

if any action or suit shall be commenced against any person or persons for any thing by him or them done or executed in pursuance of this act, 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 thereupon; and that the same was done in pursuance and by the authority of this act: and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer, or otherwise; then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

General issue.

Treble costs.

CAP. LVII.

An act for establishing an agreement for the payment of the annual sum of four hundred thousand pounds, for a limited time, by the East India company, in respect of the territorial acquisitions and revenues lately obtained in the East Indies.

WHEREAS the united company of merchants of England trading to the East Indies have proposed, that a temporary agreement should be made in relation to the territorial acquisitions and revenues lately obtained there; and have thereupon offered to pay, for the benefit of the publick, during the term of such agreement, the yearly sum of four hundred thousand pounds, by half-yearly payments: and whereas it may be for the benefit of the publick, and the said company, that a temporary agreement, for the space of two years, should be made in regard of the said territorial acquisitions and revenues: Now we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, do 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 by the authority of the same, That the said united company of merchants of England trading to the East Indies, and their successors, shall advance and pay into the receipt of his Majesty's exchequer, for his Majesty's use, the sum of four hundred thousand pounds *per annum*, for and during the term of two years, to be computed from the first day of *February*, one thousand seven hundred and sixty seven, by half-yearly payments of two hundred thousand pounds each; which half-yearly payments of two hundred thousand pounds shall become due on the first day of *August*, and the first day of *February*, in each year; and shall be made on or before the twenty fifth day of *March* next ensuing such first day of *August*, and on the twenty ninth day of *September* next ensuing such first day of *February* respectively, in each year; the first of which half-yearly payments shall become due on the first day of *August*, one thousand seven hundred and sixty seven, and be made on or before the twenty fifth day of *March*, one thousand seven hundred

Preamble.

East India company to pay into the receipt of the King's exchequer, 400,000l. per annum, for the term of 2 years; by half-yearly payments, of 200,000l. each;

on failure of any of the said payments,

the money to be recovered by action of debt, &c. in any of the courts at Westminster.

with damages, after the rate of 15l. per cent. and full costs of suit; and the company's stock and funds, &c. are made liable thereto. The territorial acquisitions and revenues lately obtained, to remain in the company's possession during the said 2 years; and if they shall be dispossessed by any foreign power, of any part thereof, within that time,

a proportional abatement is to be made in the said annual payments;

and money wrongfully paid, is to be refunded.

hundred and sixty eight; and in case the said united company of merchants of *England* trading to the *East Indies*, or their successors, shall make failure in any of the said payments hereby appointed to be made into the receipt of his Majesty's exchequer, on or before the respective days or times herein before limited; that then, from time to time, as often as such case shall so happen, the money, whereof such failure in payment shall be made, shall and may be recovered to his Majesty's use, by action of debt, or upon the case, bill, suit, or information, in any of his Majesty's courts of record at *Westminster*, wherein no *essoin*, protection, privilege, or wager of law, shall be allowed, or any more than one imparlance; in which action, bill, suit, or information, it shall be lawful to declare, That the said united company of merchants of *England* trading to the *East Indies*, or their successors, are indebted to his Majesty the monies of which they shall have made default in payment, according to the form of this statute, and have not paid the same, which shall be sufficient; and in or upon such action, bill, suit, or information, there shall be further recovered, to his Majesty's use, against the said united company of merchants of *England* trading to the *East Indies*, or their successors, damages, after the rate of fifteen pounds *per centum per annum*, for the respective monies so unpaid, contrary to this act, together with full costs of suit; and the said united company, and their successors, and all their stock, funds, and all other their estates and property whatsoever and wheresoever, shall be, and are hereby made, subject and liable to the payment of such monies, damages, and costs.

II. And it is hereby further enacted and declared by the authority aforesaid, That all the said territorial acquisitions and revenues, lately obtained in the *East Indies*, shall remain in possession of the said united company, and their successors, during the said term of two years, to be computed from the said first day of *February*, one thousand seven hundred and sixty seven.

III. Provided nevertheless, and be it further enacted by the authority aforesaid, That if the said united company, or their successors, shall be dispossessed by any foreign power of any part of the said territorial acquisitions or revenues, at any time or times before the expiration of the said term of two years, to be computed from the first day of *February*, one thousand seven hundred and sixty seven; then, and in every such case, and as often as such case shall so happen, the payment of the said annual sum of four hundred thousand pounds, for or in respect of the time or times during which the said company, or their successors, shall remain so dispossessed, shall be reduced, in such proportion to the whole of the said annual sum as the net income and profits of the territorial acquisitions and revenues, of which the said company, or their successors, shall have been so dispossessed, shall have borne to the whole of the net income and profits of all the said territorial acquisitions and revenues, upon the average of the year preceding their being so dispossessed; and if it shall happen that any payment or payments shall have been made,

made, for or in respect of any time or times during which the said company, or their successors, shall have been so dispossessed as aforesaid, such proportional part of the monies as shall have been so paid for or in respect thereof, or so much of such proportional part of the said monies as shall not have been appropriated in manner herein after mentioned, shall be repaid and refunded at the said receipt of the exchequer to the said company, or their successors; and, in lieu of the money which shall have been so appropriated, a sum equal thereto shall be paid to the said company, or their successors, out of the fund commonly called *The Sinking Fund*; which payment is hereby charged upon the said fund, and shall be made thereout, after paying or reserving sufficient to pay all previous charges thereupon; any thing herein before contained to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That the monies which shall be paid into the receipt of his Majesty's exchequer, in pursuance of this act, shall be there reserved to be disposed of and appropriated by parliament.

The monies to be reserved for the disposition of parliament.

C A P. LVIII.

An act for granting to his Majesty additional duties on certain foreign linens imported into this kingdom; and for establishing a fund for the encouraging of the raising and dressing of hemp and flax.

WHEREAS the consumption of linens within Great Britain, and the British dominions in America, is greatly increased: and whereas the establishing a proper fund for the encouragement of raising and dressing of hemp and flax, would be a great advantage to the linen manufactures within this kingdom; therefore, we your Majesty's most dutiful and loyal subjects the commons of Great Britain, in parliament assembled, do give and grant to your Majesty, your heirs, and successors, such additional duties on foreign linens to be imported into Great Britain, as are herein after mentioned; and do 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 by the authority of the same; That from and after the first day of *August*, one thousand seven hundred and sixty seven, there shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors, the several additional rates and duties following; that is to say,

After 1 Aug. 1767, the several additional rates and duties following are to take place;

For every ell of foreign linen, commonly called *Packing Canvas*, *Spruce Elbing*, or *Queensborough Canvas*, which shall be imported into Great Britain, the sum of one farthing.

viz. on foreign canvas;

And for every ell of foreign linen, commonly called *Dutch Barras*, and *Hessin-Canvas*, which shall be imported into Great Britain, the sum of one halfpenny.

And after those rates for any greater or less quantity of such goods