Anno quarto

Georgii III. Regis.

CAP. XIII.

An Act for granting to His Majeſty a certain Sum of Money out of the Sinking Fund, for the Service of the Year One thouſand ſeven hundred and ſixty four; and for preventing, in certain Caſes, the obtaining of Allowances in reſpect of the Leakage of Wines imported into this Kingdom; and for making forth Duplicates of Exchequer Bills, Tickets, Certificates, Receipts, Annuity Orders, and other Orders, loſt, burnt, or otherwiſe deſtroyed.

Moſt Gracious Sovereign,

WE, Your Majeſty's moſt dutiful and loyal Subjects, the Commons of Great Britain, in Parliament aſſembled, towards raiſing the neceſſary Supplies which we have chearfully granted to Your Majeſty in this Seſſion of Parliament, have reſolved to give and grant to Your Majeſty the Sum herein aftermentioned; and do therefore moſt humbly beſeech 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 Preamble.

Towards raising the Supplies granted, there may be issued out of the Sinking Fund, a Sum not exceeding 2,000,000*l.*

by the Authority of the same, That by or out of such Monies as shall, from time to time, be and remain in the Receipt of the Exchequer, of the Surplusses, Excesses, Overplus Monies, and other Revenues, composing the Fund commonly called The Sinking Fund, after paying or reserving sufficient to pay all such Sums of Money as have been directed by any former Act or Acts of Parliament to be paid out of the same, there shall and may be issued and applied, for and towards making good the Supply granted to His Majesty for the Service of the Year One thousand seven hundred and sixty four, a Sum not exceeding Two Millions; and the Commissioners of His Majesty's Treasury, or any Three or more of them now being, or the High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, are hereby authorized and impowered to issue and apply the same accordingly.

Clause of Loan for raising the aforesaid Sum of 2,000,000*l.*

And it is hereby enacted by the Authority aforesaid, That in case the said Commissioners of His Majesty's Treasury, or any Three or more of them now being, or the High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, shall think it adviseable to raise the said Sum of Two Millions, or any Part thereof, by Loans or Exchequer Bills, in Manner herein after-mentioned, that it shall and may be lawful to and for any Person or Persons, Natives or Foreigners, Bodies Politick or Corporate, to advance or lend to His Majesty, at the Receipt of His Majesty's Exchequer, any Sum or Sums of Money not exceeding the said Sum of Two Millions, upon the Credit of the said Surplusses, Excesses, and Overplus Monies, or other Revenues composing the Sinking Fund, and to have and receive Interest for the Forbearance of the Money lent, so as such Loans be allowed to be made by the said Commissioners of the Treasury, or any Three or more of them now being, or the High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, who are hereby authorized to issue their Warrants for that Purpose, as fast as such Loans shall be wanted for the Publick Service; and moreover, that no Money to be lent upon the Security of this Act, shall be rated or assessed to any Tax or Assessment whatsoever.

Tallies of Loan to be struck for the same.

And be it further enacted, That all and every Person or Persons who shall lend any Money upon the Credit of this Act as aforesaid, and pay the same into the Receipt of the Exchequer, shall immediately have a Tally of Loan struck for the same, and an Order for his, their or

