Anno quarto

Georgii III. Regis.

CAP. XXXVII.

An Act for the better eſtabliſhing a Manufactory of Cambricks and Lawns, or Goods of the Kind uſually known under thoſe Denominations, now carrying on at *Winchelſea*, in the County of *Suſſex*; and for improving, regulating, and extending the Manufacture of Cambricks and Lawns, or Goods of the Kind uſually known under thoſe Denominations, in that Part of *Great Britain* called *England*.



WHEREAS the eſtabliſhing a Manufacture of Linens in England, of the Kind uſually known under the Denomination of Cambricks and French Lawns, will be of great Utility to this Kingdom, as well by the Employment of a great Number of Poor, as by preventing the illegal Importation of Foreign Cambricks and French Lawns: And whereas a Manufactury of Cambricks and Lawns hath been already ſet up at Winchelſea in the County of Suſſex, and large Quantities of ſuch Goods have been made there, and may be made in other Parts of this Kingdom, equal, if not ſuperior, in Preamble.

in Quality to those made in Foreign Parts; and many Persons are desirous of subscribing large Sums towards the Support and Extention of the said Manufactury (for the effectual carrying on of which a large Fund will be necessary) but are apprehensive that Difficulties may arise, as well in recovering Debts which may grow due to the Proprietors of the said Manufactury, as in defending Suits or Actions which may be brought or commenced against them for any Matter or Thing relative thereto, as, by Law, all the several Proprietors or Subscribers to the said Manufactury must, in such Cases, both sue and be sued, implead and be impleaded, by their several and distinct Names and Descriptions; and therefore, for the more easily carrying on the Manufacture, and avoiding the Difficulties aforesaid, are desirous of being incorporated, and having a Common Seal and Name by which they may sue and be sued; and many Persons are desirous of subscribing large Sums thereto, but are deterred from so doing, lest they may thereby become liable, in case the said Manufactury should not be successful, to pay large Sums of Money over and above the Sums by them subscribed, to make good the Debts to be incurred therefrom; and many Persons who are not now liable to become Bankrupts, within the Intent and Meaning of any of the Laws now in Force concerning Bankrupts, are likewise fearful of subscribing Money to carry on the said Manufacture, as, by becoming Subscribers to and Part Owners thereof, they may be liable to have Commissions of Bankrupt issued against them as Traders: And whereas some Doubts have arisen, whether such Cambricks and Lawns, so made and fabricated in England, can, consistent with the Laws now in being relating to Cambricks and French Lawns, be legally sold, disposed of, and used in Great Britain; 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 it shall and may be lawful to and for any Person or Persons whomsoever, to make and vend, or cause to be made and vended, all such Linen Goods called Cambricks or Lawns, or Goods of the Kind usually known under either of those Denominations, as shall be made in this Kingdom, and stamped in the Manner herein after directed; and that such Lawns or Cambricks, or other such like Goods so made and stamped, may be exposed to Sale, and worn by any Person or Persons in

Any Person may make and sell Cambricks and Lawns in this Kingdom.

this Kingdom; any Law, Usage, or Custom, to the contrary notwithstanding.

And whereas the sole Right and Prerogative of granting Charters of Incorporation (not being such as are repugnant to any Law or Statute of this Kingdom) doth belong to Your Majesty; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for His Majesty, His Heirs, and Successors, by One Charter, Indenture, or Letters Patent, under the Great Seal of Great Britain, to declare and grant, That the Right Honourable the Earl Verney in the Kingdom of Ireland, the Right Honourable Charles Townshend, Sir George Colebrooke Baronet, Sir Lawrence Dundas Baronet, Arnold Nesbitt Esquire, Peregrine Cust Esquire, George Prescott Esquire, Barlow Trecothick Esquire, Gilbert Heathcote Esquire, Moses Franks Esquire, Master Edward Bridgen, Master Benjamin Barnett, Master William Grace, Master Thomas Bidwell, and every other Person or Persons who shall hereafter, either in their own Right, or as Executors, Administrators, Successors, or Assigns, in Right of any other Person or Persons, become Proprietors of, or interested in, any Part or Share of the Joint Capital Stock or Fund herein after mentioned, shall be One distinct and separate Body Politick and Corporate, in Deed and in Name, by the Name and Stile of The *English* Linen Company, or such other Name as His Majesty shall think proper; and that such Corporation shall have perpetual Succession, subject to such Power of Revocation as to His Majesty shall seem meet; and that such Corporation shall have Power, from time to time, to chuse Ten Directors, and all proper Officers and Servants, for the better Management of the Affairs of the said Corporation, in such Manner, and under such Restrictions and Qualifications, as are herein after directed, or such as shall be prescribed in that Behalf in and by such Charter; nevertheless the First Directors of the said Corporation shall and may be appointed by His Majesty in and by the same Charter; and that the said First Directors shall continue in their respective Offices from the Time of their Appointment by His Majesty, until the First Wednesday in March next after such Appointment; and all subsequent Directors shall continue in their respective Offices for One Year from the Time of their respective Appointments; and in case of Death, Removal, or Disqualification, be supplied in such Manner as herein after is directed; and that the said Corporation shall and may have and use a Common Seal for the Business

The King may incorporate the Persons herein named (the present Subscribers)

by the Name of *The English Linen Company*, with such Power of Revocation as to His Majesty shall seem meet:

They may chuse Directors, &c.

