ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. LXXIX.

An Act for more effectually preſerving Money or Effects, in the Hands of His Majeſty's Subjects, belonging to, or diſpoſeable by, Perſons reſident in *France*, for the Benefit of the Individual Owners thereof. [7th *July* 1794.]

WHEREAS by an Act, paſſed in the preſent Seſſion of Parliament, intituled, *An Act for preventing Money or Effects in the Hands of His Majeſty's Subjects, belonging to, or diſpoſeable by, Perſons reſident in* France, *being applied to the Uſe of the Perſons exerciſing the Powers of Government in* France, *and for preſerving the Property thereof for the Benefit of the Individual Owners thereof*, divers Proviſions have been made reſpecting Money and Effects in the Hands of His Majeſty's Subjects, belonging to, or diſpoſeable by, Perſons reſident within the Dominions of *France*, and the Territories and Places under the Government of the Perſons exerciſing the Powers of Government in *France*: And whereas it is expedient that more effectual Proviſions ſhould be made for the Preſervation of ſuch Money and Effects, than ſuch as are contained in the ſaid Act: May it 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 for His Majeſty from Time to Time, by Letters Patent under the Great Seal of *Great Britain*, to nominate,

Preamble.

34 *Geo.* III, Cap. 9, recited.

His Majeſty may appoint Five Commiſſioners.

minate, authorize, and appoint, Five able, ſufficient, and diſcreet Perſons, Natives of and reſident within *Great Britain*, to be Commiſſioners for the Purpoſes herein-after mentioned.

Commiſſioners to take the following Oath.

II. And be it further enacted, That each and every of the ſaid Commiſſioners named in ſuch Letters Patent, before he ſhall enter upon the Execution of the ſaid Office, ſhall take an Oath, (or, being One of the People called *Quakers*, a ſolemn Affirmation), the Tenor whereof ſhall be as follows; (that is to ſay),

'I *A. B.* do ſwear [*or* affirm], That I will execute the ſeveral Powers and Truſts veſted in me in purſuance of an Act, intituled, [*Here ſet forth the Title of the Act*], with Fidelity and Secrecy, according to the Tenor and Purport of the ſaid Act.

So help me GOD.'

Which Oath or Affirmation ſhall and may be adminiſtered by any One of the ſaid Commiſſioners to any other or others of them.

Commiſſioners may meet and appoint Officers, &c.

III. And be it further enacted, That the ſaid Commiſſioners ſo to be appointed ſhall have Power to meet and ſit from Time to Time, in ſuch Place or Places as they ſhall find moſt convenient, with or without Adjournment; and ſhall and may appoint and employ a Secretary, and ſo many Officers as they ſhall think meet, and allow to ſuch Secretary and Officers, with the Conſent and Approbation of the Lords Commiſſioners of the Treaſury for the Time being, in Writing under their Hands, ſuch reaſonable Salaries as the ſaid Commiſſioners ſo to be appointed ſhall think meet; and ſhall and may give and adminiſter to ſuch Secretary and Officers reſpectively an Oath for their faithful Demeanor in all Things relating to the due Performance of the Truſts repoſed in them by the ſaid Commiſſioners, and in all other Things touching the Premiſes, and for their keeping ſecret all Matters with which they ſhall be entruſted by the ſaid Commiſſioners; and it ſhall be lawful for the ſaid Commiſſioners from Time to Time at their Diſcretion, to diſmiſs and diſcharge ſuch Secretary and other Officers, and appoint others in their Place; and the ſaid Secretary and Officers are hereby required faithfully to execute and perform the ſaid Truſts in them ſeverally and reſpectively repoſed, without taking any Thing for ſuch Service, other than ſuch Salaries and Rewards as the ſaid Commiſſioners ſhall direct and appoint in Manner aforeſaid.

No Fee to be taken by Officers.

IV. And be it further enacted, That no Fee, Reward, or Gratuity, ſhall be demanded or taken by any publick Officer or Officers, for any Thing done in Execution of this preſent Act, or of the ſaid recited Act.

Reſidents in *Great Britain*, on *Jan.* 1, 1794, or ſince, who have Money, Notes, or any Effects of Perſons reſiding on that Day, or ſince,

V. And be it further enacted, That all and every Perſon and Perſons reſiding or being in *Great Britain*, who on the Firſt Day of *January* One thouſand ſeven hundred and ninety-four was or were, or at any Time ſubſequent thereto, during the preſent War, has or have been, or ſhall be knowingly poſſeſſed of or entitled to, or had or have, or ſhall have, in his, her, or their Cuſtody or Power, any Money, Deeds, Bonds, Bills, Notes, Stocks, Funds, or other Securities for Money, Goods,