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their Repayment, bearing the ſame Date with his, her, or their Tally, in or upon which Order ſhall be alſo contained a Warrant for Payment of Intereſt for the Forbearance thereof, and to be paid every Three Months, until the Repayment of the Principal; and all ſuch Orders for Repayment of Money, ſo to be lent, ſhall be regiſtered in Courſe, according to the Dates reſpectively; and that all and every Perſon and Perſons ſhall be paid in Courſe, according as their Orders ſhall ſtand regiſtered in the ſaid Regiſter Books, ſo as the Perſon or Perſons, Natives or Foreigners, his, her, or their Executors, Adminiſtrators, or Aſſigns, who ſhall have his, her, or their Order or Orders firſt entered in the ſaid Books of Regiſter, ſhall be taken and accounted to be the firſt Perſon or Perſons to be paid out of the ſaid Surpluſſes, Exceſſes, or other Revenues; and he, ſhe, or they, who ſhall have his, her, or their Order or Orders next entered, ſhall be taken and accounted to be the Second Perſon to be paid, and ſo ſucceſſively and in Courſe; and that the Monies to come in of or for the ſaid Surpluſſes, Exceſſes, and Overplus Monies, or other Revenues compoſing the Sinking Fund, as aforeſaid, ſhall be in the ſame Order liable to the Satisfaction of the ſaid reſpective Perſons, and Body or Bodies Politick or Corporate, their Executors, Adminiſtrators, Succeſſors, or Aſſigns reſpectively, without any undue Preference of one before another, and not otherwiſe; and ſhall not be diverted or divertible to any other Uſe, Intent, or Purpoſe whatſoever (other than ſuch Uſes and Purpoſes as are appointed by any other Act or Acts of Parliament in that Behalf as aforeſaid); and that no Fee, Reward, or Gratuity, directly or indirectly, ſhall be demanded or taken of any of His Majeſty's Subjects, for providing or making of any ſuch Books or Regiſters, or any Entries, Views, or Searches, in or for Payment of Money lent, or the Intereſt thereof, as aforeſaid, by any of His Majeſty's Officer or Officers, their Clerks or Deputies, on Pain of Payment of Treble Damages to the Party grieved, by the Party offending, with Full Coſts of Suit; or if the Officer himſelf take or demand any ſuch Fee or Reward, then to loſe his Place alſo; and if any undue Preference of one before another ſhall be made either in Point of Regiſtry or Payment, contrary to the true Meaning of this Act, by any ſuch Officer or Officers, then the Party offending ſhall be liable by Action of Debt, or on the Caſe, to pay the Value of the Debt, with Full Coſts of Suit, to the Party grieved, and ſhall be forejudged of his Place or Office; and if any ſuch Preference be

Orders to be regiſtered and paid in Courſe.

No Fee to be paid for regiſtering, &c.

Penalty of undue Preference;

unduly made by any his Deputy or Clerk, without Direction or Privity of his Master, then such Deputy or Clerk only shall be liable to such Action, Debt, Damages, and Costs, and shall be for ever after incapable of his Office or Place: And in case the Auditor of the Receipt shall not direct the said Orders of Loan, or the Clerk of the Pells record, or the Teller make Payment upon such Orders, according to each Person's due Place and Order, as before directed; then he or they shall be adjudged to forfeit, and the respective Deputies and Clerks, therein offending, to be liable to such Action, Debt, Damages, and Costs, in such Manner as aforesaid: All which said Penalties, Forfeitures, Damages, and Costs, to be incurred by any the Officers of the Exchequer, or any their Deputies or Clerks, shall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at Westminster; wherein no Essoin, Protection, Privilege, Wager of Law, Injunction, or Order of Restraint, shall be in any wise granted or allowed.

how to be recovered.

Provided always, and it is declared, That if it shall happen that several Tallies of Loan, or Orders for Payment, as aforesaid, bear Date, or be brought the same Day to the Auditor of the Receipt to be registered, then it shall be interpreted no undue Preference, which of those he entered first, so as he enters them all the same Day.

It shall be deemed no undue Preference, where Tallies are dated, or brought the same Day;

Provided also, That it shall not be interpreted any undue Preference, to incur any Penalty in Point of Payment, if the Auditor direct, and the Clerk of the Pells record, and the Tellers do pay subsequent Orders to Persons that come and demand their Monies, and bring their Orders, before other Persons that did not come to take their Monies, and bring their Orders in Course; so as there be so much Money reserved as will satisfy precedent Orders; which shall not be otherwise disposed of, but kept for them; Interest upon Loan being to cease from the Time the Money is so reserved and kept in Bank for them.

nor if subsequent Orders be paid before such as were not demanded in Course.

And be it further enacted, That all and every Person and Persons to whom any Money shall be due, for Loans to be registered by virtue of this Act, after Order entered in the Book of Register as aforesaid, his, her, or their Executors, Administrators, or Assigns, by proper Words of Assignment to be indorsed and written upon his, her, or their Order, may assign and transfer his, her, or their Right, Title, Interest, and Benefit, of such Order, to any other; which being notified in the

Orders assignable *toties quoties*.