only of the said Corporation; and such Seal, from time to time, may break, change, make new, or alter, as shall be found most expedient; and that the said Corporation shall be able and capable in Law, to purchase, take, and enjoy, Messuages, Lands, Tenements, or Hereditaments, not exceeding the Value of Five hundred Pounds per Annum, and to grant, alien, demise, or dispose of, the same, or any Part thereof, at their free Wills and Pleasures; and in their corporate Name, shall be able and capable in Law, to sue and implead, be sued and impleaded, answer and be answered, in any Court of Record, or elsewhere, in all Causes and Actions whatsoever, for, touching or concerning, such Corporation, or the Manufactury by them carried on as aforesaid.

and purchase Lands, &c. not exceeding the Value of 500 *l. per Annum*;

may sue and be sued;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Corporation, when constituted, to raise a Capital Joint Stock, to be applied for the carrying on the said Manufacture, and effecting the Purposes of the said Charter, not exceeding One hundred thousand Pounds of lawful Money of Great Britain, at such Times, and in such Proportions, as at any General Court or Courts of such Corporation, to be holden pursuant to the Directions of this Act, or of such Charter, shall be directed, either by taking Subscriptions from particular Persons (being or not being Members of such Corporation) for advancing Money for that Purpose, according to the Orders of such General Courts respectively, or by Calls of Money from the Members of the said Corporation for the time being, or such other Methods as the said General Courts shall think expedient for making up the said Capital; and that all and every Person or Persons, by or from whom any Subscriptions shall be accepted, or Payment made, pursuant to any Order or Orders of the said General Courts, towards raising the said Capital Stock, their Executors, Administrators, and Assigns, shall be intitled to a Share of the said Capital Stock, in Proportion to the Money which they shall contribute, and to such Interest thereon, and also to such Share of the Profits and Advantages attending the said Capital Stock, and payable at such Times, and in such Proportions, as shall be directed and agreed upon by the said Corporation at any of their General Courts; and such Subscriber or Subscribers, not being then a Member or Members of such Corporation, upon making their several Subscriptions and Payments in Manner herein-after directed, shall be admitted, and are hereby declared

and may raise a Capital, not exceeding 100,000 *l.*

Subscribers intitled to a Share of Capital, in Proportion to their Subscriptions,

declared to be, Members thereof; which said Subscriptions and all other Subscriptions to the said Capital Stock or Fund of the said Corporation, shall be distinctly and separately entered in a proper Book or Books to be provided for that Purpose, and signed by the respective Person or Persons making such Subscriptions; and the Sums subscribed shall be entered in such Book or Books, in Words at Length, and also in Figures, together with the Day of the Month and Year on which such Subscriptions shall respectively be made; and all and every such Subscription and Subscriptions shall be made in the Presence of, and attested by, One or more Witness or Witnesses, who shall, by Order of the said Directors, have the Custody of the said Book.

and to be Members of the Corporation.

Subscriptions to be entered, signed, and and attested.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful to and for His Majesty, His Heirs, and Successors, by Warrant under His or Their Sign Manual, from time to time, to impower such Corporation to enlarge the Capital Stock of such Corporation, from time to time, as the Affairs of the said Corporation shall require, on the like Terms and Conditions with the original Capital.

The King may grant Power to enlarge the Capital.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons who shall subscribe any Sum or Sums of Money for or towards raising such Capital Stock as aforesaid, shall answer and pay all such Sum and Sums of Money, which he or they shall so subscribe, unto the Directors of the said Corporation for the time being, or to the Cashier of the said Corporation for the time being, or to such other Person or Persons who shall be authorized to receive the same, in Manner following; that is to say, One fourth Part (the Whole into Four equal Parts being divided) of every such Sum so subscribed, shall be paid down at the Time of making each Subscription; and the remaining Three fourth Parts thereof at such Times, and in such Proportions, as any Court or Courts of Directors of the said Corporation shall think proper to call for or demand the same; Notice of every such Call or Demand having been first published in the London Gazette, Ten Days at the least before the Day limited and appointed for the making of any Payment, pursuant to any such Call or Demand: And if any Person or Persons, who shall have so subscribed as aforesaid, do not pay down One full fourth Part of all such Sum or Sums as he or they shall subscribe, upon or at the Time of his or their Subscription, then every such Subscription, without such Payment, shall be utterly void

Subscribers to pay a Fourth at the Time of subscribing,

and the Remainder at such Calls as the Directors shall appoint.

10 Days Notice of every Call to be published in the *London Gazette*.

On Neglect of First Payment, Subscription to be void;

and on Neglect of subsequent Payments, One Half of the First to be forfeited, &c.

void and of none Effect; and if any Person or Persons, who shall have subscribed, as aforesaid, his or their Executors, Administrators, or Assigns, having paid, in Manner aforesaid, any Part or Parts of the Sum or Sums so by him or them subscribed, shall make Default in any of the subsequent Payments which shall be called for or demanded, in Manner aforesaid, for the Space of Ten Days after the Time or Times, in such Notice or Notices, as aforesaid, limited and appointed for the Payment of such Calls respectively; then, and in every such Case, One Moiety or Half Part of the first Sum paid by such Person or Persons, on his or their respective Subscription, shall be lost and forfeited to the said Corporation; and the Share or Interest of all and every such Person or Persons so making Default of and in the Capital Stock of the said Corporation, and the Interest and Profits which he or they would otherwise have been intitled to receive therefrom, shall be reduced, lessened, or proportioned, according to the Money actually paid upon every such Subscription respectively, after an Abatement or Deduction of One Moiety or Half Part of the first Payment to be forfeited as aforesaid.