Goods, Wares, Merchandizes, Property, or Effects, of what Nature or Kind ſoever, belonging to or at the Diſpoſal of, or in Truſt for, any Perſon or Perſons who on the ſaid Firſt Day of *January* One thouſand ſeven hundred and ninety-four, was or were, or at any Time ſubſequent thereto, during the preſent War, has or have been, or ſhall be reſident within any of the Dominions of *France*, or within any Territory or Place which on the ſaid Firſt Day of *January* One thouſand ſeven hundred and ninety-four was, or which, during the ſaid War, ſhall be under the Government of the Perſons exerciſing, or who ſhall hereafter exerciſe, the Powers of Government in *France*; and alſo all and every Perſon and Perſons reſiding or being in *Great Britain*, who on the ſaid Firſt Day of *January* One thouſand ſeven hundred and ninety-four, was or were, or at any Time ſubſequent thereto, during the ſaid War, has or have been, or ſhall be, in any Manner whatſoever, indebted to any ſuch Perſon or Perſons ſo reſident within any of the Dominions of *France*, or within any ſuch Territory or Place as aforeſaid, ſhall deliver, and he, ſhe, and they reſpectively, is and are hereby required to deliver to the Commiſſioners to be named in ſuch Letters Patent as aforeſaid, at ſuch Place or Places, and within ſuch Time or Times, as ſhall be appointed for that Purpoſe by the Commiſſioners, a full and true Account, in Writing, ſigned by the Perſon or Perſons delivering the ſame, of all ſuch Money, Securities for Money, Goods, Wares, Merchandize, Property, Debts, and Effects as aforeſaid, and ſhall in ſuch Account, either directly, or by Reference to a ſeparate Paper, alſo to be delivered therewith as herein-after mentioned, and ſigned by the Perſon or Perſons delivering the ſame, declare the Name and Names, and the Place and Places of Abode, within the Dominions of *France*, or within ſuch Territory or Place as aforeſaid, of the Perſon and Perſons reſpectively to whom ſuch Money, Securities for Money, Goods, Wares, Merchandize, Property, Debts, and Effects, did or do belong, or were or are owing, or at whoſe Diſpoſal, or in Truſt for whom, the ſame were or are, according to the beſt of the Knowledge, Information, and Belief, of the Perſon and Perſons delivering ſuch Accounts reſpectively, and alſo whether any and what Application has been made to ſuch Perſon or Perſons touching the Diſpoſal thereof; and ſo from Time to Time ſhall deliver like Accounts and Declarations reſpectively, within Three Calendar Months after any ſuch Perſon or Perſons ſhall have become poſſeſſed of, or entitled to, or have in his, her, or their Cuſtody or Power, any ſuch Money, Securities for Money, Goods, Wares, Merchandize, Property, and Effects reſpectively, or ſhall have become ſo indebted as aforeſaid, or ſhall have received any Application touching the Diſpoſal of any ſuch Money, Securities for Money, Goods, Wares, Merchandize, Property, Debts, or Effects reſpectively; and if any Perſon or Perſons reſiding or being in *Great Britain* as aforeſaid, who is or are or ſhall be knowingly poſſeſſed of or entitled to, or has or have or ſhall have in his, her, or their Cuſtody or Power, any ſuch Money, Securities for Money, Goods, Wares, Merchandize, Property, or Effects, or indebted as aforeſaid, ſhall wilfully neglect or refuſe to deliver, in Writing, an Account or Particular of ſuch Articles, and to make ſuch Declaration as aforeſaid, at the Place or Places to be appointed as aforeſaid, and within the Time or Times within which the ſame ought to be delivered in purſuance of this Act, or ſhall be guilty of any wilful Concealment or Omiſſion, or untrue Specification of any of the Matters hereby

within the Limits of the Government of *France*, or who ſhall be indebted to ſuch Perſons, to deliver to the Commiſſioners an Account, &c. containing certain Particulars.

Penalty for Neglect.

hereby required to be declared as aforesaid, every such Person, being duly convicted thereof, shall forfeit double the Value of all such Money, Securities for Money, Goods, Wares, Merchandize, Property, Debts, or Effects, touching which any such Concealment, Omission, or untrue Specification, shall be made.

Accounts to be inclosed in sealed Covers, and where Matters are referred to separate Papers, the Reference to be made as herein specified, &c.

VI. And be it further enacted, That every such Account so hereby required to be delivered as aforesaid shall be inclosed in a sealed Cover or sealed Covers, which shall be respectively signed on the Outside thereof by the Person or Persons delivering the same respectively, and shall also be respectively marked on the Outside thereof with some Letters and Figures, so as by Means thereof the same may be respectively clearly distinguished; and in case the Name or Names, and Description or Descriptions, and other Matters hereby required to be declared in such Account, either directly or by Reference to a separate Paper, shall be expressed in such Account by Reference to a separate Paper, such Reference shall be made by Letters and Figures clearly corresponding with similar Letters and Figures contained in such separate Paper, and the several Articles contained in such Account shall be placed therein to the Credit of the same Letters and Figures respectively; and such separate Paper shall contain such Name or Names, and Description or Descriptions, and other Matters not specified in such Account, as are hereby required to be declared as aforesaid, so that by Comparison of the Contents of such separate Paper with such Account, all the Matters required by this Act to be declared as aforesaid may clearly and distinctly appear; and such separate Paper shall be also inclosed in a distinct sealed Cover, which shall also be signed on the Outside by the Person or Persons delivering the same, and shall be marked on the Outside with Letters and Figures corresponding with the Letters and Figures marked on the Outside of the Cover in which such Account shall be inclosed.

Commissioners to appoint Persons to receive Accounts, which shall only be opened by certain Persons, and on certain Occasions, &c.

