ANNO TRICESIMO QUINTO

Georgii III. Regis.

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CAP. CXXVII.

An Act for enabling His Majeſty to direct the Iſſue of Exchequer Bills to a limited Amount, for the Purpoſes, and in the Manner therein mentioned.

[27th *June* 1795.]

Moſt Gracious Sovereign,

WHEREAS in Conſideration of the heavy Loſſes which have been ſuſtained in the Iſlands of *Grenada* and *Saint Vincents*, in conſequence of the late Inſurrections, it is expedient that Your Majeſty be enabled to direct Exchequer Bills, to the Amount of One million five hundred thouſand Pounds, to be iſſued to Commiſſioners to be by them advanced, under certain Regulations and Reſtrictions, for the Aſſiſtance and Accommodation of ſuch Perſons connected with or trading to the ſaid Iſlands, as ſhall be deſirous of receiving the ſame, on due Security being given for the Re-payment of the Sums ſo advanced within a Time to be limited; 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 the Preamble.

His Majeſty may empower the Treaſury to direct Exchequer Bills to be made out agreeable to 35 *Geo.* III, Cap. 1, except as hereby excepted;

King's moſt Excellent Majeſty, by Warrant or Warrants under His Royal Sign Manual, to authorize and empower the Commiſſioners of His Majeſty's Treaſury now or for the Time being, or any Three or more of them, or the Lord High Treaſurer for the Time being, to cauſe or direct any Number of Exchequer Bills to be made out at His Majeſty's Exchequer, containing different Sums of One hundred Pounds and Fifty Pounds, in the ſame or like Manner, Form, and Order, and according to the ſame or like Rules and Directions, (except where other Directions for making out the ſame are contained and particularly expreſſed in this Act), as in and by an Act of this preſent Seſſion of Parliament, intituled, *An Act for continuing and granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and ninety-five*, are enacted and preſcribed concerning the Exchequer Bills to be taken or made in purſuance of the ſaid Act.

The Powers of which Act to extend to this.

II. And be it further enacted, That all and every the Clauſes, Proviſoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Diſabilities, contained in the ſaid recited Act, relating to the Exchequer Bills authorized to be made by the ſame Act, (except as herein-after mentioned), ſhall be applied and extended to the Exchequer Bills to be made in purſuance of this Act, as fully and effectually, to all Intents and Purpoſes, as if the ſame Exchequer Bills had been originally authorized by the ſaid recited Act, or as if the ſaid ſeveral Clauſes or Proviſoes had been particularly repeated and re-enacted in the Body of this Act.

Bills to bear Intereſt not exceeding 3*d.* *per Cent. per Diem*, and to be payable *July* 5, 1796.

III. And be it further enacted, That the ſaid Bills to be made out in purſuance of this Act, ſhall and may bear an Intereſt, not exceeding the Rate of Three-pence *per Centum per Diem*, upon or in reſpect of the Whole of the Monies reſpectively contained therein; and that the Whole of ſuch Bills ſhall be made payable on the Fifth Day of *July* One thouſand ſeven hundred and ninety-ſix; and that the principal Sums contained in ſuch Bills, together with ſuch Intereſt as aforeſaid, to be computed from the Day of the Date of each ſuch Bill, until the Time by this Act appointed for Payment thereof, ſhall be paid off and diſcharged at the Time appointed for the Payment thereof.

Bills not to be received for any Duty, &c. before the Day appointed for their Payment, &c.

IV. Provided always, and be it further enacted, That no Exchequer Bill to be made out by virtue of this Act ſhall, after the ſame hath been iſſued at the Exchequer, be afterwards at any Time, before the Day on which ſuch Exchequer Bill is hereby appointed to be paid, received or taken by, or paſs or be current with, any Receiver or Collector in *Great Britain* of the Cuſtoms, Exciſe, or any Revenue, Supply, Aid, or Tax whatever, due or payable to His Majeſty, His Heirs or Succeſſors, or at the Receipt of the Exchequer, from any ſuch Receiver or Collector, or from any other Perſon or Perſons, Bodies Politick or Corporate, (otherwiſe or on any other Account than for the Diſcharge and cancelling of ſuch Exchequer Bill in caſe the ſame ſhall be in due Courſe or Order of Payment), before the ſaid Day hereby appointed for Payment thereof, nor ſhall any ſuch Receiver or Collector exchange, at any Time before the ſaid Day of Payment thereof, for any Money of ſuch Revenues, Aids, Taxes, or Supplies, in his Hands, any Exchequer Bill which ſhall have

been issued as aforesaid by virtue of this Act; nor shall any Action be maintained against any such Receiver or Collector for neglecting or refusing to exchange any such Exchequer Bill for ready Money before the said Day of Payment thereof; any Thing in the said last mentioned Act, or this Act, contained to the contrary in anywise notwithstanding.