Directors to appoint a House in or near *London* or *Westminster*, to transact their Business.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for His Majesty, in and by such Charter, to impower the Court of Directors of the said Company or Corporation for the time being; and such Court of Directors shall and may, from time to time, fix upon and appoint a proper Place or House in or near the Cities of London or Westminster, for the transacting the Affairs and Business of the said Company; and that the Directors in the said Charter named, and their Successors, or any Five or more of them, shall be and be called a Court of Directors, and have full Power and Authority to act as such; and that it shall and may be lawful to and for the said Court of Directors to meet as often as they shall think necessary or proper; and they are hereby authorized and impowered to nominate and appoint such Officers and Servants, or other Persons, as shall be any ways necessary to be employed in the Management and carrying on the Affairs of the said Company, and from time to time to dismiss such Officers and Servants from their Employ, and nominate and appoint new Ones in their Stead or Steads, or to encrease or lessen their Number, as such Court of Directors shall from time to time think proper, and to give such Orders and Directions for the Management of the Affairs of

Directors to be a Court, and nominate all Officers and Servants;

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the said Corporation as they shall think proper, and are consistent with the general Rules and Orders made by the said Corporation; and to take, from time to time, any Number of Apprentices to be employed in the Manufactury carried on by the said Company, upon such Terms and Conditions, and for such Number of Years, as to them shall seem meet; and to affix the Common Seal of the said Corporation to a Counter-part of the Articles of Agreement, or Indentures of Apprenticeship, made with such Apprentices respectively, their Parents, Guardians or other Persons authorized to put out and bind such Apprentices respectively. and to take Apprentices.

And be it further enacted by the Authority aforesaid, That there shall be One General Annual Court of the said Corporation, held on the First Wednesday in March in every Year, and as many other General Courts as shall be necessary; which said General Courts shall be held at any House or Place in the Cities of London or Westminster, which shall be appointed by the said Court of Directors; of which said General Court, or any other General Courts to be called by any Court of Directors of the said Company, and which General Courts such Directors are hereby authorized to hold and call as often as such Court of Directors shall think the same necessary, Ten Days Notice at the least shall be given in the London Gazette; and that the said General Court, held on the First Wednesday in March yearly, shall be the Day of Election of Directors, who shall be chosen out of and from the Members of the said Corporation, by the Majority of Votes of all the Members then present. A General Annual Court to be held, the First *Wednesday* in *March*, for electing Directors.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of being elected into or exercising the Office of a Director of the said Corporation but under the Qualification following (that is to say) that the Directors of the said Corporation shall severally be possessed of a Share or Interest in the said Stock in their own Right respectively, not less than Five hundred Pounds Capital; and that the Directors shall not continue in their respective Offices any longer than they shall respectively continue to be possessed of the said Share and Interest in the said Capital Stock, in his or their own Name and Right respectively; and that no Person shall be qualified to vote at any General Court, who shall not then be possessed of a Share or Interest in the said Capital Stock, to the Amount of Two hundred Pounds at the least in his own Right; and that such Person who in his own Right shall be Qualifications of Directors.

and Voters, and the Number of Votes they may have.

possessed of Five hundred Pounds Capital Stock, shall have Two Votes at such General Court; and that such Person who shall be possessed in his own Right of One thousand Pounds Capital Stock, shall have Three Votes at such General Court; but no Person shall have more than Three Votes upon any Account whatsoever; and if such Share or Interest of any Proprietor in the said Capital Stock shall be at any Time afterwards diminished from the Proportion herein before ascertained, that then the same shall be no longer a Qualification for voting at any General Court.

Members voting, to swear to their Qualifications, if required.

And be it further enacted by the Authority aforesaid, That all Proprietors shall (if required) before they vote at any Court, take an Oath in the Form which shall be approved of by a General Court, to be administered to them by One of the Directors (who are hereby authorized and impowered to administer the same, or to direct such Oath to be administered by any other Person or Persons in his or their Presence) declaring their Property, Share, or Interest in the Capital Stock of the said Corporation, and the Quantum thereof, and that the same, or any Part thereof, is not in Trust for any other Person or Persons, and that no Person shall be admitted to vote at any such Court who shall refuse to take such Oath; and all Officers and Servants of the said Corporation shall, if required by the Court of Directors, before they enter on their respective Offices, likewise take an Oath in the Form which for that Purpose shall be approved by a General Court of the said Corporation, to be administered by the Directors of the said Corporation, or any One of them, for the due and faithful Discharge of their respective Offices; which Oath such Directors, or any One of them, are hereby authorized and impowered to administer, or direct the same to be administered by any other Person or Persons in his or their Presence; and in case any such Officer or Servant shall refuse or neglect to take such Oath for the Space of Ten Days after he or they shall be chosen or appointed to any such Office or Offices as aforesaid, if required, such Choice or Appointment shall be void, and a new Election or Appointment made.

Officers, &c. to be sworn according to the Form approved by a General Court;

refusing or neglecting to take such Oath for 10 Days, Election void.