VII. And be it further enacted, That as soon after the said Commission shall have passed the Great Seal of *Great Britain* as shall be convenient, the Commissioners therein named, or such of them as shall have taken the said Oath as aforesaid, shall meet and appoint a proper Person or proper Persons for receiving, at such Place or Places as such Commissioners shall name, and within such Time or Times as such Commissioners shall appoint, all such Accounts or Particulars in Writing as are hereby required to be delivered as aforesaid, inclosed in sealed Covers, which sealed Covers shall be opened only by the said Commissioners, or some or One of them, or in the Presence of some or One of the said Commissioners, by some or One of their Officers sworn to Secrecy; and no such Cover shall be opened, unless on the Application of some Person or Persons who shall appear to the said Commissioners to be interested in the Account and Declaration therein contained, except in case of Necessity, and in order to execute some Provision of this Act, or by virtue of a Special Warrant from His Majesty under His Sign Manual, or by some Person or Persons authorized by His Majesty to give Special Warrant for that Purpose; and the said Commissioners shall, to the utmost of their Power, take Care to conceal the Name and Names of all and every Person and Persons who shall be mentioned in such Accounts and Declarations, whose Name or Names it shall appear to the said Commissioners necessary or proper to conceal.

Signature of One Partner to be sufficient.

VIII. Provided always, and be it enacted, That the Signature of One Partner in a Houſe of Trade, on Behalf of himſelf or herſelf, and his or her Partners in Trade in the Firm of ſuch Houſe, to any ſuch Account and Declaration and ſeparate Paper reſpectively, and on the Outſide of any ſuch ſealed Cover as are hereby reſpectively required to be delivered and ſigned as aforeſaid, ſhall be deemed the Signature of all ſuch Partners reſpectively, and a ſufficient Signature within the Intent and Meaning of this Act.

Commiſſioners may, on Application, order Money for Bills of Exchange prohibited to be paid, to be paid into the Bank, &c.

IX. And be it further enacted, That if the Holder or Holders of any Bill of Exchange, Draft or Order for Money, prohibited to be paid by the ſaid Act paſſed in the preſent Seſſion of Parliament, ſhall ſignify to the ſaid Commiſſioners a Deſire that the Money for which ſuch Bill, Draft, or Order, ſhall have been made, ſhould be paid into the Bank of *England*, it ſhall be lawful for the ſaid Commiſſioners, if in their Diſcretion they ſhall think fit, to ſummon the Perſon or Perſons on whom ſuch Bill, Draft, or Order, ſhall have been drawn or made, to ſhew Cauſe why the ſame ſhould not be ſo paid; and if ſuch Perſons or Perſon ſhall refuſe or neglect to attend when duly ſummoned, or ſhall not ſhew ſufficient Cauſe why ſuch Bill, Draft, or Order, ſhould not be ſo paid, it ſhall be lawful for the ſaid Commiſſioners, upon Delivery to them of ſuch Bill, Draft, or Order, properly indorſed, to direct the Money due thereon to be paid into the Bank of *England*; and likewiſe, at the Requeſt of the Holder or Holders of ſuch Bill, Draft, or Order, or of the Perſon paying the ſame, to direct ſuch Money, when paid into the Bank, to be applied in the Purchaſe of any Stocks or Funds, as to the ſaid Commiſſioners ſhall ſeem meet, which Stocks or Funds the ſaid Commiſſioners are hereby required to purchaſe accordingly.

but not to extend to Bills not drawn on or before *Jan.* 1, 1794, unleſs accepted prior to *Feb.* 1.

X. Provided always, and be it enacted, That nothing herein contained ſhall enable the ſaid Commiſſioners to order Payment of any Bill, Draft, or Order, which ſhall not appear to the Satisfaction of the ſaid Commiſſioners to have been drawn on or before the Firſt Day of *January* One thouſand ſeven hundred and ninety-four, unleſs the ſame ſhall appear to the Satisfaction of the ſaid Commiſſioners to have been accepted on or before the Firſt Day of *February* One thouſand ſeven hundred and ninety-four: Provided alſo, that it ſhall be wholly diſcretionary in the ſaid Commiſſioners to forbear ordering Payment of any Bill, Draft, or Order, in all Caſes in which they ſhall ſee fit to forbear making ſuch Order.

On Requeſt of Perſons entitled thereto, the Commiſſioners may order Money to be paid into the Bank, and Securities and Effects to be delivered into the Cuſtody of proper Perſons, &c.

XI. And be it further enacted, That if any Perſon or Perſons who ſhall be entitled to any Money, Deeds, Bonds, Bills, Notes, Stocks, Funds, or other Securities for Money, Goods, Wares, Merchandize, Property, Debts, or Effects, as aforeſaid, ſhall be deſirous that the ſame ſhall be diſpoſed of for his, her, or their Benefit, under and by virtue of this Act, and ſhall ſignify the ſame in Writing to the ſaid Commiſſioners, either by themſelves, or by any Agents or Agent who ſhall appear to the ſaid Commiſſioners to be duly authorized, or in caſe it ſhall appear, to the Satisfaction of the ſaid Commiſſioners, that ſuch Perſon or Perſons ſhall have otherwiſe ſignified ſuch Deſire, it ſhall be lawful for the ſaid Commiſſioners to order all ſuch Money and Debts to be paid into the Bank of *England*, and all ſuch Securities, Property, and Effects, to be

