Anno tricesimo secundo

Georgii II. Regis.

An Act for the more effectual preventing the fraudulent Importation of Cambricks and *French* Lawns.

WHEREAS the Acts made in the Eighteenth and Twenty first Years of the Reign of His present Majesty, for prohibiting the Wearing and Importation of Cambricks and French Lawns, have not been effectual to prevent the fraudulent Importation thereof; Therefore, for the amending and enforcing the said Acts, 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 from and after the First Day of August, One thousand seven hundred and fifty nine, no Cambricks, French Lawns, or other Linnens whatsoever, of the Kind usually entered under the Denomination of Cambricks, shall be imported, or brought into any Port or Place whatsoever within Great Britain, unless the same be packed in Bales, Cases, or Bores, covered with Sackcloth or Canvas, each of which Bales, Cases, or Bores, shall contain One hundred Whole Pieces, or Two hundred Demi or Half Pieces, of such Cambricks or French Lawns.

No Cambricks or *French* Lawns to be imported but in Bales, &c. covered with Cloth, containing each 100 Whole Pieces, or 200 Half Pieces;

on Penalty of Forfeiture thereof.

And be it further enacted, That in case any Cambricks or French Lawns shall be imported in any other Form or Manner, or in any less Quantity, than is herein before-mentioned and allowed, in each and every of the said Cases, the Cambricks or French Lawns so imported, or found on Board any Ship or Vessel in this Kingdom, shall be forfeited, and shall and may be seized by any Officer or Officers of the Customs.

The same to be imported for Exportation only, and to be lodged in the King's Warehouses,

and delivered out under like Security and Restrictions as prohibited *East India* Goods.

And be it further enacted by the Authority aforesaid, That from and after the said First Day of August, One thousand seven hundred and fifty nine, Cambricks and French Lawns shall be imported for Exportation only, and shall be lodged in such Warehouse belonging to His Majesty, His Heirs, and Successors, as the Commissioners of the Customs, or any Three or more of them, for the time being, shall appoint; and shall not be delivered out of such Warehouse, but under the like Security and Restrictions as East India Goods, prohibited to be consumed in Great Britain, are now liable to.

One half of the Old Subsidy payable only upon the Importation.

And be it further enacted by the Authority aforesaid, That from and after the said First Day of August, there shall be no Customs or Duties whatsoever paid, or secured to be paid, for any Cambricks or French Lawns imported, or which shall be imported, and deposited in such Warehouse as aforesaid, other than One half of the Old Subsidy, which is to remain by Law, after the Goods are exported again.

What Goods shall be in private Custody, are to be deposited by 1 *August* next in the King's Warehouses;

and the Bonds thereupon to be delivered up,

and the Drawback upon Exportation to be paid;

and the Goods not to be delivered out again but for Exportation.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons having in their Custody any Cambricks or French Lawns imported before the said First Day of August, for the Exportation whereof, within the Time limited by Law, Bond has been given, shall, on or before the First Day of August next, bring and deposit, or cause to be brought and deposited, all such Cambricks and French Lawns, in such Warehouse as shall be approved of by the Commissioners aforesaid for that Purpose; and upon the depositing of such Goods in such Warehouse as aforesaid, the Bonds for the Exportation thereof shall be delivered up to the Person or Persons who gave the same, or his or their Heirs, Executors, Administrators, or Assigns, who shall likewise receive at the same Time from the Collector, or other proper Officer of the Customs at the Port where such Bond was given, all the Duties which such Goods would be intitled to draw back upon Exportation: And such Goods shall not be again delivered out of the said Warehouse but for the Exportation thereof, in like Man-

ner as if the same had been deposited therein at the Importation: And in case any Person or Persons shall sell, offer, or expose to Sale, or, after the said First Day of August, have in his, her, or their Custody or Possession, for that Purpose, any Cambricks or French Lawns (other than in such Warehouse as shall be approved of by the said Commissioners as aforesaid) the same shall be forfeited, and shall be liable to be searched for and seized in like Manner as other prohibited and uncustomed Goods are, and every such Person shall also forfeit Two hundred Pounds, over and above all other Penalties and Forfeitures inflicted upon such Person or Persons by any former Act.

Goods exposed to Sale, or found in private Possession, after the said Day, may be seized; and the Offender to forfeit 200 *l. extra.*

And be it further enacted by the Authority aforesaid, That if any Doubt or Question shall arise with respect to the Species or Quality of the said Goods seized by virtue of this Act, or where the same were manufactured, the Proof shall lie on the Owner or Owners thereof, and not upon the Prosecutor; any Law, Custom, or Usage, to the contrary notwithstanding.

In Doubts concerning the Species or Quality, &c. of the Goods, *Onus probandi* to lie on the Owner.

And be it further enacted by the Authority aforesaid, That all the Goods seized by virtue of this Act, or any other Cause of Forfeiture, shall, upon Seizure thereof, be carried to the nert Custom-house, and after Condemnation in due Course of Law, shall not be consumed or used in this Kingdom, but shall be exported; and shall not be sold or delivered out of such Warehouse, otherwise than on Condition to be exported, nor until the Buyer or Buyers shall have given Security for the Exportation thereof, and observing all the Regulations and Restrictions prescribed for the Exportation of East India Goods prohibited to be consumed or used in Great Britain.

Goods seized to be carried to the next Custom-house, and after Condemnation, to be exported.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures by this Act imposed, shall and may be sued for and recovered in any of His Majesty's Courts of Record at Westminster, or in the Court of Exchequer at Edinburgh, respectively, by Action, Bill, Plaint, or Information, in the Name of His Majesty's Attorney General, or in the Name of His Majesty's Advocate in Scotland, or in the Name or Names of some Officer or Officers of the Customs; and that One Moiety of every such Penalty and Forfeiture shall be to His Majesty, His Heirs, and Successors, and the other Moiety thereof to such Officer or Officers of the Customs who shall seize, inform, or prosecute for the same.

Recovery and Application of the Penalties.

And be it further enacted by the Authority aforesaid, That upon every Action, Bill, Plaint, or Information, entered and filed as aforesaid, for any pecuniary Penalty imposed by this Act, a Capias in the first Process shall and

Upon Actions entered for pecuniary Penalties, a *Capias* in the first Process to be issued;

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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 or Denisons, 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.

and the Defendant may give Bail thereto, &c.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act: And if it shall appear so to have been done, then the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be Nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared; or if Judgement shall be given upon any Verdict or Demurrer against the Plaintiff; the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same, as Defendants have in other Cases by Law.

General Issue.

Treble Costs.

FINIS.