Commissioners appointed.

V. And be it further enacted, That the Honourable *Henry Hobart*, the Right Honourable *Charles Townshend*, Sir *William Pulteney* Baronet, Sir *John Sinclair* Baronet, Sir *Grey Cooper* Baronet, Sir *Francis Baring* Baronet; *Richard Mullman Trench Chiswell*, *John William Anderson*, *William Curtis*, *Charles Grant*, *Joseph Nutt*, *Robert Hunter*, *Thomas Plummer*, *Gabriel Tucker Steward*, and *Benjamin Savage*, Esquires, shall be, and are hereby constituted Commissioners for advancing and lending to any Person or Persons connected with or trading to the said Islands of *Grenada* and *Saint Vincents*, or either of them, upon the Securities and under the Terms and Conditions, and subject to the Regulations herein mentioned, the Exchequer Bills to be made out in pursuance of this Act, and the said Commissioners are hereby respectively required to execute the Powers and Authorities given to them by this Act, without any Fee, Reward, Emolument, or Gratuity whatever.

Commissioners to take the following Oath.

VI. And be it further enacted, That any Two of the said Commissioners in this Act named, before they enter upon the Execution of the same, shall take an Oath before the Chancellor of the Exchequer, or the Master of the Rolls, for the Time being, which they, or either of them, are and is hereby authorized and required to administer, the Tenor whereof shall be as followeth; that is to say,

"I *A. B.* do swear that I will faithfully and impartially execute the several Powers and Trusts vested in me by an Act, intituled, [*here set forth the Title of the Act*], according to the Tenor and Purport of the said Act."

And every other of the said Commissioners in this Act named shall likewise take the same Oath before the said Two Commissioners, who are hereby authorized and required to administer the same, after they shall themselves have taken the said Oath as aforesaid.

Commissioners may meet, appoint Officers, allow Salaries, administer Oaths, &c.

VII. And be it further enacted, That the said Commissioners appointed by this Act 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 they shall and may appoint and employ a Secretary, and so many Clerks, Brokers, Messengers, and Officers, as they shall think meet, and allow to such Secretary, Clerks, Brokers, Messengers, and Officers, with the Consent and Approbation of the Commissioners of the Treasury for the Time being, in Writing under their Hands, such reasonable Salaries as the said Commissioners, appointed by this Act, shall think meet; and shall and may employ a Solicitor, and allow to such Solicitor such Salary or Reward as the said Commissioners shall think reasonable for his Care and Labour; and shall and may give and administer to such Solicitor, Secretary, Clerks, Brokers, 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 from Time to Time, at their Diſcretion, diſmiſs and diſcharge ſuch Solicitor, Secretary, Clerks, Brokers, Meſſengers, and other Officers, and appoint others in their Place; and the ſaid Solicitor, Secretary, Clerks, Brokers, and other 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 or Rewards as the ſaid Commiſſioners ſhall direct and appoint in Manner aforeſaid.

Commiſſioners may examine upon Oath Parties willing to be examined, and receive Depoſitions made before Magiſtrates.

VIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, and they are hereby authorized and empowered to examine upon Oath or Affirmation, (which Oath or Affirmation they, or any One or more of them, are and is 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 by this Act, and alſo to receive any Affidavits or Depoſitions in Writing, upon Oath or Affirmation, touching ſuch Matters or Things as aforeſaid, which ſhall be made before any Juſtice of the Peace of any County or Shire, or any Magiſtrate of any Borough or Town Corporate in *Great Britain* or *Ireland*, where or near to which the Perſon making ſuch Affidavit or Depoſition ſhall reſide, and certified and tranſmitted to the ſaid Commiſſioners appointed by this Act, under the Hand and Seal of ſuch Juſtice or Magiſtrate (which Oath or Affirmation every ſuch Juſtice or Magiſtrate ſhall be and is hereby authorized and empowered to adminiſter); provided that in every ſuch Affidavit or Depoſition there ſhall be expreſſed the Addition of the Party making ſuch Affidavit or Depoſition, and the particular Place of his or her Abode.

Treaſury to iſſue Money for defraying the Charges of executing this Act, of which an Account ſhall be laid before Parliament.