be delivered into the Custody of such Commissioners, or such Person or Persons as such Commissioners shall appoint; and such Commissioners, or Person or Persons appointed by them, shall accordingly receive the same into their Custody, and shall by Certificate acknowledge the Receipt of the same, a Copy of which Certificate shall be duly entered in a Book or Books to be provided and kept by such Commissioners, and such Certificate shall be given to the Person or Persons delivering or paying such Money, Debts, Securities, Property, or Effects, mentioned in such Certificate; and every such Certificate, and every Entry in such Book or Books, shall respectively from thenceforth be an Acquittance and Discharge for the Amount and Value expressed therein to have been received, as to the Person or Persons to whom such Certificate shall be given, his, her, or their Heirs, Executors, and Administrators respectively, against all Persons whatever, in like Manner as any Receipt, Discharge, or Acquittance, given by the Owner or Owners of such Money, Debts, Securities, Property, and Effects respectively, would have been in case this Act had not been made.

Commissioners may order Money to be paid and Effects delivered to Bankers of Credit.

XII. Provided always, and be it further enacted, That if any Person or Persons by this Act enabled to require Payment of any Sums or Sum of Money into the Bank as aforesaid, or Delivery of any Deeds, Bonds, Bills, Notes, Stocks, Funds, or other Securities for Money, Goods, Wares, Merchandize, or Effects, to the said Commissioners, shall be desirous, and so signify to the said Commissioners, that such Money should be paid, or such Articles should be delivered to some Banker or other Person or Persons, being a *British* Subject or Subjects resident in *Great Britain*, and of known Credit and Responsibility, instead of Payment or Delivery of such Money or Articles into the Bank of *England*, or to the said Commissioners, it shall be lawful for the said Commissioners to order such Money and Articles to be paid and delivered accordingly; and upon such Payment and Delivery an Acknowledgement of the Receipt thereof shall be signed by the Person or Persons receiving such Articles respectively, and shall be delivered to the said Commissioners, and the said Commissioners shall cause the same to be filed and entered in a Book or Books to be kept for such Purpose, and shall deliver a Certificate thereof to the Person or Persons paying or delivering such Articles respectively, which Certificate, and the Entry in such Book or Books, shall be in like Manner as aforesaid a Discharge to such Person or Persons so paying or delivering such Articles respectively.

Commissioners may make like Orders on Request of Person holding Money, &c. as on Application of Owners.

XIII. And be it further enacted, That if any Person or Persons who shall have in his, her, or their Custody or Power, any Money, Deeds, Bonds, Bills, Notes, or other Securities for Money, Property, or Effects, or shall owe any Debts, with respect to which such Commissioners are hereby impowered, upon Application on Behalf of the Owner or Owners thereof, to make such Order as aforesaid, shall be desirous of obtaining a like Order for the Purpose of relieving themselves from the Custody of such Property or Effects, or to discharge themselves from such Debts, it shall be lawful for the said Commissioners to make like Orders respecting such Money, Securities, Property, Debts, and Effects, at the Instance of the Person or Persons who shall hold or owe the same, as they are hereby impowered to do at the Instance of the Owner or Owners thereof; which Payment and Delivery, and the Certificate or Entry of the

the ſaid Commiſſioners thereupon, ſhall operate as a Diſcharge to the Perſon or Perſons ſo paying or delivering ſuch Money, Securities for Money, Property, Debts, and Effects reſpectively, as againſt the Perſon or Perſons on whoſe Account the ſame ſhall be ſo paid or delivered, or his, her, or their Heirs, Succeſſors, Adminiſtrators, or Aſſigns, but not againſt any other Perſon or Perſons.

Commiſſioners to have Regard to Contracts, &c.

XIV. Provided always, and be it further enacted, That if it ſhall be made appear to the Satisfaction of the ſaid Commiſſioners that any Money, Deeds, Bonds, Bills, Notes, Stocks, Funds, Securities for Money, Goods, Wares, Merchandize, Property, Debts, or Effects, which the ſaid Commiſſioners are authorized by this Act to order to be paid or delivered as aforeſaid, or any Parts or Part thereof, are or is ſubject to any Contract or Agreement, or to any ſpecific Lien, or other Right, Title, or Intereſt, at Law or in Equity, and that there is therefore, or on any other Account, ſufficient Reaſon for forbearing to order Payment or Delivery of the Whole, or of any Parts or Part thereof, or in any Manner to qualify any Order which they may think proper to make concerning the ſame, it ſhall be lawful for the ſaid Commiſſioners (if in their Diſcretion they ſhall ſee fit) to forbear making any ſuch Order, or to adapt their Order or Orders touching ſuch Articles reſpectively, or touching any Parts or Part thereof, to the particular Circumſtances affecting the ſame reſpectively; and in all Caſes to have Regard to all ſuch Contracts, Agreements, Rights, Titles, and Intereſts, as ſhall be made appear to the Satisfaction of the ſaid Commiſſioners to affect the ſeveral Articles touching which they are authorized by this Act to make ſuch Orders as aforeſaid, and to protect and preſerve the ſame, as far as the Nature of the particular Caſes and Circumſtances will permit.

