duties belonging to the Crown, pay to such Exporter, or Seller for Exportation, the Value of One Shilling and Seven Pence per Yard, taking a Receipt for the same from such Exporter, or Seller for Exportation, in full Satisfaction for the said Goods, as if they had been regularly sold; and the respective Commissioners of the Customs shall cause the said Goods to be fairly and publickly sold for the best Advantage; and out of the Produce thereof, the Money so paid or advanced as aforesaid, shall be repaid to such Customer or Collector, with the Privity of the Comptroller, to be replaced to such Funds from whence the same was borrowed; and if any Overplus shall remain, after defraying the Expences of such Sale, and the necessary Charges incident thereto, One Moiety of such Overplus shall be paid into His Majesty's Exchequer to be made Part of the Sinking Fund, and the other Moiety to the proper Officers who shall have searched and examined such Linens.

and 1 *s.* 7 *d. per* Yard to be paid for the same,

Goods to be afterwards sold publickly,

to replace the Expence to the proper Funds.

Overplus how to be applied.

Linens enter'd at an under Value, and refused to be given up;

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall enter for Exportation any Linen at any Value, not exceeding the Value of One Shilling and Six Pence per Yard, and which, upon the View and Examination of the proper Officers of the Customs, shall be thought to be of greater Value than One Shilling and Six Pence per Yard, and shall, on Demand made in Writing by the Customer or Collector, and Comptroller of the Port where such Linen is entered for Exportation, refuse to deliver, or cause to

be

be delivered, all or any of the Pieces of such Linen into His Majesty's Warehouse at such Port, for the Use and Benefit of the Crown, and to receive from the said Officers of the Customs at the said Port the Value of One Shilling and Seven Pence per Yard for such Linen, in full Satisfaction for the same; or if the proper Officers of the Customs shall, upon View and Examination, find any such Linen which shall be entered for Exportation at the Value of Six Pence per Yard, or above that Value, not exceeding Eighteen Pence per Yard, to be under the Value of Six Pence per Yard, or which shall be entered at the Value of Five Pence per Yard, or above that Value, and not amounting to the Value of Six Pence per Yard, to be under the Value of Five Pence per Yard; or if such Linen shall be less in Quantity than shall be expressed in the said Indorsement on the said Entry or Cocquet, or shall not be of the Breadth of Twenty five Inches at the least; or if the same shall be entered and indorsed under a wrong Denomination, whereby the said Bounty, or any Part thereof, would have been fraudulently obtained; that then, and in every such Case, all such Linen which shall be so refused to be delivered, or that shall be under the Value of Six Pence per Yard, or Five Pence per Yard respectively, or shall appear to be less in Quantity than expressed in such Indorsement, or be under the Breadth of Twenty five Inches, or entered and indorsed under a wrong Denomination, and also all the Goods contained in all and every the Package or Packages indorsed on the said Entry or Cocquet, shall be forfeited and lost, and shall and may be seized by any Officer or Officers of the Customs; and the Owner or Merchant shall lose the Benefit of receiving the Bounty for such Goods.

and also Linens found to be under the Value or 5 *d.* or 6 *d.* *per* Yard respectively, or less in Quantity or Breadth, than required by the Act,

or entered under a wrong Denomination,

to be forfeited, with the Package.

And be it also further enacted by the Authority aforesaid, That if any British or Irish Linen for which the Bounty shall have been given or claimed, shall be relanded in Great Britain, Ireland, or The Isle of Man, the same shall be forfeited; and every Person concerned in bringing back or relanding the same, shall forfeit One Shilling for every Yard so brought back or relanded.

Linens relanded to be forfeited,

with 1 *s.* *per* Yard for the same.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to give any Bounty on any Linens that are striped or chequered, or printed or painted, or made into Buckrams or Tilletings.

Striped and chequered Linens, *&c.* excepted from Bounty.

Provided also, and be it further enacted by the Authority aforesaid, That no Linen of the Manufacture of

Irish Linen receiving the Bounty, Exporter to make Oath, that the same is the Property of some Person in *Great Britain* or *America*.

Ireland, to be exported from Great Britain, shall be intitled to the Bounty, unless such Linen shall be, at the Time of such Exportation, the Property of a Person or Persons residing in Great Britain, or in some of His Majesty's Colonies or Plantations in America, of which the Exporter or Seller for Exportation of such Irish Linen is hereby required to make Oath, before the proper Officer or Officers of the Customs of the Port where such Irish Linen shall be entered for Exportation; which Oath such Officer or Officers is or are hereby impowered to administer.

Species of *Irish* Linens excepted from Bounty.