General Courts to be called on Demand of certain Subscribers;

And be it further enacted by the Authority aforesaid, That the Court of Directors of the said Corporation for the time being shall be obliged, upon Demand made to them by any Ten or more Members of the said Corporation, who shall in the Whole, or together, be possessed of not less than Five thousand Pounds in the Capital or Joint Stock of the said Corporation,

such Demand being made in Writing, and signed by the Members demanding the same, and delivered at a Court of Directors to any One Member of such Court then present, to call a General Court; and upon such Court of Directors refusing, or, for the Space of Ten Days, neglecting so to do, the Members demanding such Court shall be at liberty to call and hold such General Court, upon the like Notice as should have been given by the said Court of Directors; and any General Court, either called by the Court of Directors of the said Corporation, or by any of the Members or Proprietors of the said Corporation, in Manner aforesaid, shall have full Power and Authority, and are hereby fully authorized and impowered, to remove or displace any Director, for Misbehaviour, Breach of Trust, or other just Cause, and to elect a new Director or Directors in his or their Stead, in the same Manner as if he or they was or were dead, or had disqualified himself or themselves, or his or their Office, Trust, or Employ, was in any other Manner become void.

on Refusal, they may call such Court themselves.

General Court may displace Directors.

And be it further enacted by the Authority aforesaid, That no Member or Members of the said Corporation, or any Person or Persons having the Conduct or Direction of the said Manufactury, his or their Heirs, Executors, or Administrators, Lands or Hereditaments, Goods, Chattles, or Effects, other than his or their Share or Shares in the Capital Stock and Effects of the said Corporation, shall be liable or subject to the Payment of any Debt or Debts contracted by or on account of the said Corporation, or the Manufactury carried on by the said Corporation, in any other Manner than is herein after directed and provided.

No Member liable to any Debt of the Corporation, further than his Share in the Capital.

Provided always, and be it enacted by the Authority aforesaid, That if the Sum Total of all the Debts which the said Corporation shall owe at any One Time to any Person or Persons, Bodies Politick or Corporate, shall exceed the Value of the Principal or Capital Stock and Effects of the said Company or Corporation, which at such Time shall be and remain to the said Corporation undivided; or if the said Corporation, by any Dividend or Dividends whatsoever, either in the Name of Interest, or otherwise, to be made amongst themselves, or in their private or personal Capacities, shall reduce or lessen their Joint Stock, Principal or Capital, so that the Value of their Joint Stock, Principal, or Capital shall not be sufficient to answer their just Debts then remaining unpaid; in every such Case the particular Members of the said Corporation, and every

If the corporate Debts shall exceed the Value of the Capital undivided,

or if they reduce their Capital, so that their Stock shall not be sufficient to pay their Debts;

Persons receiving any Dividend by which the Capital shall be reduced, are to be personally liable to make good such Deficiency, so far as the Dividends they shall have received shall extend.

every of them respectively, who in their private or personal Capacities shall receive any Share or Dividend of the Capital or Stock of the said Corporation, by which the Capital Stock of the said Corporation shall be so reduced or lessened, shall be severally liable, and they are hereby made liable, so far as their respective Shares so by them respectively received upon such Dividend or Dividends shall extend, to pay and satisfy the Debts which shall remain due and unpaid by the said Company or Corporation; and the Person or Persons, Bodies Politick or Corporate, to whom such Debts shall be due and owing, shall and may sue for and recover the same; any thing in this Act contained to the contrary thereof in any wise notwithstanding.

Members not liable to Bankruptcy,

And be it further enacted by the Authority aforesaid, That no Person being or becoming a Member of, or Subscriber to, the said Corporation, for carrying on the said Manufacture in pursuance of this Act, shall, by Means of becoming a Member of, or Subscriber to, or in respect of his Share or Interest in the Capital Stock of the said Corporation, be, or be adjudged liable to be, a Bankrupt, within the Intent or Meaning of all or any of the Statutes made against or concerning Bankrupts; nor shall the Capital Stock or Effects of the said Corporation, or the Share or Interest of any particular Member therein, be liable to any Foreign Attachment whatsoever; any Law, Usage, or Custom, to the contrary notwithstanding.

nor the Effects of the Company, or any Member's Share, liable to Foreign Attachment.

Shares to be assignable; but not till Seven Years from the Constitution of the Corporation, unless in case of Death or Bankruptcy.

And be it further enacted by the Authority aforesaid, That the particular Share of every Member in the Capital Stock or Fund of the said Corporation; and all Lands, Tenements, Hereditaments, and Estates whatsoever, held by or in Trust for them or their Successors shall, from time to time, be assignable, transferrable, and deviseable; but no Member or Members of the said Corporation shall be at liberty to sell or assign his or their Share or Interest therein, till after the Expiration of Seven Years, from the Time of the Constitution of the said Corporation; but if such Member or Members shall die or become Bankrupt, then the Share and Interest of such Member or Members so dying or becoming Bankrupt, of and in the Capital Stock of the said Corporation, shall and may be assigned and transferred by his or their Executors or Administrators, Assignee or Assignees, at any Time within the said Term of Seven Years, in like Manner as the same might have been done had the said Term of Seven Years been fully expired; and all the Right, Title, Interest, Claim, and