Penalty on Perſons not complying with Orders of the Commiſſioners.

XV. And be it further enacted, That if any Perſon or Perſons reſiding or being in *Great Britain* as aforeſaid, who ſhall be knowingly poſſeſſed of any ſuch Money, Securities, Property, or Effects, or ſhall be indebted as aforeſaid, ſhall neglect or refuſe to pay or deliver all ſuch Money, Securities, Property, and Effects, or to pay the Amount of ſuch Debts, or any Parts or Part thereof, at the Times and in the Manner which ſhall be ordered and appointed by ſuch Commiſſioners in purſuance of any of the Proviſions of this Act, every ſuch Perſon or Perſons, being thereof duly convicted, ſhall forfeit double the Value of all ſuch Money, Securities, Property, Effects, and Debts reſpectively.

Property delivered to the Commiſſioners may be ſold, &c.

XVI. And be it further enacted, That all Property conſiſting of Goods, Wares, or Merchandize, and all Deeds, Bonds, Bills of Exchange, Promiſſory Notes and other Securities for Money, which ſhall be delivered to the ſaid Commiſſioners under the Authority of this Act, ſhall be veſted in the ſaid Commiſſioners; and ſuch Goods, Wares, or Merchandize, ſhall and may be ſold and diſpoſed of at the Requeſt of the Perſon or Perſons intereſted therein, or his, her, or their Agent or Agents, or without ſuch Requeſt, if it ſhall appear to the ſaid Commiſſioners neceſſary or adviſeable to ſell and diſpoſe thereof; and ſuch Bonds, Bills of Exchange, Promiſſory Notes, and other Securities for Money, ſhall, as ſoon as conveniently may be after the ſame ſhall have

become payable, be converted into Money by ſuch Commiſſioners, or the Monies due and payable by virtue thereof ſhall and may be ſued for in due Courſe of Law, in the Name of the Secretary to the ſaid Commiſſioners for the Time being, for the Uſe of the ſaid Commiſſioners; and all Expences attending ſuch Sales, and the Receipt and Management of ſuch Property, ſhall be defrayed by the ſaid Commiſſioners out of the Produce thereof.

Commiſſioners may direct to be paid Money due on Inſurances effected prior to *May* 8, 1793, on Ships or Effects belonging to Perſons reſident within the Limits of the Government of *France* on *January* 1, 1794, or ſince, &c.

XVII. Provided always, and be it further enacted, That it ſhall be lawful for any Perſon or Perſons, who before the Eighth Day of *May* One thouſand ſeven hundred and ninety-three, had effected any Inſurance in his, her, or their Name or Names, on any Ship or Effects belonging to any Perſon or Perſons reſident in any of the Dominions of *France*, or within any Territory or Place which on the ſaid Firſt Day of *January* One thouſand ſeven hundred and ninety-four was, or during the ſaid War ſhall be, under the Government of the Perſons exerciſing, or who ſhall exerciſe the Powers of Government in *France*, for the Benefit of ſuch Perſon or Perſons ſo reſiding reſpectively, to apply to the ſaid Commiſſioners to direct the Payment of any Money due by virtue of ſuch Inſurance, in ſuch Manner as the ſaid Commiſſioners ſhall direct, which the ſaid Commiſſioners are hereby authorized to order accordingly; and in caſe of Refuſal to pay ſuch Money, it ſhall be lawful for the Perſon or Perſons in whoſe Name or Names any ſuch Inſurance may have been effected, with the Leave of the ſaid Commiſſioners, to bring any Action or Actions on any ſuch Inſurance, and to recover any Money due thereon, notwithſtanding any Thing in the ſaid recited Act of this preſent Seſſion of Parliament to the contrary; and that it ſhall not be pleaded to any ſuch Action, that the Perſon or Perſons for whoſe Benefit any ſuch Inſurance was made, was or were an Alien Enemy or Alien Enemies: Provided always, that all Money which ſhall be recovered by Means of any ſuch Action ſhall in all Reſpects be ſubject to the Proviſions contained in the ſaid recited Act, and in this Act.

Money paid into the Bank veſted in the Commiſſioners, &c.

XVIII. And be it further enacted, That all Money paid to ſuch Commiſſioners under the Authority of this Act ſhall be from Time to Time paid into the Bank of *England*, and the ſame, and all other Money paid into the Bank of *England* in purſuance of this Act, ſhall be, for the Purpoſes of this Act, veſted in the ſaid Commiſſioners, by the Name of *The Commiſſioners for the Preſervation of Property belonging to Perſons in* France, and ſhall be from Time to Time paid into the Bank of *England* as aforeſaid, under ſuch Name, in which Name the Governor and Company of the Bank of *England* ſhall, and they are hereby required to open an Account in their Books with the ſaid Commiſſioners, and ſhall carry to the Credit of ſuch Account all ſuch Monies as ſhall from Time to Time be paid to their Caſhier or Caſhiers in purſuance of this Act.

Money to be laid out in the Funds in the Name of the Commiſſioners, &c.

