

ANNO QUARTO

GEORGII IV. REGIS.

CAP. XC.

An Act to regulate the Linen and Hempen Manufactures of *Ireland*. [18th *July* 1823.]

WHEREAS the Linen and Hempen Manufactures of *Ireland* have been, and continue to be, of considerable Importance to that Part of the United Kingdom: And whereas the several Branches of Industry connected with the said Manufactures, have been hitherto greatly promoted by the Distribution of various Kinds of Utensils applicable thereto: And whereas it may be expedient that the Trustees of the said Linen and Hempen Manufactures should be at liberty to apply a larger Portion of their Funds to this Purpose than they are at present authorized to do, as well for maintaining the said Manufactures in the Province of *Ulster*, as for extending the same, and every Branch of Industry connected therewith, throughout the Provinces of *Leinster*, *Munster*, and *Connaught*: And whereas by an Act passed in the Twenty-first and Twenty-second Years of the Reign of *George* the Third, intituled *An Act for prohibiting the Use of Lime in Bleaching, regulating Sealmasters of Linens, encouraging the Home Manufacture of Ashes for Bleachers Use, enlarging and rendering more commodious the Linen Hall in the City of* Dublin, *and other Purposes therein mentioned*, it is enacted, that the said Trustees shall not grant in any One Year, from the First of *January* One thousand seven hundred and eighty-two, for Wheels, Reels, and Looms, more than the Sum of Three thousand Pounds; and that if any of the said Trustees shall sign any Grant or Order for a Grant to a greater Amount than Three thousand Pounds in any One Year, as shall after the Sum of Three thousand Pounds shall have been granted for that Purpose, sign any further or other Grant in the same Year, for Wheels, Reels, or Looms, whereby there shall be a greater Charge than the Sum of Three thousand 21 & 22 G. 3. (I.)

Pounds occasioned in that Year for such Purposes, every such Grant shall be null and void, and no Receipt or Voucher for the same shall be allowed in their Accounts; nor shall any Part of the Money intrusted to them to promote the Linen and Hempen Manufactures be applied to pay the same: And whereas it is fit and proper that the said Trustees should have full Power and Authority to appropriate the Monies annually granted to them by Parliament, in such Manner as shall appear to them most conducive to promote and encourage the said Manufactures, according to the Terms and the true Intent and Meaning in and with which such Monies are annually granted; and it is therefore expedient to repeal the said recited Clause: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Clause, and every Part thereof, be and the same is hereby repealed, and rendered null and void; any thing in the said Act to the contrary thereof in anywise notwithstanding.

Clause in 21 & 22 G. 3. as to the Restriction of appropriating more than 3,000*l.* for Utensils repealed.

Trustees may grant any Sum for Wheels, Reels, Looms, &c.

II. And be it further enacted, That from and after the First Day of *October* next, it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, to grant any such Sum or Sums of Money as the said Trustees may think expedient, for procuring Wheels, Reels, Looms, or other Utensils, to be employed and distributed in any Manner as shall appear to them best calculated to promote such Manufactures, and otherwise to dispose of their Funds in such Manner as they shall think proper, for the Encouragement of the said Manufactures.

Trustees not to grant any Premium on any Article that is entitled to Bounty on Exportation.

III. Provided always, and be it enacted, That it shall not be lawful for such Trustees in any Case to grant any Sum or Sums of Money, or Premium, in the way of Bounty or Allowance, on any Fabric of the Linen Manufacture which is or shall be entitled to any Bounty upon the Exportation thereof from any Part of the United Kingdom.

Trustees may appoint Officers and Servants, with Salaries, as they may think necessary.

IV. And whereas the said Trustees have been from Time to Time empowered, by Acts of Parliament now in force, to appoint sundry Officers and Servants, at certain Salaries and Allowances, towards enabling the said Trustees to execute with Energy and Effect the different Trusts committed to their Care: And whereas some of the Offices held by the said Officers have been abolished by the said Trustees, and the Duties of other Officers have been increased, and are, as reported on by the Committee on the Linen Trade of last Session in the Case of County Inspectors, inadequately and injudiciously remunerated; and further and additional Officers have in some Cases become necessary by reason of the Increase of the said Manufactures: And whereas Doubts have arisen, whether the Payment of such Persons, so employed by the said Trustees, is authorized under the Laws which regulate their Powers; be it therefore enacted, That from and after the First Day of *October* next, it shall and may be lawful to the said Trustees, and they are hereby authorized and empowered, subject however to the Conditions and Restrictions hereinafter mentioned, to appoint from Time to Time, and at all Times, in any Mode or Manner they shall think fit, all such Officers and Servants, and Persons before described, as shall appear to the said Trustees

Trustees to be necessary or expedient for the Purpose of carrying into effectual Execution the Trusts committed to the Charge of the said Trustees, with such Salaries and Allowances, or Increase of Salary, as to the said Trustees shall seem suitable, subject however to the Conditions and Restrictions herein-after mentioned.