Demand, of each and every particular Member of the said Corporation, in or to the Capital Stock and Effects whatsoever of the said Corporation, and the Gains and Increase thereof, shall be, and be adjudged, taken, and accepted, in Construction of Law, by all Judges, and in all Courts of Law and Justice, and in all Places whatsoever, to be a Personal and not a Real Estate; and shall go to the Executors or Administrators, or other legal Representatives intitled to the Personal Estate of the Person or Persons dying possessed thereof, or intitled thereunto, and not to the Heirs of such Person or Persons; any Law, Statute, Usage, or Custom whatsoever, to the contrary notwithstanding. Members Shares, &c. to be personal Estates.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall forge or counterfeit the Common Seal of the said Corporation, to be established in pursuance of this Act, or shall forge, counterfeit, or alter, any Deed, Bill, Bond, or Obligation, under the Common Seal of the said Corporation, or shall offer to dispose of, or pay away any such forged, counterfeited, or altered Bill, Bond, or Obligation, knowing the same to be such, or shall demand any Money therein mentioned or pretended to be due thereon, or on any Part thereof, of and from the said Corporation, or any Members, Officers, or Servants thereof, knowing such Bill, Bond, or Obligation, to be forged, counterfeited, or altered, with Intent to defraud the same Corporation, or their Successors, or any other Person or Persons whomsoever; every Person so offending, and being convicted thereof in due Form of Law, shall be judged guilty of Felony, and shall suffer as in Cases of Felony, without Benefit of Clergy. Forging the Seal, &c. of the Corporation, Felony.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall by Day or Night break into any House, Shop, Cellar, Vault, or other Place or Building, or by Force enter into any House, Shop, Cellar, Vault, or other Place or Building, with Intent to steal, cut, or destroy, any Linen Yarn, or any Linen Cloth, or any Manufacture of Linen Yarn belonging to any Manufactury, or the Looms, Tools, or Implements used therein; or shall wilfully or maliciously cut in Pieces or destroy any such Goods, either when exposed to bleach or dry; every such Offender, being thereof lawfully convicted, shall be judged guilty of Felony, and shall suffer as in Cases of Felony, without Benefit of Clergy. Breaking into a Shop, &c. with Intent to steal or destroy, &c. any Materials or Implements, declared to be Felony.

Cambricks and Lawns made in *England* after 10 Day of *May*, 1764, to be ſealed at both Ends.

And be it further enacted by the Authority aforeſaid, That all Cambricks and Lawns, or Goods of the Kind uſually known under either of thoſe Denominations, which from and after the Tenth Day of May, now next enſuing, ſhall be wove or fabricated in England, or the Principality of Wales, ſhall be marked or ſealed at each End of every Piece with ſuch Mark or Seal, and by ſuch Officer or Officers, as the Commiſſioners of Exciſe in England ſhall direct or appoint for that Purpoſe.

Commiſſioners of Exciſe, upon Requeſt, to provide Seals, and appoint Officers to mark the Goods;

And, for the greater Eaſe and Convenience of the Perſon or Perſons, who ſhall make, weave, or fabricate any ſuch Cambricks or Lawns, or Goods of the Kind uſually known by or under either of thoſe Denominations; be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners of Exciſe for the time being, or the major Part of them, from time to time, upon Requeſt made to them by any ſuch Perſon or Perſons, and at the Expence of ſuch Perſon or Perſons, to provide ſuch Seals or Marks as to them the ſaid Commiſſioners, or the major Part of them, ſhall ſeem proper; and to direct or appoint One or more Superviſor, or other Officer or Officers of the Exciſe, of the Diſtrict or Diviſion in which any ſuch Manufacture ſhall be carried on, to ſeal or mark each and every Piece of ſuch Cambrick or Lawn, or Goods of the Kind uſually known under either of thoſe Denominations, which ſhall be made, wove, or fabricated, by ſuch Perſon or Perſons applying as aforeſaid, with ſuch Seal or Mark, or Seals or Marks, in Manner herein after mentioned and directed; and the Officer or Officers of Exciſe who ſhall be ſo appointed to mark or ſeal ſuch Goods, ſhall by the Fabricator, Maker, Weaver, or Proprietor of ſuch Goods, be paid for every Piece of ſuch Goods, which he or they ſhall mark or ſeal in purſuance of this Act, before the ſame ſhall be cut or taken out of the Loom, ſuch Sum as the Commiſſioners of Exciſe for the time being, or the major Part of them, ſhall direct and appoint.

who are to be paid for marking, &c. ſuch Goods before taken out of the Loom.

Manufacturer to give Notice to Officer of the finiſhing of every Piece, who is to mark the Ends before taken out of the Loom.

And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons who ſhall weave, fabricate, or make any ſuch Cambricks or Lawns, or Goods of the Kind uſually known by or under either of thoſe Denominations, ſhall, before the ſame ſhall be taken or cut out of the Loom, give Notice in Writing, of the finiſhing of every or any Piece or Pieces of ſuch Goods, to ſuch Superviſor or other Officer as aforeſaid, who, before any ſuch Piece of Goods ſhall be cut out of the Loom, ſhall mark or ſeal both the Ends of every

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such Piece of Goods, with such Stamp, Mark, or Seal, which shall be provided and appointed for that Purpose, in Manner aforesaid, upon Pain that every Person who shall weave, make, or fabricate such Cambricks or Lawns, or Goods of the Kind usually known by or under those Denominations, and shall cut or take any Piece of such Goods out of the Loom, after the same shall have been finished, or permit the same to be done without having first given such Notice in Writing, and having the Ends thereof marked or sealed as aforesaid, shall, for every such Offence, forfeit Five Pounds; and the Goods so cut out of the Loom without such Notice being given, and such Marks or Seals being set thereon, in manner herein before directed, shall be forfeited, and shall and may be seized by any Officer or Officers of the Customs or Excise.

Penalty on taking any Piece out of the Loom without giving such Notice, and having the Ends marked, 5*l.* and Loss of the Goods.