XIX. And be it further enacted, That all the Monies to ariſe from ſuch Property, Effects, or Debts as aforeſaid, which ſhall be received by the ſaid Commiſſioners, ſhall from Time to Time be laid out, by the Order of the ſaid Commiſſioners, upon the Application of any Perſon or Perſons intereſted therein, his, her, or their Agent or Agents, or at the Diſcretion of the ſaid Commiſſioners, in the Purchaſe

of Three Pounds *per Centum* Conſolidated Annuities, or in any other of the Publick Funds transferrable at the Bank of *England*, in the Name of the ſaid Commiſſioners by the Name of *The Commiſſioners for the Preſervation of Property belonging to Perſons in* France, in which Name the Governor and Company of the Bank of *England* are hereby authorized and required to permit Transfers to be made of the ſaid Annuities or Stock ſo purchaſed, and ſuch Transfers to be accepted by the Secretary of the ſaid Commiſſioners, to the Uſe of the ſaid Commiſſioners; and all and every the Dividends and Intereſt to be received thereon ſhall be laid out in like Manner in the Purchaſe of the like Annuities or Stock, and the Dividends and Intereſt in all ſuch Accumulations ſhall be received and applied in like Manner unleſs otherwiſe ordered by the ſaid Commiſſioners.

Commiſſioners may direct the Sale of Stock, &c. for reſtoring Property to the Proprietors, &c.

XX. And be it further enacted, That it ſhall be lawful for ſuch Commiſſioners, upon Application for that Purpoſe by or on Behalf of the Perſon or Perſons who ſhall appear to their Satisfaction to be entitled thereto, if in their Diſcretion they ſhall think fit, to direct the Sale of ſuch Annuities or Stock, or any Part thereof, and to transfer the ſame accordingly, or to transfer the ſame without Sale, either for the Purpoſe of reſtoring the Property inveſted therein to the Proprietors, according to the Intent and Meaning of this Act, or to ſuch Perſons or Perſon as the Proprietors ſhall appoint, and in like Manner to pay the Intereſt and Dividends of the ſaid Annuities and Stock ſo to be purchaſed, or any Money paid into the Bank as aforeſaid, or to deliver any Securities for Money, Goods, Wares, Merchandize, Property, and Effects, which ſhall have been delivered to ſuch Commiſſioners in purſuance of this Act, provided the Perſon or Perſons to whom ſuch Payment ſhall be made, or ſuch Effects ſhall be delivered, ſhall not be at the Time of ſuch Payment or Delivery in any of the Dominions of *France*, or in any Territory or Place under the Government of the Perſons exerciſing the Powers of Government in *France*; but nevertheleſs ſuch Payment and Delivery as aforeſaid ſhall be wholly at the Diſcretion of the ſaid Commiſſioners, and ſhall not be compelled in any Manner whatever.

Monies received by the Commiſſioners, or paid into the Bank, to be claſſed and entered, &c.

XXI. And be it further enacted, That, to avoid Multiplicity of Accounts, the ſaid Commiſſioners ſhall cauſe all the Principal Monies from Time to Time received by them, or paid into the Bank in purſuance of this Act, to be claſſed, in the Order in which the ſame ſhall be ſo received, in ſuch Claſſes, and in ſuch Sums in each Claſs as they ſhall judge moſt convenient, and ſhall cauſe ſuch Claſſes to be reſpectively numbered, and a diſtinct Statement of each Claſs to be made out, containing the Names and Deſcriptions of the Perſons reſpectively from whom the Sums of Money compoſing ſuch Claſſes reſpectively have been received, and the Sums received from each, and alſo the Names and Deſcriptions of the Perſons to whom ſuch Sums are reſpectively ſtated to belong, in the Account or Particular thereof delivered to the ſaid Commiſſioners as aforeſaid, and the Sums ſtated therein to belong to each Perſon; which Statements ſhall be reſpectively marked with the Numbers of the different Claſſes to which they relate, and ſhall be entered in a Book or Books, to be provided and kept by the ſaid Commiſſioners; and the ſaid Commiſſioners ſhall alſo cauſe Two Duplicates of

Duplicates to be delivered

to the Bank and Privy Council ſealed up, and not to be opened without His Majeſty's Authority.

of each ſuch Statement, fairly written on Paper, to be made out and delivered, incloſed in a Cover, under the Seal of the ſaid Commiſſioners, One thereof to the Governor or Deputy Governor of the Bank of *England* for the Time being, and the other thereof to One of the Clerks of His Majeſty's Privy Council for the Time being, to be carefully kept amongſt the private Papers of the Bank of *England* and Privy Council reſpectively, locked up, and which ſhall not be opened without the Authority of His Majeſty, under His Sign Manual.

Bank to permit the Stock to be claſſed, &c.

XXII. And be it further enacted, That the Governor and Company of the Bank of *England* ſhall, and they are hereby required to permit and ſuffer the Annuities and Stock purchaſed by the ſaid Commiſſioners, in purſuance of this Act, to be claſſed and entered under diſtinct Numbers and in diſtinct Sums, in their reſpective Books at the Bank of *England*, according to the ſaid reſpective Claſſes, and which Claſſes ſhall be therein reſpectively enumerated and diſtinguiſhed, in the Manner the ſame ſhall have been enumerated and diſtinguiſhed by the ſaid Commiſſioners; and all the Dividends and Intereſt Monies payable to the ſaid Commiſſioners, in reſpect of the Annuities or Stock in each Claſs, ſhall, from Time to Time, when laid out in the Purchaſe of other Annuities or Stock of the like Kind, be added to and made Part of the Principal Monies of ſuch Claſs of Annuities or Stock from which the ſame Dividends or Intereſt Monies reſpectively aroſe.