Appointments not to be valid, unless made at a Meeting of 12 Trustees.

V. Provided always, and be it further enacted, That any Appointment or Appointments of any such Officer or Officers, Servant or Servants, Person or Persons as aforesaid, or of the Salary or Salaries, Allowance or Allowances, or any Increase of the Salary or Salaries, Allowance or Allowances, to be paid to them, or any of them, shall not be valid and effectual, unless such Appointment or Appointments shall be made at a Meeting to be held pursuant to Notice for that Purpose, at which Twelve or more of the said Trustees shall be present.

Such Appointment of Officers not valid without Approbation of Lord Lieutenant.

VI. Provided also, and be it enacted, That any Appointment or Appointments of any Officer or Officers, Person or Persons as aforesaid, or of the Salary or Salaries, Allowance or Allowances, or any Increase of the Salary or Salaries, Allowance or Allowances, to be paid to them or any of them, made by the said Trustees at any Meeting to be held for that Purpose, at which Twelve or more Trustees shall be present, shall not be valid and effectual, unless a Return in Writing of such Appointment or Appointments, Salary or Salaries, Allowance or Allowances, or Increase of Salary or Salaries, Allowance or Allowances, as aforesaid, signed by the major Part in Number of the said Trustees present at such Meeting, shall be laid before the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and Privy Council in *Ireland*, for the Time being, by delivering the same at the Office of the Clerk of the Privy Council Thirty-one Days at the least before such Appointment or Appointments shall be intended to take Effect; and if the said Lord Lieutenant or other Chief Governor or Governors and Privy Council shall, within the said Thirty-one Days, signify to the said Trustees in Writing their Disapprobation of such Appointment or Appointments respectively, or any of them, such Appointment or Appointments so objected to shall be of no Force or Effect.

Mode of Appointment of Inspectors of Linen and Yarn not to be affected.

VII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or alter or affect the Mode or Manner of the Appointment of Inspectors of Linen and Yarn in or for the several Counties in *Ireland* under the Directions of the said Act made in the Twenty-first and Twenty-second Years of the Reign of King *George* the Third, or in an Act made in *Ireland* in the Twenty-third and Twenty-fourth Years of the Reign of His said late Majesty, for the further promoting the Linen and Hempen Manufactures, but that such Inspectors shall be appointed in such Mode and Manner as if this Act had not been made; but that any Increase of the Salaries of such County Inspectors or any of them shall be subject to the Regulations in this present Act contained, so far as the same relate to the Approbation of the Lord Lieutenant and Privy Council.

Appointment of such Officers valid, if Lord Lieutenant shall not object as herein.

VIII. Provided also, and be it enacted, That if the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and Privy Council for the Time being, shall not within Thirty-one Days, to be computed from the Day of Delivery at the Office of the Clerk of

of the Council, in manner aforesaid, such Return as aforesaid, signifying to the said Trustees in manner aforesaid their Disapprobation of such Appointment or Appointments, the same shall, from the Time of the Expiration of the said Thirty-one Days, stand in full Force and Effect, notwithstanding that such Lord Lieutenant or other Chief Governor or Governors, and Privy Council, shall not have signified any express Approbation thereof.

Trustees may dismiss for Neglect or improper Conduct.

IX. Provided also, and be it further enacted, That nothing herein contained shall abridge or restrain, or be construed to abridge or restrain the Power and Discretion of the said Trustees, to dismiss from their Service any Officer, Servant, or other Person appointed and approved of in manner aforesaid, who shall afterwards appear to have been guilty of any Neglect or improper Conduct in their Employment, and to nominate such others in their Stead as they shall think fit, subject nevertheless to the Provisions aforesaid.

Five Trustees must be present.

X. And be it further enacted, That no Act shall be deemed an Act of the said Trustees, unless there shall be at the least Five of the said Trustees duly assembled by previous Summons present at such Act; and that the Act of the Majority of the Trustees present at any Meeting so assembled, shall be and be considered as the Act of the said Trustees, and be good and sufficient for all Purposes whatsoever, save and except as herein-before particularly mentioned, any Law to the contrary notwithstanding.