IX. And be it further enacted, That the Lords Commiſſioners of the Treaſury, or Lord High Treaſurer for the Time being, are hereby reſpectively authorized and required to iſſue, and cauſe to be advanced, all ſuch Sums of Money to ſuch Perſon or Perſons, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioners appointed by this Act ſhall, by Writing under their Hands, from Time to Time deſire, out of the Conſolidated Fund, to be replaced in the Manner herein-after mentioned; which Sums, ſo to be iſſued and advanced, ſhall be employed for the Payment of Allowances, and in defraying all other neceſſary Charges and Expences in or about the Execution of this Act, without other Account than before the Lords Commiſſioners of His Majeſty's Treaſury; and which Money ſo to be iſſued ſhall not be ſubject to any Tax, Duty, Rate, or Aſſeſſment whatſoever, impoſed by Authority of Parliament; but that an Account of the ſaid Charges and Expences ſhall be laid before both Houſes of Parliament within Two Months after the Expiration of the Commiſſion, if Parliament ſhall be then ſitting, and if Parliament ſhall not be ſitting, then within Fourteen Days after the Commencement of the then next Seſſion of Parliament.

Perſons giving falſe Evidence to be ſubject to the Penalties for Perjury.

X. And be it further enacted, That if any Perſon or Perſons, upon Examination upon Oath or Affirmation before the ſaid Commiſſioners reſpectively, or if any Perſon or Perſons making any ſuch Affidavit or Depoſition as before mentioned ſhall wilfully and corruptly give falſe Evidence, or ſhall, in ſuch Affidavit or Depoſition, wilfully and corruptly

ruptly ſwear, affirm, or allege, any Matter or Thing which ſhall be falſe or untrue, every ſuch Perſon or Perſons ſo offending, and being thereof duly convicted, ſhall be, and is and are 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.

Commiſſioners to meet to receive, or appoint a Perſon to receive, Applications for the Loan of Exchequer Bills, and to certify the Amount immediately wanted to the Treaſury, who ſhall direct their Iſſue.

XI. And be it further enacted, That on the Day next after this Act ſhall have received the Royal Aſſent, the ſaid Commiſſioners who ſhall have taken the ſaid Oath as aforeſaid, ſhall meet to receive or to appoint a proper Perſon for receiving all ſuch Applications in Writing as ſhall be made to them from any Perſon or Perſons connected with or trading to the ſaid Iſlands, or either of them, for the Loan and Advance of Money by Exchequer Bills as aforeſaid, and ſhall alſo then fix and appoint a Day, not later than the Fourth Day from their Firſt Meeting as aforeſaid, for taking into their Conſideration all ſuch Applications, and ſhall meet together for that Purpoſe, and ſhall proceed with all convenient Diſpatch to aſcertain the Amount of the Sums in Exchequer Bills which in their Judgement will be immediately requiſite to be advanced under this Act in purſuance of Applications then delivered, and ſhall forthwith certify ſuch Amount to the Lords Commiſſioners of the Treaſury, or the Lord High Treaſurer for the Time being, by One or more Certificate or Certificates under the Hands and Seals of the ſaid Commiſſioners; and the ſaid Lords Commiſſioners of the Treaſury, or any Three or more of them, or the Lord High Treaſurer for the Time being, ſhall, on Receipt of ſuch Certificate or Certificates, direct the proper Officer or Officers at the ſaid Exchequer to deliver out Exchequer Bills in the Manner and under the Regulations herein-after mentioned.

Commiſſioners to claſs Applications, and eſtabliſh Regulations for apportioning the Sums to be advanced.

XII. And be it further enacted, That the ſaid Commiſſioners appointed by this Act ſhall, and they are hereby required, before any Apportionment of ſuch Exchequer Bills ſhall be made, to cauſe all the Applications then delivered to be claſſed, according to the Amount of the Sums reſpectively applied for, and the Nature of the Securities tendered, and the Circumſtances, Situation, and Connections, of the Parties applying, as far as the ſame ſhall appear upon the ſaid Applications, and thereupon to draw up and eſtabliſh ſuch general Rules and Regulations for their own Government in the apportioning and diſtributing the Sums to be advanced and lent in Exchequer Bills under this Act to the ſeveral Perſons applying for the ſame, as they in their Diſcretion ſhall deem equitable and juſt; all which Rules and Regulations ſhall, within a convenient Time, be entered in a Book or Books to be prepared and kept by ſuch Commiſſioners for that Purpoſe; and the ſaid Commiſſioners appointed by this Act according to the true Purport and Meaning of ſuch general Rules and Regulations as aforeſaid, ſhall proceed to take into their Conſideration all ſuch Applications, which ſhall ſpecify the Particulars of the Sums required to be advanced as aforeſaid, not being in any caſe leſs than the Sum of Two thouſand Pounds, and which ſhall tender any Security which the ſaid Commiſſioners are authorized by this Act to take for the Payment of the Sums to be advanced, and which ſhall alſo ſpecify the Nature and Amount thereof, and from Time to Time, on Enquiry into the ſame reſpectively, ſhall determine what

