Anno tertio

Georgii III. Regis.

CAP. XXI.

An Act for explaining, amending, and rendering more effectual, an Act made in the Nineteenth Year of the Reign of King *Henry* the Seventh, intituled, "*Silk Works.*"



WHEREAS by an Act passed in the Nineteenth Year of the Reign of King Henry the Seventh, intituled, "Silk Works," it is, amongst other Things, ordained and enacted, That no Manner of Person shall from thenceforth bring, or cause to be brought, into the Realm of England, to be sold, any Manner of Silk wrought by itself, or with any other Stuff, in any Place out of the said Realm, in Ribbands, Laces, or Girdles, upon Pain of Forfeiture of all the said Ribbands, Laces, and Girdles, and every of them, in whose Hands soever they be found, or the Values of the same, the One Moiety to the King, and the other Moiety unto any of the King's Subjects that would sue for the same: And whereas notwithstanding the aforesaid Act, and the other Laws now in being, great Quantities of Foreign Manufactures, and particularly Ribbands, Laces, and Girdles, are brought into, and sold in this Kingdom, to the great Diminution of the Trade and Manufactures of this Kingdom, and to the great Prejudice, Hindrance, and Impoverishment, of great Numbers of His Majesty's Subjects; an Evil which, if not timely prevented,

Preamble, reciting Clause in Act 19 *Hen.* VII.

vented, will affect and greatly leſſen the Public Revenue, and greatly Diſtreſs the Silk Trade and Manufactures of this Kingdom: For Remedy whereof, 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 if any Perſon or Perſons ſhall, after the Twenty fourth Day of June, One thouſand ſeven hundred and ſixty three, import, bring, or convey, or cauſe to be imported, brought, or conveyed, into this Kingdom, any Ribbands, Laces, or Girdles, not made and manufactured in Great Britain, whether the ſame be wrought of Silk alone, or wrought of Silk mixed with any other Materials; all ſuch Ribbands, Laces, and Girdles, ſhall be, and the ſame are hereby declared to be forfeited; and the ſame ſhall and may be ſeized and detained by any Perſon or Perſons whatſoever, in whatever Importers, Venders, or Retailers Hands the ſame may be found or diſcovered; and ſhall be diſpoſed of as herein after is mentioned; and the Perſon or Perſons bringing, conveying, or importing ſuch Ribbands, Laces, or Girdles, into this Kingdom, or cauſing the ſame ſo to be ſo brought, conveyed, or imported, ſhall alſo forfeit, for every Offence, the Sum of One hundred Pounds; and all and every Perſon and Perſons who ſhall be aiding, abetting, or aſſiſting in the bringing and conveying or importing into this Kingdom, any ſuch Ribbands, Laces, or Girdles, as aforeſaid, ſhall ſeverally forfeit and pay the Sum of Fifty Pounds, over and above any Intereſt which he, ſhe, or they, may have, or may have had, in any ſuch Ribbands, Laces, or Girdles.

Foreign Silk Ribbands, Laces, or Girdles, imported,

are forfeitable, and may be ſeized by any Perſon;

and the Importer forfeits alſo 100 *l.*

and all Perſons aſſiſting therein, 50 *l.* each;

And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons, being a Vender or Venders, Retailer or Retailers, of any Kind of Ribbands, Laces, or Girdles, reſpectively, in whoſe Cuſtody or Poſſeſſion any ſuch Ribbands, Laces, or Girdles, or any of them, ſhall be found, or who ſhall ſell or expoſe to Sale, any ſuch Ribbands, Laces, or Girdles, as aforeſaid, or who ſhall conceal any ſuch Ribbands, Laces, or Girdles, with Intent to prevent the Forfeiture or Seizure of the ſame, ſhall, over and above the Forfeiture and Loſs of ſuch Ribbands, Laces, and Girdles, and all Intereſt which he, ſhe, or they, may have therein, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds.

and the Venders, Retailers, and Perſons concealing the ſame, forfeit, beſides the Loſs of the Goods, 50 *l.*

And be it further enacted by the Authority aforeſaid, That all pecuniary Forfeitures and Penalties incurred under this Act, ſhall be paid, One Moiety to our Sove-

One Moiety of the ſaid Penalties to go to the King.

reign Lord the King, His Heirs, and Succeſſors, and the other Moiety to him or them who will ſue or proſecute for the ſame reſpectively; ſuch of the ſaid Penalties which ſhall ariſe in that Part of Great Britain called England, to be ſued and proſecuted for in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, Bill, Plaint, or Information, in which no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and ſuch of them as ſhall ariſe in that Part of Great Britain called Scotland, to be ſued and proſecuted for in the Court of Exchequer at Edinburgh, in ſuch Manner as any Penalties and Forfeitures for Offences againſt the Laws touching the Cuſtoms may be ſued or proſecuted for there reſpectively,

and the other to the Proſecutor,

to be recovered in any of the Courts at *Weſtminſter*,

or *Exchequer* in *Scotland*.