Office of the Auditor of the Receipt aforesaid, and an Entry or Memorial thereof also made in the Book of Register aforesaid for Orders (which the Officers shall upon Request, without Fee or Charge, accordingly make) shall intitle such Assignee, his, her, or their Executors, Administrators, Successors, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign again, and so toties quoties; and afterwards it shall not be in the Power of such Person or Persons who hath or have made such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

And to the end there may be no Want or Failure of a certain Sum not to exceed in the Whole the said Sum of Two Millions, to be raised either by such Loans as aforesaid, or by issuing Exchequer Bills, as is herein after-mentioned, or by both or either of those Ways or Means, for the Publick Service; be it further enacted by the Authority aforesaid, That in case the Commissioners of His Majesty's Treasury, or any Three or more of them now being, or the High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, shall judge it more adviseable to raise the said Sum of Two Millions, or any Part thereof, by Exchequer Bills, instead of such Loans as aforesaid, that then they respectively are hereby authorized and impowered, at any Time or Times, to prepare and make, or cause to be prepared and made, at the Exchequer, any Number of new Exchequer Bills, for any Sum or Sums of Money, not exceeding in the Whole the said Sum of Two Millions, together with such Loans aforesaid, in the same or like Manner, Form, or Order, and according to the same or like Rules and Directions, as in and by a certain Act of this present Session of Parliament, intituled, An Act for continuing and granting to His Majesty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thousand seven hundred and sixty four, are enacted and prescribed, concerning the Exchequer Bills to be made in pursuance of the said Act.

Commissioners of the Treasury, if they shall think it more adviseable to raise the said Sum, or any Part thereof, by Exchequer Bills, may make out any Number of new Exchequer Bills for the same,

in like Manner and Form as is prescribed by the Malt Act of this Session.

And be it further enacted by the Authority aforesaid, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities, contained in the said last-mentioned Act, relating to the Loans or Exchequer Bills, authorized to be made by the same Act (except such Clauses as do charge the same on the Fares granted by the same Act, and except such Clauses as limit the Rate of Interest to be

Clauses in the said Act relating to Exchequer Bills, extended to those to be made out in pursuance of this Act.

be paid for the Forbearance of Money lent on the Credit of the said Act) shall be applied and extended to the Exchequer Bills to be paid in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said Exchequer Bills had been originally authorized by the said last-mentioned Act, or as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this present Act.

The said Bills, Interest, Premium, and Charges, payable out of the Sinking Fund.

And be it enacted by the Authority aforesaid, That all the Exchequer Bills which shall be made in pursuance of this Act, and the Interest, Premium, Rate, and Charges incident to, or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the growing Produce of the said Surplusses, Excesses, and Overplus Monies, or other Revenues composing the Sinking Fund (except such Monies of the said Sinking Fund as are appropriated to any particular Use or Uses by any former or other Act or Acts of Parliament in that Behalf) and such Monies of the said Sinking Fund shall and may be issued and applied, as soon as the same can be regularly stated and ascertained, for and towards the paying off, cancelling, and discharging, such Exchequer Bills, Interest, Premium, Rate, or Charges, until the Whole of them shall be paid off, cancelled, and discharged, or Money sufficient for that Purpose be kept and reserved in the Exchequer, to be payable on Demand to the respective Proprietors thereof.

The Bank impowered to advance, on the said Credit of Loan, any Sum or Sums, not exceeding 2,000,000*l.*

the Act 5 & 6 *W. & M.* notwithstanding.

And be it declared and further enacted by the Authority aforesaid, That it shall and may be lawful for the Governor and Company of the Bank of England, to advance or lend to His Majesty in like Manner at the Receipt of the Exchequer, upon the Credit of Loan granted by this Act, any Sum or Sums of Money not exceeding in the Whole the Sum of Two Millions; any thing in an Act made in the Fifth and Sixth Years of the Reign of King William and Queen Mary, intituled, An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, for securing certain Recompences and Advantages in the said Act mentioned, to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds, towards carrying on the War against *France*, to the contrary thereof in any wise notwithstanding.

And whereas by the Eighth Rule annexed to the Book of Rates referred to in the Act of Tonnage and Poundage, passed in the Twelfth Year of the Reign of King Charles the Second, every Merchant bringing in any

any Sort of Wines into this Kingdom by way of Merchandize, and making due Entries thereof, is allowed Twelve per Cent. for Leakage: And whereas it is of late Years become a Practice for several Merchants to lodge Spanish, Portugal, and other Wines at the Islands of Guernsey and Jersey, and, after they have filled up the Casks there, to import such Wines into this Kingdom, and demand the before mentioned Allowances for Leakage, notwithstanding the Casks are quite full; to the lessening of his Majesty's Revenue, and the Prejudice of other Merchants who import Wines directly from the Place of their Growth: For Remedy whereof, and in order to put all Merchants upon a more equal Footing; be it enacted by the Authority aforesaid, That from and after the First Day of May, One thousand seven hundred and sixty four, no Merchant shall be allowed Twelve per Centum, or have any Allowance for Leakage upon any Wine imported into this Kingdom, unless such Wine be imported directly from the Country or Place of the Growth of the said Wine, or the usual Port or Place of its first Shipping, except only Madeira Wines imported into this Kingdom from any of the British Colonies or Plantations in America, or from the East Indies; any thing in the said recited Rule, or any Law, Custom, or Usage to the contrary notwithstanding.