52 G. 3. c. 52.

XI. And whereas the Commissioners of Public Accounts appointed by an Act passed in the Fifty-second Year of the Reign of King George the Third, intituled *An Act to provide for the speedy and regular Examination and Audit of the Public Accounts of Ireland, and to repeal certain former Acts relating thereto*, have from Time to Time since their Appointment disallowed, in the Discharge Part of the Accounts of the said Trustees, several Items of Expence which the said Trustees incurred, apprehending themselves to be authorized so to do, under the Power and Discretion vested in them by Parliament, by the several annual Grants expressed and directed to be applied in such Manner as should appear to the said Trustees most conducive to promote and encourage the Linen and Hempen Manufactures: And whereas the Time for exercising the Power vested in the Lord Lieutenant to remove the said Disallowances has long since expired, and it is expedient to make Provision for discharging the Accounts of the said Trustees from the said Disallowances; be it

Lord Lieutenant empowered to allow, if he thinks fit, such Items of Expence incurred by Trustees as have been disallowed by Commissioners of Public Accounts.

therefore enacted, That it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, to cause and direct Inquiry to be made into all such Items, and also into any other Items of Disallowance made by the Commissioners of Imprest Accounts before the Existence of the said Commissioners of Accounts, in such Manner as such Lord Lieutenant or other Chief Governor or Governors shall think fit; and if it shall be made appear to the Satisfaction of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, on such Inquiry, that the Expenditure of such Sums so disallowed was not made by the said Trustees with any partial or corrupt or fraudulent Intent, but solely with a view to execute the Trust reposed in them faithfully and honestly, for the Promotion and Advantage of the Manufactures committed

mitted to their Charge, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors of *Ireland* to order, by Warrant under his or their Hands and Seals, that every or any of such Items shall be allowed, and brought forward and allowed in the next Account of the said Trustees; any Act or Acts of Parliament to the contrary thereof in anywise notwithstanding.

Trustees may prosecute in the Name of their Secretary.

XII. And for the obviating and putting an End to Difficulties which have arisen in the carrying on and defending Criminal Prosecutions and Civil Suits by the Trustees of the Linen and Hempen Manufactories of *Ireland* in their own Name; be it enacted, That all Actions and Suits to be commenced or instituted by or on behalf of the said Trustees against any Person or Persons, Body or Bodies Politic or Corporate, shall and lawfully may be commenced or instituted and prosecuted in the Name of the Clerk or Secretary for the Time being of the said Trustees, as the nominal Plaintiff for or on behalf of the said Trustees; and that in all Indictments, Informations, and Complaints of what Nature or Kind soever, for Fraud upon or against, or for Embezzlement, Robbery of, or stealing the Property of the said Trustees or the Funds committed to their Charge, or for any other Offence committed against or with Intent to injure or defraud the said Trustees, it shall and may be lawful to state the said Property or Funds to be the Property of the Clerk or Secretary for the Time being of the said Trustees; and it shall be sufficient Proof that such Property or Funds be the Property or Funds of the said Clerk or Secretary, if the same shall be proved to be the Property or Funds of the said Trustees; and every Offence committed with Intent to injure or defraud the said Trustees shall and lawfully may in all Cases be laid to have been committed with Intent to injure or defraud the said Clerk or Secretary for the Time being of the said Trustees; and any Offender or Offenders may thereupon be lawfully convicted of any such Offence; and the Death, Resignation, or Removal, or other Act of such Clerk or Secretary, shall not abate any such Action, Suit, or Prosecution; and that in all such Cases it shall not be deemed necessary to name the said Trustees individually, but it shall be a sufficient Designation and Description of them to designate and describe them by the Name of "The Trustees of the Linen and "Hempen Manufactures of *Ireland*;" and that such Designation and Description shall be as good, sufficient, and effectual to all Intents and Purposes as if the said Trustees were a Corporate Body.

To enable the Trustees to recover Fines from Sealmasters and Lappers.