Provided always, and be it alſo further enacted by the Authority aforeſaid, That whenever ſuch Ribbands, Laces, and Girdles, ſhall be found and ſeized in that Part of Great Britain called England, and out of the Cities of London and Weſtminſter, and the Limits of the Weekly Bills of Mortality, and the ſame ſhall not exceed in Value the Sum of Twenty Pounds, it ſhall and may be lawful for Two or more of his Majeſty's Juſtices of the Peace for ſuch County, City, Borough, or Place, where the ſame ſhall be ſo found and ſeized, upon any Information before them, that ſuch Ribbands, Laces, or Girdles, were ſeized as Ribbands, Laces, or Girdles, unduly brought into, and not manufactured within, this Kingdom, to hear and determine the ſame, and to proceed to Condemnation or Diſcharge thereof, as ſhall ſeem juſt; any thing herein before contained to the contrary notwithſtanding.

Where the Value of the Goods ſo ſeized out of *London* and *Weſtminſter*, do not exceed 20 *l.*

Two Juſtices may proceed to Condemnation, or Diſcharge thereof.

And, for the utter Prevention of all and every ſuch Ribbands, Laces, and Girdles, ſeized and condemned as aforeſaid, from ever being made uſe of to the Prejudice of the Trade and Manufactures of this Kingdom, be it further enacted by the Authority aforeſaid, That all and every ſuch Ribbands, Laces, and Girdles, after Condemnation thereof, ſhall, by Order of the Court, Judge or Judges, or Juſtices, where or before whom ſuch Condemnation ſhall be had, be publickly burnt and entirely deſtroyed; but the Execution of ſuch Order ſhall and may be ſuſpended for ſo long Time only as may be thought juſt and meet, for the better attaining the Ends of Juſtice, with regard to any Suit or Proſecution had, or to be had, for the Recovery of any pecuniary Penalty or Penalties by this Act inflicted.

After Condemnation the Goods to be burnt,

ſuſpending the Execution thereof only till Proſecution of the Penalties.

Provided always, and it is hereby further enacted by the Authority aforeſaid, That forthwith, after the Seizure of any ſuch Ribbands, Laces, or Girdles, as aforeſaid,

The Goods, after Seizure,

to be depositted, 'till Condemnation, or Discharge, in the King's Warehouses, if the Seizure be made within the Bills of Mortality,

the same, until they shall be condemned, burnt, and destroyed, as aforesaid, or discharged as unduly seized, shall be deposited in One of the King's Warehouses belonging to the Custom-house, in case such Seizure happens to be within the Cities of London or Westminster, or the Weekly Bills of Mortality, where the same shall be received and admitted at all Times by the proper Officer or Officers there, who is and are hereby impowered and required to receive and preserve the same until they shall be condemned, burnt, and destroyed, or discharged as aforesaid;

if elsewhere, then in the Hand of the Chief Magistrate,

or Constable;

and in case such Seizure shall be made out of the said Cities of London and Westminster, and the Weekly Bills of Mortality, then the same shall be deposited in the Hands of the Chief Magistrate of such City, Town, or Place, where the same shall be seized, or in the Hands of the Constable of the next adjacent Village, who is and are hereby impowered and required to receive and preserve the same, until they shall be condemned, burnt, and destroyed,

and to be free to Inspection, with Leave of Court, &c.

or discharged as aforesaid; and all and every such Ribbands, Laces, and Girdles, may, from time to time, be viewed and inspected by any Person or Persons, on Behalf of the Prosecutor or Prosecutors, or of the Person or Persons interested in, or claiming, the said Ribbands, Laces, and Girdles, with the Leave of the Court, Officers, Judges, or Justices, where or before whom any Prosecution or Suit shall be carried on for Condemnation thereof, or for Recovery of any Penalty by this Act inflicted, who are and is hereby required to make and give such Order, from time to time, for that Purpose, as may be just and reasonable.