And be it further enacted by the Authority aforesaid, That every Supervisor or other Officer of Excise, of the District in which any such Manufacture of Cambricks or Lawns, or Goods of the Kind usually known by or under either of those Denominations, shall be carried on, who shall be so as aforesaid appointed by the Commissioners of Excise, or the major Part of them, to mark or seal such Goods, upon reasonable Notice given to him or them by any Person or Persons who shall make, weave, or fabricate any such Goods, that any Piece of such Goods is finished, shall forthwith, or as soon as conveniently may be consistent with other the Duty and Business of his Office, in manner herein before directed, mark or seal both Ends of every such Piece of Goods with such Mark or Seal which shall be so as aforesaid appointed and provided for that Purpose, and also fix or set a distinct and separate Number to every Piece of such Goods before the same shall be taken out of the Loom; and also make a just and true Entry in Writing, in proper Books to be provided for that Purpose at the Expence of the Manufacturer of such Goods, of the Number set to each Piece of such Goods, and of the Number of Yards which each Piece of such Goods shall contain in Length, and also of the Number of Threads contained in the Warp of each Piece of such Goods, upon Pain that every Supervisor, or other Officer or Officers so appointed as aforesaid, who shall, upon reasonable Notice given as aforesaid of the finishing of any Piece of such Goods, neglect or refuse to mark or seal the Beginning and End of every Piece of such Goods in manner herein before directed, or to fix or set a distinct and separate Number on each Piece of

Officer, on Notice of the finishing any Pieces of such Goods, forthwith to mark the Beginnings and Ends, and set a Number on each Piece before taken out of the Loom;

and to make a true Entry of the Numbers, Lengths, and the Number of Threads in the Warp of each Piece, on Forfeiture of 10*l.*

of such Goods, or to make a true and just Entry in manner aforesaid, of the Number set or affixed to each Piece of such Goods, and of the Number of Yards which each Piece thereof shall contain in Length, and also the Number of Threads contained in the Warp of each Piece of such Goods, shall, for every such Refusal or Neglect, forfeit the Sum of Ten Pounds.

Officers marking Cambricks or Lawns not made in *England*,

And be it further enacted by the Authority aforesaid, That if any such Supervisor, or other Officer or Officers of the Excise, who shall be so appointed to mark or seal such Cambricks or Lawns, or who shall have the Custody of any Mark or Seal which shall be so provided and appointed to mark or seal such Goods, shall therewith mark or seal any Cambricks or Lawns, or Goods of the Kind usually known by or under either of those Denominations, which shall not have been made, wove, and fabricated in England, or the Principality of Wales, or shall knowingly permit it to be done, or shall mark or seal any Piece of such Goods after the same shall have been taken out of the Loom, every such Supervisor, or other Officer or Officers so marking or sealing any such Cambricks or Lawns, or Goods of the Kind usually known under either of those Denominations, or wilfully or knowingly permitting the same to be done, contrary to the true Intent and Meaning of this Act, shall forfeit the Sum of Fifty Pounds for every Piece of such Goods which he or they shall so mark or seal, or permit or suffer to be marked or sealed, contrary to the true Intent and Meaning of this Act, to be sued for and recovered in any of His Majesty's Courts of Record at Westminster, by Bill, Plaint, or Information, by any Person or Persons who will inform or sue for the same; and such Supervisor, or other Officer or Officers, upon being convicted of any or either of the Offences aforesaid, shall lose his or their Office or Offices and Employments under the Excise, and is and are hereby declared and rendered ever after incapable of having, using, or enjoying any Office or Place of Trust under His Majesty, His Heirs, and Successors.

or marking such Goods after taken out of the Loom, to forfeit 50*l.* and be incapacitated.

Penalty on Bribing Officers.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, by Bribery, Fraud, Covin, Deceit, or Imposition, or in any Manner whatsoever prevail on or procure any Officer or Officers of the Excise, or other Person who shall be appointed to mark or seal any Cambricks or Lawns, or who shall have the Custody of any Seal, Stamp, or Mark, provided and appointed for that Purpose, in pursuance of this Act, to set or affix such Mark, Seal, or Stamp,

Stamp, to any Piece or Pieces of Cambrick or Lawn, or of Goods of the Kind usually known under either of those Denominations, which shall not have been actually and bona fide made, wove, or fabricated, in that Part of Great Britain called England, or Principality of Wales, or after the same shall have been cut or taken out of the Loom, contrary to the true Intent and Meaning of this Act; all and every such Offender and Offenders, and his and their Aiders, Abetters, and Assistants (being thereof lawfully convicted) shall, for every such Offence, forfeit and lose the Sum of One hundred Pounds, and be adjudged to stand in the Pillory Two Hours; and if any Person or Persons shall give, pay, or secure, or offer to give, pay, or secure, to any such Officer or Officers, or other Person as aforesaid, any Bribe, Recompence, or Reward, of any Kind whatsoever, in order to corrupt, persuade, or prevail on such Officer or Officers, or other Person, to set or affix such Mark, Stamp, or Seal, as aforesaid, to any Piece or Pieces of Cambrick, Lawn, or other Goods directed by this Act to be stamped or sealed, which shall not have been actually and bona fide made, wove, and fabricated, in that Part of Great Britain called England, or the Principality of Wales, or after the same shall have been taken out of the Loom, such Person or Persons so offending shall, for every such Offence, forfeit and lose the Sum of Fifty Pounds.

Officers to transmit to the Commissioners of Excise an annual Account of all Goods they shall stamp, and a Copy of all Entries relating thereto.