Stocks to be accepted and transferred by Warrants of the Commiſſioners.

XXIII. And be it further enacted, That all Stocks and Securities transferrable at the Bank of *England*, which ſhall be purchaſed in purſuance of this Act, ſhall be accepted and transferred by the Caſhier of the Bank of *England*, in purſuance of Warrants under the Hands of the ſaid Commiſſioners for that Purpoſe, and not otherwiſe.

Commiſſioners to keep ſeparate Accounts of the different Claſſes.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall keep ſeparate and diſtinct Accounts of the Amount of the Monies compoſing the different Claſſes directed by this Act to be made, and of the Annuities or Stock purchaſed and belonging to each Claſs, and directed to be entered ſeparately in the Books of the Bank of *England*, and alſo of the Produce of the Annuities or Stock from Time to Time ariſing in each Claſs, and of all Additions from Time to Time made to the ſame reſpectively; and the ſaid Annuities or Stock of each ſuch Claſs, together with all Additions that ſhall have been made thereto, and all Dividends due thereon, ſhall be diviſible, transferrable, and payable, in ſuch and the like Shares or Aliquot Parts of the Whole, as the Principal Monies compoſing the Claſs to which ſuch Annuities or Stock ſhall belong would have been divided into, in caſe no ſuch Purchaſe of ſuch Annuities or Stock, or ſuch Increaſe thereof, had been made.

Commiſſioners may examine upon Oath and receive Affidavits.

XXV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered to examine upon Oath or Affirmation (which Oath or Affirmation they are reſpectively hereby authorized to adminiſter), all Perſons who ſhall be willing to be examined touching all ſuch Matters and Things as ſhall be neceſſary for the Execution of the Powers veſted in the ſaid Commiſſioners, and alſo in all Queſtions or Diſputes that may

may arise touching the Property of any Person or Persons in any Goods or Effects whatever, delivered or paid to the said Commissioners in pursuance of this Act, or touching the Residence of any such Person or Persons claiming or interested in such Property, to receive any Affidavits or Depositions in Writing, upon Oath or Affirmation, which shall be made in any Part of *Great Britain* above the Distance of Twenty Miles from *London*, before any Mayor or Chief Magistrate of any City, Town, or Place, or before any Justice of the Peace, of any County or District where the Person making such Affidavit, Deposition, or Affirmation, shall happen to be, or to receive any Affidavits or Depositions, in Writing upon Oath, which shall be made in any Parts beyond the Seas before any Magistrate of the Country, Territory, or Place, having competent Power and Authority to administer an Oath, and residing near the Place where the Person making such Oath shall also reside, and certified and transmitted to the said Commissioners to be appointed as aforesaid, under the Hand and Seal of such Magistrate; provided that in every such Affidavit, Deposition, or Affirmation, there shall be expressed the Addition of the Party making such Affidavit, Deposition, or Affirmation, and the particular Place of his or her Abode, and the same shall be intitled as an Affidavit, Deposition, or Affirmation, made in pursuance of this Act.

Persons giving false Evidence to be liable to the Penalties of Perjury.

XXVI. And be it further enacted, That if any Person, upon Examination upon Oath or Affirmation before the said Commissioners respectively, or in any Affidavit, Deposition, or Affirmation, before any Magistrate or Justice of the Peace in *Great Britain*, shall wilfully and corruptly give false Evidence, every such Person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law now in being Persons convicted of wilful and corrupt Perjury are subject and liable to.

Three Commissioners may act.

XXVII. And be it further enacted, That Three or more of the said Commissioners shall be capable of executing and doing all the Acts, Matters, and Things, which by this Act the said Commissioners are empowered and required to do, in all Cases where a smaller Number of Commissioners is not specially authorized to do such Acts, Matters, and Things respectively.

Commissioners may sue and be sued in the Name of their Secretary, &c.

XXVIII. And be it further enacted, That the said Commissioners, so to be appointed as aforesaid, shall and may sue and be sued in the Name of their Secretary for the Time being; and that no Action or Suit, in Law or Equity, to be brought by or against the said Commissioners, on Account of this Act, in the Name of their Secretary for the Time being, shall abate or be discontinued by the Death or Removal of such Secretary, or by the Act of such Secretary, without the Consent of the said Commissioners, but the Secretary of the said Commissioners for the Time being shall always be deemed the Plaintiff or Defendant in such Action or Suit as the Case may be; and no Action or Suit shall be brought against the said Commissioners, in the Name of their Secretary, except in the Court of Exchequer at *Westminster*, and with Licence first had and obtained from His Majesty, His Heirs or Successors, under His or their Sign Manual, or from such Person as His Majesty, His Heirs or Successors, shall authorize to grant the same, and upon such Terms and

Actions to be brought in the Court of Exchequer only, and not without Licence from His Majesty.