And be it enacted by the Authority aforesaid, That the Species of Irish Linen made of Flax and Hemp, whereof the Piece or Bolt contains Thirty eight Yards in Length, and Twenty four Inches in Breadth, and Cloths of different Lengths and Breadths, in Proportion from Number One to Number Ten inclusive, which shall weigh Fifteen Pounds Weight or upwards, to Forty four Pounds Weight, as the same is described in an Act made in the Ninth Year of the Reign of his present Majesty, intituled, An Act for further encouraging and regulating the Manufacture of *British* Sail Cloth; and for the more effectual securing the Duties now payable on foreign Sail Cloth imported into this Kingdom, shall not be intitled to any Bounty or Reward by virtue or in consequence of this Act; any thing in this or any former Act contained to the contrary in any wise notwithstanding.

Bonds and Debentures excepted from Stamp Duties.

Provided always, and be it further enacted, That all Bonds taken or to be taken, and Debentures made or to be made, pursuant to this Act, shall not be chargeable with any of the Duties upon Stampt Vellum, Parchment, or Paper; any Law or Statute made or to be made to the contrary notwithstanding.

200 *l.* Penalty, and 12 Months Imprisonment, on making a false Oath,

And be it further enacted by the Authority aforesaid, That if any Person shall falsely make any Oath by this Act directed to be made, and shall thereof be legally convicted in any of His Majesty's Courts of Record in Great Britain, every such Person shall forfeit the Sum of Two hundred Pounds, and be imprisoned for Twelve Months.

Where Seizures, Penalties, and Forfeitures, may be respectively prosecuted.

And be it further enacted by the Authority aforesaid, That the several Seizures, Penalties, and Forfeitures in this Act mentioned, shall and may be prosecuted and determined by Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, or in the Court of Exchequer in Scotland respectively, wherein no Essoin, Protection, Privilege, Wager of Law, or more than One Imparlance shall be allowed; and One Moiety of

of the said Seizures, Penalties, and Forfeitures, shall be to the Use of the King's Majesty, and the other Moiety to such Person or Persons as will sue for or prosecute the same; and in case in any such Suit it shall be made a Question whether any such Linen is of the Manufacture or Fabrick of Great Britain or Ireland, or of any Foreign Country, in such Case the Onus Probandi thereof shall lie upon the Exporter or Seller thereof for Exportation.

In case of Question concerning where Linens were manufactured, *Onus* to lie on the Exporter.

And be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, no Subsidy, Custom, Rate, Duty, or other Imposition whatsoever, shall be demanded, collected, received, or taken, upon any Raw or Brown Linen Yarns, made of Flax, and known by the Names of Dutch Yarn and French Yarn, and of Spruce or Muscovia Yarn, or any other foreign Raw or Brown Linen Yarns made of Flax, which shall be imported into this Kingdom; but that all such Linen Yarns shall and may be imported Duty-free, for the Space of Fifteen Years from the said Twenty fourth Day of June, or at any Time thereafter, before the End of the then next Session of Parliament; any former Law, Statute, or Act or Acts of Parliament, to the contrary notwithstanding: And in case any Question shall arise in respect of Yarn imported Duty-free, whether such Yarn be made of Flax or not, the Onus probandi shall lie upon the Importer or Claimer thereof.

Duty on Foreign Raw Linen Yarns imported, taken off for the Term of 15 Years.

In case of Question relating to the same, *Onus* to lie on the Importer.

Provided always, and be it further enacted by the Authority aforesaid, That a due Entry shall be made of all such foreign Raw or Brown Linen Yarns, at the Custom-house belonging to the Port into which the same shall be imported, in such Manner and Form, and expressing the Quantities and Species of such Raw or Brown Linen Yarns, as were used and practised before the making of this Act; and such Yarn shall be landed in the Presence of the proper Officer or Officers of the Customs appointed for that Purpose; and the Importation thereof, be in Ships or Vessels built in Great Britain, Ireland, or His Majesty's Dominions in America, and navigated according to Law; and if any Person or Persons upon the Importation of any foreign Raw or Brown Linen Yarn made of Flax, shall not observe and perform the said Conditions and Directions herein before-mentioned, every such Person shall be liable to and pay such and the same Duties, as such Yarn would have been liable to, if this Act had not been made; any thing in this Act contained to the contrary notwithstanding.

Entry to be made of such Yarn;

Conditions to be observed in importing the same;

on Failure of which, Duties to be paid for the same.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against

Persons sued on Account of this Act,

any Person or Persons for any Thing done in Pursuance of this Act, the Defendant or Defendants in any such Action or Suit 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 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 Judgement shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

may plead the General Issue

and recover Treble Costs.

FINIS.