And be it further enacted by the Authority aforesaid, That all and every Supervisor or other Officer or Officers of Excise, who shall in Manner aforesaid be appointed to mark or seal any Cambricks, Lawns, or such Kind of Goods, in pursuance of this Act, shall yearly and every Year (while such Officer or Officers shall have the Custody of any such Seal provided or appointed for that Purpose in Manner aforesaid) in the Month of June, transmit and send to the Commissioners of Excise in London, a full, true, and just Account in Writing of all and every Piece and Pieces of such Goods, which he or they shall seal or stamp in pursuance of this Act; and also a true Copy of all and every Entry or Entries of any Kind whatsoever, which he or they shall make in any such Book or Books provided for that Purpose, in any wise relating thereto, for or during the Twelve Calendar Months next preceding the said Month of June; distinguishing in such Accounts the several Manufacturers or Proprietors, if there shall be more than One such in such Officer's District, who shall have made or be Owners of such Goods, upon Pain of being dismissed from his or their Employ as an Officer or Officers of Excise; and

all and every such Officer or Officers having the Custody of any such Stamp, Mark, or Seal as aforesaid, his or their Executors or Administrators, or such other Person or Persons in whose Custody or Power the same shall fall or come by the Death of such Officer or Officers, or in any other Manner shall, upon Demand or Order from or by the Commissioners of Excise, or the major Part of them, deliver up to such Commissioners, or such Person or Persons as they shall appoint to receive the same, all and every such Seal or Seals which shall have been delivered to such Officer or Officers, or by any other Means come or fallen into the Hands, Custody or Power of such Officer or Officers, or other Persons whatsoever; upon Pain that any such Officer or Officers, or other Person or Persons, refusing or neglecting so to do upon any such Order or Demand as aforesaid, shall forfeit and lose the Sum of Two hundred Pounds, to be recovered and applied in like Manner with the other Penalties inflicted by this Act, by any Person or Persons who will inform or sue for the same.

Officers, &c. to deliver up Seals, &c. to Commissioners of Excise, on Demand, on a Penalty of 200 *l.*

And be it further enacted by the Authority aforesaid, That if any Cambrick or Lawn, or Goods of the Kind usually known by or under either of those Denominations, made, wove, or fabricated, in England, or the Principality of Wales, after the said Tenth Day of May next ensuing, shall be found in any House, Shop, Warehouse, Room, Cellar, Vault, or other Place, in England, or Principality of Wales, without being marked or sealed at each End of every Whole and Entire Piece, and at one End of every Remnant of such Cambricks or Lawns, or Goods of the Kind usually known by or under those Denominations, all such Goods shall be forfeited, and shall and may be seized by any Supervisor or other Officer or Officers of the Customs or Excise, and such Supervisor or other Officer or Officers is and are hereby indemnified for seizing such Goods; and all such Goods so seized shall and may be deposited in the Customhouse Warehouse, or in the Excise Office next to the Place where the same shall be seized, and, after Condemnation thereof by due Course of Law, shall be publickly sold to the best Bidder; and that One Moiety of the Produce arising by the Sale thereof, after deducting the Charges and Expences attending the Condemnation and Sale of such Goods, shall be to the Use of His Majesty, His Heirs, and Successors, and the other Moiety thereof to such Supervisor or other Officer or Officers as aforesaid, who shall seize or sue for the same; and all and every

Cambricks and Lawns made in *England* after 10 *May*, 1764, found unstampt, may be seized.

Perſon or Perſons who ſhall ſell or expoſe to Sale, or have in his or their Cuſtody for that Purpoſe, any Cambricks or Lawns, or Goods of the Kind uſually known by or under either of thoſe Denominations, made and fabricated in England, or the Principality of Wales, and not marked or ſealed at both Ends of every Entire Piece, and at one End of every Remnant of ſuch Goods, in Manner by this Act directed, ſhall, for every ſuch Offence, forfeit the Sum of Two hundred Pounds, to be recovered and divided in Manner herein after directed.

Perſons expoſing to Sale, or having in their Cuſtody for Sale, ſuch Goods unſtamped, to forfeit 200 *l.*

And be it further enacted by the Authority aforeſaid, That no Cambricks or Lawns, or Goods of the Kind uſually known by or under either of thoſe Denominations, which after the ſaid Tenth Day of May, One thouſand ſeven hundred and ſixty four, ſhall be ſeized and condemned by virtue of this Act, ſhall be conſumed or worn in this Kingdom, but ſhall be exported, and not ſold otherwiſe than on Condition to be exported, and ſhall not be delivered out of the Warehouſe where the ſame ſhall have been ſecured, until ſufficient Security by Bond, to be approved of by the Collector of the Port from whence ſuch Goods ſhall be exported, in the Penalty of double the Value of the Goods to be given by the Exporter thereof, that the ſame, and every Part thereof, ſhall be exported, and not relanded in any Part of Great Britain.

Goods condemned by virtue of this Act, not to be worn here, but ſold for Exportation, and the Buyers to give Security.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, at any Time or Times hereafter, forge or counterfeit any Stamp, Mark, or Seal, to reſemble any Stamp, Mark, or Seal, which ſhall be provided or uſed in purſuance of this Act, or ſhall forge, reſemble or counterfeit the Impreſſion of any ſuch Mark, Stamp, or Seal, upon any Goods required by this Act to be ſtamped, marked, or ſealed, or ſhall import or bring into England any Foreign Cambricks or Lawns, or Goods of the Kind uſually known by or under either of thoſe Denominations, having any ſuch counterfeit Mark, Seal, Stamp, or Impreſſion thereon, or ſell or expoſe to Sale any Cambricks or Lawns, or Goods of the Kind uſually known by or under either of thoſe Denominations, with ſuch counterfeit Mark, Seal, Stamp, or Impreſſion thereon, knowing ſuch Stamp, Mark, or Seal, to be counterfeited; every ſuch Perſon ſo offending, being thereof lawfully convicted, ſhall be judged guilty of Felony, and ſhall ſuffer as in Caſes of Felony, without Benefit of Clergy.