Upon Information given in upon Oath before 2 Justices, Search Warrants may be granted;

And, for the better discovering and detecting any Offender or Offenders against this Act, be it enacted by the Authority aforesaid, That upon an Information in Writing made upon Oath before any Two or more of His Majesty's Justices of the Peace for the respective County or Place (which Information shall be signed by the Party or Parties making the same) that there is good Ground and Reason to suspect that such Ribbands, Laces, or Girdles, as aforesaid, have been imported into this Kingdom, and are concealed by, or are in the Possession or Custody of any Retailer or Seller of any Kind of Ribbands, Laces, or Girdles, contrary to the true Intent of this Act, it shall and may be lawful for such Justices respectively, to issue their Warrant or Warrants to any Constable or Constables, or other Peace Officer or Officers, within the said County or Place, impowering him or them to search, in the Day-time, the House or Houses, Out-house or Out-houses, Warehouses, Shops, Cellars, Rooms,

Rooms, and other Places, belonging to, or hired, employed, or made use of, by such Retailer or Seller who shall be suspected to conceal or have in his, her, or their Possession or Custody, any Ribbands, Laces, or Girdles, not made or manufactured within Great Britain; and if any such Ribbands, Laces, or Girdles, not being made or manufactured within Great Britain, shall be found, to seize and carry away the same, for the Purpose of carrying this Act into Execution, and to dispose thereof as is herein before directed. and Seizure made of such Goods as shall thereupon be found.

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, the Defendant or Defendants in 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 by the Authority of this Act; and if it shall appear to have been so done, then 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 recover Treble Costs, and have the like Remedy for the same, as Defendants have in other Cases by Law. General Issue. Treble Costs.

Provided always nevertheless, and it is hereby enacted, That in every such Action, it shall and may be lawful for the Defendant or Defendants, by Leave of the Court where such Action shall be depending, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, as Amends for the Matter or Cause complained of in such Action; whereupon such Proceedings, Orders, and Judgements, shall and may be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court. Defendant, with Leave, may pay Money into Court

And be it further enacted by the Authority aforesaid, That if any Ribbands, Laces, or Girdles, wrought of Silk alone, or of Silk mixed with any other Materials, shall be seized by virtue and in pursuance of this Act, and any Doubt or Question shall afterwards arise, where the said Ribbands, Laces, or Girdles, so wrought as aforesaid, were manufactured, the Proof shall lie upon such Person or Persons, being a Vender or Venders, Retailer or Retailers, of any Kind of Ribbands, Laces, or Girdles respectively, in whose Custody or Possession the same were found, and not upon the Prosecutor or Prosecutors, In Doubts with respect to the Place where the Goods were manufactured, the *Onus probandi* to lie on the Person in whose Custody they are found.

cutors, Plaintiff or Plaintiffs; and in case no such Proof shall be given, that such Ribbands, Laces, and Girdles, were manufactured within Great Britain, then the same shall, without any further Proceeding, be taken and held to have been manufactured out of Great Britain, and contrary to, and in Violation of, this Act, any Law or Custom to the contrary notwithstanding.

Persons in whose Custody such Goods shall be seized (not importing or concealing the same) discovering the Vender,

Provided always, and it is hereby declared, That if any such Person or Persons, in whose Custody or Possession any such Ribbands, Laces, or Girdles, as aforesaid, shall be seized by virtue and in pursuance of this Act (such Person or Persons not importing or concealing the same) shall discover, upon Oath, before any One or more Justice or Justices of the Peace, the Person or Persons who sold such Ribbands, Laces, or Girdles, to such Person or Persons, in whose Custody or Possession the same shall be seized, so as that such Person or Persons so selling the same shall or may be prosecuted and convicted according to the Intent of this Act, as the Seller thereof, in case the same shall be, or be taken and held to be, within the Intent and Meaning of this Act, manufactured out of Great Britain; such Person or Persons so discovering as aforesaid, shall be, and is and are hereby freed and discharged of and from all and every Penalties and Forfeitures by this Act inflicted, upon all and every Person and Persons being a Vender or Venders, a Retailer or Retailers, having in their Custody or Possession, any such Ribbands, Laces, or Girdles, as aforesaid, not made or manufactured in Great Britain, and of and from any Proof that such Ribbands, Laces, or Girdles, so seized as aforesaid, are manufactured in Great Britain.

are discharged from the Penalty themselves.

The Wearers of such Ribbands, Laces, or Girdles, are exempted from all Forfeiture and Penalty.

Provided also, and it is hereby further enacted by the Authority aforesaid, That nothing in this Act contained, shall extend, or be in any wise construed to extend, to subject any Person or Persons whatsoever, who shall wear or make use of such Ribbands, Laces, or Girdles, as aforesaid, as Part of his, her, or their Apparel or Dress only, to any Forfeiture, or to any pecuniary Penalty or Penalties inflicted by this Act, or to any Proof that such Ribbands, Laces, or Girdles, are manufactured within Great Britain.

FINIS.