XIII. And for the remedying Difficulties which have arisen in recovering from Packers, Sealmasters, and Lappers, and their Securities, the Amount of the Fines and Penalties legally imposed on the said Packers, Sealmasters, and Lappers by the said Trustees; be it enacted, That in all Complaints, Informations, Suits, Civil Bills, or Actions, made, brought, commenced, or prosecuted against any Packer, Sealmaster, or Lapper, or their or any of their Securities, a Certificate of the Clerk or Secretary of the said Trustees for the Time being, under the Hand and Seal of such Clerk or Secretary, shall be taken, deemed, and adjudged full and sufficient Evidence that such Person is their Clerk or Secretary, and that the Persons therein for that Purpose named were respectively and duly appointed Packers, Sealmasters, or Lappers by the said Trustees, and had acted as such in the several Matters in such Certificate contained; and that the Person

or Persons therein for that Purpose mentioned was or were Security or Securities for such Packer, Sealmaster, or Lapper respectively, and that the Fine or Fines, Penalty or Penalties therein contained, was or were duly and legally imposed by the said Trustees, or a competent Number of them, on the said Packers, Sealmasters, or Lappers respectively, and that the Person or Persons in such Certificate named as Trustee or Trustees (if any should be named), was or were duly appointed a Trustee or Trustees of the Linen and Hempen Manufactures of *Ireland*; and that in all Actions brought or to be brought by the Secretary of the said Trustees against any Packer, Sealmaster, or Lapper, or their or any of their Securities, upon any Bond or Bonds executed by them or any of them, for or on account of any Breach or Breaches of any of the said Bonds in the not paying of any Fine or Fines imposed on any of the said Packers, Sealmasters, or Lappers respectively, it shall not be necessary to set forth the Cause or Occasion of any such Fines, or any of the Proceedings whereby the same was imposed; but it shall be sufficient in every such Case to set forth the Day on which such Fine was imposed, together with the Amount thereof, any Law or Statute to the contrary in anywise notwithstanding.

Penalties not exceeding 6*l.* may be recovered before any Trustee or Justice or Chief Magistrate.

XIV. And whereas Doubts have arisen as to the Persons before whom certain Complaints and Offences against the Laws made for regulating the Linen and Hempen Manufactures of *Ireland* are to be heard and determined; and it is expedient that the Method of Proceeding for determining all such Complaints and Offences be uniform and clearly understood; be it therefore enacted, That from and after the passing of this Act all Offences or Breaches committed of or against any Clause or Article contained in any of the Acts of Parliament now in force for regulating the Linen and Hempen Manufactures of *Ireland*, where the Penalty or Forfeiture does not or may not exceed in Value the Sum of Six Pounds Sterling, shall and may be heard and finally determined by any One or more of them, or by any One or more Justice or Justices of the Peace for the County, or by any Chief Magistrate of any City or Town Corporate where such Offences or Breaches shall be done or committed within their respective Jurisdictions; provided always, that no such Determination shall be made, unless sufficient and reasonable Notice shall be given previously to the Party complained of; and that all Offences committed against any Clause or Article contained in any of the Acts of Parliament aforesaid, where the Penalty or Forfeiture shall exceed in Value the Sum of Six Pounds Sterling, and shall not exceed Forty Pounds, shall and may be heard and finally determined in a summary Way by Civil Bill, by the Assistant Barristers in their respective Counties; on which Civil Bill the Parties may be at liberty to proceed by Process and Appeal in the usual Way, in the respective Counties where such Offences or Breaches shall respectively be done or committed, or in the County in which the Defendant or Defendants in such Civil Bill shall live, at the Option of the Plaintiff; or by the Recorder of the City of *Dublin*, or Chairman of the County of *Dublin* for the Time being, where such Offences or Breaches shall be committed in the County of the City of *Dublin*, or County of *Dublin* respectively; or in the said County or Counties where the Defendant or Defendants shall respectively live, at the Option of the Plaintiff; and that the several Assistant Barristers, Recorder, and Chairman, shall and may have

Penalties exceeding 6*l.* and not exceeding 40*l.* to be tried before Assistant Barrister.

have full Power and Authority to hear and determine all such Offences or Breaches of said Statutes, any Act to the contrary notwithstanding; and that if the Recorder or Chairman, or Assistant Barristers respectively, shall think it necessary that a Jury shall be impannelled on the Trial of such Civil Bill, a Jury shall be returned *instanter* by the Sheriff or Sheriffs (for which such Sheriff or Sheriffs shall not receive any Fee or Reward) to try the same, and that the Verdict given by such Jury shall be final and conclusive to the Parties in all Courts of Law and Equity; and that all Penalties or Forfeitures for Offences or Breaches done or committed of or against any Clause or Article in this present Act or any other Act contained, where the Penalty or Forfeiture does or may exceed in Value Forty Pounds Sterling, shall or may be sued for and recovered by Suit or Action at Law, or by Bill, Plaint, or Information, in any of His Majesty's Courts of King's Bench, Common Pleas, or Exchequer, where no Essoign or Wager of Law shall be allowed.

All Penalties above 40*l.* to be tried in Courts of King's Bench, &c.