Conditions as ſhall be ſpecified in ſuch Licence; and the ſaid Commiſſioners, or their Secretary, ſhall not be otherwiſe charged, either collectively or individually, as jointly or ſeverally anſwerable in any Suit or Action whatſoever, touching any Matter or Thing done in Execution of the Truſts repoſed in them by this Act.

Perſons claiming Property may, with Conſent of the Commiſſioners, apply to the Court of Exchequer.

XXIX. And be it further enacted, That if any Queſtion ſhall ariſe reſpecting any Claim to any Property, Effects, or Debts, delivered or paid to the ſaid Commiſſioners in purſuance of this Act, or any Intereſt therein, or the Money ariſing by the Sale thereof, or any Part thereof, or to any Annuities, Fund, or Stock, purchaſed therewith, or any Dividends or Intereſt ariſing thereby, any Perſon or Perſons claiming ſuch Property, Effects, or Debts, or any Intereſt therein, or the Produce thereof, or the Annuities, Funds, or Stock, purchaſed therewith, or the Dividends or Intereſt ariſing thereby, or any Part thereof, ſhall and may, with the Conſent of the ſaid Commiſſioners, but not otherwiſe, apply in a ſummary Way, by Motion or otherwiſe, touching the ſame, to the Court of Exchequer at *Weſtminſter*, who ſhall proceed to inquire into the Validity of ſuch Claim, and ſhall make ſuch Order therein as to the ſaid Court ſhall ſeem juſt.

Where His Majeſty ſhall grant Licences, the Proof of Compliance with the Terms upon which granted, ſhall lie on the Parties claiming the Benefit.

XXX. And whereas the Reſtrictions contained in the ſaid recited Act may materially affect Commercial and other Tranſactions, with reſpect to which it may be expedient for His Majeſty, under the Proviſions of the ſaid Act for that Purpoſe, by His Sign Manual, Order in Council, or Proclamation, to grant Licences, either general or ſpecial, under particular Circumſtances, and upon certain Terms and Conditions: And whereas it may be doubtful how far the Proof of the Exiſtence of ſuch Circumſtances, or the Compliance with ſuch Terms and Conditions, may lie upon the Perſon or Perſons acting under ſuch Licences, or claiming the Benefit thereof: Be it enacted, That in all Caſes in which His Majeſty ſhall think proper to grant any Licence or Licences, either general or ſpecial, by His Sign Manual, Order in Council, or Proclamation, to do any Act or Acts, under particular Circumſtances, or upon ſpecial Terms or Conditions, expreſſed in ſuch Licences reſpectively, the Proof of the Exiſtence of ſuch Circumſtances, and of the Performance of or Compliance with ſuch Terms and Conditions, ſhall in all Proceedings whatſoever, Criminal or Civil, lie on the Perſon or Perſons acting under ſuch Licences reſpectively, or claiming the Benefit thereof.

If any Action be commenced contrary to Act, the Court may ſtop Proceedings.

XXXI. And be it further enacted, That if any Action or Suit, either in Law or Equity, ſhall be commenced or proſecuted contrary to the Proviſions of this Act, for or on Account of the Converſion of any ſuch Property or Effects delivered, or for or on Account of any Sum of Money paid to the ſaid Commiſſioners, in purſuance of this Act, it ſhall and may be lawful for the Court in which ſuch Action or Suit ſhall be commenced, in Term Time, or the Judge, or any One or more of the Judges of ſuch Court, out of the Term, in a ſummary Way, to ſtay all Proceedings in ſuch Action or Suit, upon ſuch Terms as to ſuch Court or Judge reſpectively ſhall appear neceſſary to enforce the Proviſions of this Act; provided that nothing done in Obedience to this Act ſhall alter or affect the Right, Title, or Intereſt, of any Perſon

whomſoever to or in any Property whatſoever, Real or Perſonal, or any Contract or Agreement whatſoever, further or otherwiſe than as in this Act is expreſſed.

Penalties to be recovered in the Name of the Attorney General, &c.

XXXII. And be it further enacted, That all Penalties given by this Act ſhall be recovered by and in the Name of His Majeſty's Attorney General, for the Uſe of His Majeſty, His Heirs and Succeſſors, to be diſpoſed of as he or they ſhall think fit for effectuating the Purpoſes of this Act, and the Party incurring ſuch Penalties ſhall remain liable to all Demands, in reſpect of ſuch Money, Securities, Property, Debts, and Effects reſpectively, in reſpect whereof any ſuch Penalty ſhall be incurred as aforeſaid, to which he, ſhe, or they, would have been liable in caſe ſuch Penalty had not been incurred.

33 Geo. III. Cap. 27, or recited Act not to affect this Act, &c.

XXXIII. Provided always, That nothing contained in an Act, paſſed in the laſt Seſſion of Parliament, intituled, *An Act more effectually to prevent, during the preſent War, all Traitorous Correſpondence with, or Aid or Aſſiſtance being given to, His Majeſty's Enemies*, or in the ſaid Act paſſed in this Seſſion of Parliament, ſhall extend to affect any of the Proviſions contained in this Act; and nothing in this Act contained ſhall extend in any Manner to alter or affect the Proviſions contained in the ſaid Acts, or either of them, except ſo far as ſuch Proviſions are expreſsly altered or affected by this Act.

FINIS.