Perſons counterfeiting the Seal, *&c.* or ſelling Goods with a counterfeit Seal, *&c.* guilty of Felony.

Provided

Cambricks or Lawns made or begun in *England* before Commencement of this Act, to be sealed.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners of Excise in England for the time being, or the major Part of them, at any Time within Two Months next after the Commencement of this Act, to order and direct all such Cambricks and Lawns, or Goods of the Kind usually known by or under either of those Denominations, which shall have been made, or begun to be made, wove, and fabricated in England or Wales, at any Time before the Commencement of this Act, to be sealed or marked at both Ends of every Piece thereof with such Mark or Seal which shall be provided and appointed as aforesaid, notwithstanding the same shall have been taken out of the Loom (Proof being first made upon Oath, to the Satisfaction of the said Commissioners, that all such Goods were really and bona fide made, or begun to be made, wove and fabricated, in England or Wales, before the Commencement of this Act) which Goods so marked or sealed, and numbered, in pursuance of such Directions, shall and may be sold, disposed of, and used, in like manner as if the same had been made or wrought after the Commencement of this Act, and all the Directions thereof fully complied with; any thing in this Act contained to the contrary thereof, in any wise notwithstanding; and the Supervisor, or other Officer or Officers of the Excise who shall be directed to mark or seal and number such Goods, shall make the like Entry of the Number of Yards in Length, and Number of Threads contained in the Warp of each Piece of such Goods, and the Number set thereon, in like Manner and under the like Penalties as herein before directed, with respect to Cambricks or Lawns made after the Commencement of this Act.

Seizures and Penalties, how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all such Goods which shall be seized or condemned in pursuance of this Act, and all pecuniary Penalties and Forfeitures by this Act inflicted, shall and may be sued for, prosecuted, and recovered, in any of His Majesty's Courts of Record at Westminster, by Action of Debt, Bill, Plaint, or Information, in the Name of His Majesty's Attorney General, or in the Name or Names of any such Supervisor or other Officer or Officers of the Customs or Excise as aforesaid, except in such Cases where it is otherwise provided by this Act; and that One Moiety of the clear Produce arising from the Sale of all such Goods, and of all the pecuniary Penalties and Forfeitures inflicted by this Act, after all Charges deducted, shall be to His Majesty, his Heirs, and Successors,

ceſſors, and the other Moiety thereof to the Officer or Officers, or ſuch other Perſon who, purſuant to the Directions of this Act, ſhall ſeize, inform, or proſecute for the ſame.

A *Capias* to iſſue for the Penalties in the firſt Proceſs.

And be it further enacted by the Authority aforeſaid, That upon every Action, Bill, Plaint, or Information, entered or filed as aforeſaid, for any pecuniary Penalty impoſed by this Act, a Capias in the firſt Proceſs ſhall and may iſſue, ſpecifying the Sum of the Penalty ſued for; and the Defendant or Defendants ſhall be obliged to give ſufficient Bail or Security by natural-born Subjects, Perſons naturalized, or Denizens, to the Perſon or Perſons to whom ſuch Capias ſhall be directed, to appear in the Court out of which ſuch Capias ſhall iſſue, at the Day of the Return of ſuch Writ, to anſwer ſuch Suit or Proſecution; and ſhall likewiſe, at the Time of ſuch Appearance, give ſufficient Bail or Security, by ſuch Perſons as aforeſaid, in the ſaid Court, to anſwer and pay all the Forfeitures and Penalties incurred for ſuch Offence or Offences, in caſe he, ſhe, or they ſhall be convicted thereof, or to yield his, her, or their Body or Bodies to Priſon.

Defendants to give Bail.

Limitation of Actions.

And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons, for Recovery of any of the pecuniary Penalties inflicted by this Act, ſuch Action or Suit ſhall be brought or commenced within Twelve Calendar Months next after the Cauſe of Action ſhall ariſe, and not afterwards, and ſhall be laid and brought in the County or Place where the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereon, 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 or Plaintiffs ſhall become Nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if, upon Verdict or Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs; the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law.

General Iſſue.

Trebl: Coſts.

Onus probandi to lie on the Claimer.

And be it further enacted by the Authority aforeſaid, That if any Cambricks or Lawns, or Goods of the Kind uſually known by or under either of thoſe Denominations,

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nations, shall be seized by virtue or in pursuance of this or any other Act now in Force; or if any Action shall be brought by the Owner or Claimer of such Goods, against any Officer of the Customs or Excise, or any other Person, for any Thing done in pursuance of this or any other Act now in Force, and any Doubt or Question shall arise where such Goods were manufactured, the Proof thereof shall lie upon the Owner or Claimer of such Goods, and not on the Person who seized the same, or against whom such Action shall be brought; any Law, Usage, or Custom, to the contrary notwithstanding.

Act not to extend to *Scotland* or *Ireland*.

Provided always, and be it enacted, That no thing in this Act contained shall be extended, or construed, deemed, or taken, to prevent the Sale of, or lay any kind of Restriction on, any Linen Goods whatsoever, really and bona fide made, wove, or fabricated in Scotland or Ireland; but that all such Goods shall and may be lawfully sold and used in England, in the same Manner as if this Act had not been made.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken to be, a Public Act, and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same, &c.

FINIS.