The former Allowance of 12 *l. per Cent.* for Leakage upon Wines imported, taken off, with respect to all such Wines as shall not be imported directly from the Place of their Growth; *Madeira* Wines excepted.

And whereas several Bills commonly called Exchequer Bills, several Tickets commonly called Lottery Tickets, several Orders and Certificates made forth in lieu of the said Lottery Tickets, and likewise for Annuities of divers Kinds payable at or near the Receipt of his Majesty's Exchequer; as also several Receipts of the Cashiers of the Governor and Company of the Bank of England, or some of them, for Monies contributed there for the Purchase of Annuities transferrable in the Books of the said Governor and Company, or for other Monies payable there in pursuance of Acts of Parliament, have by Casualty or Mischance, been lost, burnt, or otherwise destroyed; which Exchequer Bills, Lottery Tickets, Certificates, Receipts, Annuity Orders and other Orders of the respective Denominations aforesaid, were made forth by and in pursuance of several Acts of Parliament in that Behalf; be it therefore enacted by the Authority aforesaid, That in all Cases where it shall appear by Affidavit to be made before any or either of the Barons of the Exchequer for the time being (who shall interrogate the Deponent thereupon) to the Satisfaction of such Baron or Barons, that any such Exchequer

Clause of Relief for Exchequer Bills, Lottery Tickets, Certificates, Annuity Orders, &c. lost, burnt, or otherwise destroyed.

chequer Bills, or any such Ticket, Certificates, Receipts, Annuity Orders, or other Orders as aforesaid, before the First Day of June, One thousand seven hundred and sixty four, have been, are, or shall be lost, burnt, or otherwise destroyed, or that there be good Reason to believe the same have been burnt, lost, or otherwise destroyed, it shall and may be lawful for the respective Officers and Persons appointed to issue and make forth such Exchequer Bills, Tickets, Certificates, Receipts, Annuity Orders, or other Orders, or to pay or discharge the same, or to issue any Monies due or payable thereupon, upon producing a Certificate from any or either of the said Barons of such Affidavit made before him or them (which Affidavit the said Barons, or any or either of them, is and are hereby authorized to take, and which Certificate he or they is or are hereby required to make and grant without Fee or Reward) and on Security given to the said respective Officers and Persons, to their good Liking, to indemnify them respectively against all other Persons whatsoever for or concerning the Monies specified in or due upon such respective Bill or Bills, Ticket or Tickets, Certificate or Certificates, Receipt or Receipts, Order or Orders, they the said Persons respectively shall and are hereby required to make forth Duplicates of the said Bills, Tickets, Certificates, Receipts, and Orders, at the Request of the respective Owners, and to pay, satisfy, and discharge the same, and all such Interest as is or shall be due on any of them, carrying Interest, or to make forth Stock or transferrable Annuities in lieu of such Receipts as he or they should have paid, satisfied, or discharged or made forth on the said original Bills, Tickets, Certificates, Receipts, Annuity Orders, or other Orders, if the same had been produced, and shall be allowed all such Payments, Sum or Sums of Money in their respective Accounts; and in all Cases where the Signing of the Commissioners of his Majesty's Treasury, or the Lord High Treasurer of Great Britain for the time being, shall be necessary for making the said Duplicates, or any of them, effectual for the Purposes aforesaid, it shall and may be lawful to and for the said Commissioners of His Majesty's Treasury, or any Three or more of them, or the Lord High Treasurer for the time being, to sign such Duplicates accordingly.

FINIS.

Anno Regni

GEORGII III.

REGIS

Magnæ Britanniæ, Franciæ, & Hiberniæ,

QUARTO.

At the Parliament begun and holden at *Weſtminſter*, the Nineteenth Day of *May*, *Anno Dom.* 1761, in the Firſt Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

And from thence continued by ſeveral Prorogations to the Fifteenth Day of *November*, 1763, being the Third Seſſion of the Twelfth Parliament of *Great Britain*.



LONDON:

Printed by *Mark Baſkett*, Printer to the King's moſt Excellent Majeſty; and by the Aſſigns of *Robert Baſkett*. 1764.

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