XV. And be it further enacted, That in all Actions or Suits to be brought, commenced, and prosecuted for Recovery of Forfeitures or Penalties for Offences or Breaches done or committed against any of the said Acts, where the Penalties or Forfeitures shall exceed the Sum of Forty Pounds Sterling, the same shall be laid in the County, or in the County of the City, or the County of the Town, wherein such Offences or Breaches shall be committed, and no other.

All Actions for Recovery of Penalties exceeding 40*l.* to be tried in County where Offence committed.

XVI. And to the End that all such Actions and Suits may be determined by a Jury of the County, or County of a City, or County of a Town, wherein such Offences or Breaches shall be respectively done or committed; be it enacted, That it shall and may be lawful to and for the several Person or Persons, and Courts, hereby empowered to hear and determine the said Offences respectively, to examine upon Oath all and every Witness and Witnesses as shall be produced before them respectively, which Oath they are hereby empowered respectively to administer, upon any Complaint or Information to him or them made of any Breach committed of or against the said Acts, or any of them; and to issue their Executions or Warrants respectively to the Sheriff or Sheriffs of the respective Counties, Counties of Cities, Counties of Towns, and Constables, requiring and empowering him or them to execute the same, as in all other Cases is usual.

Courts to examine upon Oath Witnesses,

and to issue their Executions.

XVII. And be it further enacted, That if any Action or Suit shall be commenced or brought against any Person whatsoever, for doing or causing to be done any Act, Matter, or Thing in pursuance of any Act of Parliament for regulating the Linen and Hempen Manufactures of *Ireland*, or any Branch thereof, or any Thing relating thereto, 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; and if upon such Action, or in such Suit, Judgment shall be given for the Defendant or Defendants, or the Plaintiff or Plaintiffs therein shall become nonsuit, or discontinue his, her, or their Action or Suit, that the Defendant or Defendants therein shall have Treble Costs.

Defendants enabled to plead the General Issue.

Treble Costs.

XVIII. And

To what Fines Sealmasters or Lappers are liable.

XVIII. And whereas by several Acts of Parliament now in force in *Ireland*, certain Duties are prescribed to and for the Sealmasters and Lappers of White Linen, appointed by the Trustees of the Linen and Hempen Manufactures of *Ireland*, and Doubts have arisen as to what Fine or Fines, Penalty or Penalties, said Sealmasters or Lappers of White Linen are in several Cases liable, for acting contrary to the said Acts of Parliament, or by or before whom such Fine or Fines, or Penalty or Penalties, is or are to be recovered; be it therefore enacted, That in all Cases whatsoever, wherein any Sealmaster or Lapper of White Linen in *Ireland* shall act contrary to any of the Regulations in any such Act or Acts specified, he shall for every such Offence forfeit such Sum, not less than Ten Shillings, nor exceeding Five Pounds Sterling, except where the same is otherwise particularly enacted, as the Person or Persons empowered to determine such Offences shall upon the Circumstances of the Case adjudge and determine; and that all such Fines and Penalties shall and may be recovered before the several Persons by this Act empowered to hear and determine all Offences against any of the Laws for regulating the Linen and Hempen Manufactures of *Ireland*, according to the Amount of such Fine or Fines, Penalty or Penalties respectively, except where the same is otherwise particularly enacted by any Act now in force.

Power of Trustees to fine Sealmasters and other Officers.

XIX. Provided always, and be it enacted, That this Act, or any Clause or Thing therein contained, shall not be deemed to take from the Trustees of the Linen and Hempen Manufactures any Power of imposing any Fine or Fines upon any Sealmaster or Lapper of White Linen, or upon any Officer or Officers appointed or to be appointed by them, for any Fraud, Misbehaviour, or Neglect in their respective Offices, which the said Trustees, or any Three or more of them, are by any Law now in force authorized to impose.

Power to Officer of Trustees to seize Linen, &c. in all Cases where same is liable to Forfeiture.

XX. And whereas the several Acts of Parliament now in force for regulating the Linen and Hempen Manufactures of *Ireland*, Linens are declared to be forfeited in sundry Cases in the said Acts specified, and it is nevertheless doubtful in such Cases whether any Inspector General or Inspector of Linens, or other Person, is by Law empowered to seize said Linens; be it enacted, That in all Cases where by any Act of Parliament any Piece or Pieces, or any Part of a Piece of Linen or Hempen Cloth is or are declared to be forfeited, it shall and may be lawful to and for any Inspector General or Inspectors of Linens in his District to seize the same, and to dispose thereof according to Law.

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