Perſons

Perſons ſhall in their Judgement be entitled to any Part of the Exchequer Bills to be advanced or lent under this Act, and to what amount, and ſhall aſcertain the Nature and Amount of the Securities to be required from them for the ſame reſpectively.

Commiſſioners to give Certificates of the Amount of Bills apportioned, which ſhall be a Warrant for their Delivery.

XIII. And be it further enacted, That the ſaid Commiſſioners appointed by this Act ſhall deliver to all Perſons to whom any of the ſaid Exchequer Bills ſhall be apportioned as aforeſaid by the ſaid Commiſſioners, a Certificate or Certificates under the Hands and Seals of Two or more of ſuch Commiſſioners, ſpecifying the Amount of the Sums to be advanced and lent, to be reſpectively numbered and marked in the Courſe and Order in which the ſame ſhall be delivered, which Certificate or Certificates being depoſited with the proper Officer or Officers, ſhall be a ſufficient Authority without other Warrant to ſuch Officer or Officers, to deliver ſuch Exchequer Bills to the like Amount and Value as ſhall be deſcribed in and by ſuch Certificate or Certificates of ſuch Commiſſioners; and every ſuch Exchequer Bill ſhall bear Date on the Day on which the ſame ſhall be iſſued, and ſhall and may be ſigned by the Auditor of the Receipt of His Majeſty's Exchequer, or in his Name, by any Perſon duly authorized by the ſaid Auditor to ſign the ſame, with the Approbation of the Lords Commiſſioners of the Treaſury, in Writing under their Hands, or of any Three or more of them; and the ſaid Commiſſioners appointed by this Act ſhall have Power and Authority, from Time to Time, to reviſe and alter ſuch Rules and Regulations as aforeſaid, as they ſhall ſee Occaſion, but that no ſuch Reviſion or Alteration ſhall be valid unleſs agreed to at a Board of the ſaid Commiſſioners conſiſting of Nine or more of them, convened upon Three Days Notice for that Purpoſe.

Bills to bear Date when iſſued.

Commiſſioners may alter Regulations.

Commiſſioners to appoint Days for conſidering Applications from Time to Time, and the Treaſury may direct further Bills to be iſſued, &c.

XIV. And be it further enacted, That the ſaid Commiſſioners ſhall fix and appoint proper and convenient Days for taking into Conſideration ſuch Applications as ſhall from Time to Time be made to them, not being in any Caſe for leſs than the Sum of Two thouſand Pounds as aforeſaid, and ſhall aſcertain the Amount of ſuch Exchequer Bills as ſhall be required to be from Time to Time iſſued for the Purpoſes of this Act, and by like Certificate or Certificates as aforeſaid, certify the ſame to the Lords Commiſſioners of His Majeſty's Treaſury, or the Lord High Treaſurer for the Time being, who ſhall and may, on the Receipt thereof, direct further Exchequer Bills to be iſſued to ſuch Amount, from Time to Time, as the Exigency of the Caſe ſhall in their Judgement require to be iſſued, until the Whole of the Bills to be made out in purſuance of this Act ſhall have been iſſued for the Purpoſes aforeſaid; and the ſaid Commiſſioners by this Act appointed ſhall from Time to Time proceed to determine to what Amount ſuch Exchequer Bills ſhall be advanced to the Perſons reſpectively applying for the ſame under this Act, and ſhall grant Certificates thereof to the proper Officer or Officers at the ſaid Receipt of the Exchequer, in ſuch Form, and under the like Rules and Regulations, as are hereinbefore mentioned, concerning the Exchequer Bills to be firſt iſſued as aforeſaid, and ſuch Officers ſhall from Time to Time deliver ſuch Exchequer Bills in the Form and in the Manner before directed.

Liſts of Bills made out to be delivered to

XV. And be it further enacted, That ſuch Officers by whom ſuch Exchequer Bills ſhall be delivered, ſhall, from Time to Time, upon the

Requiſition of the ſaid Commiſſioners hereby appointed, deliver to them at their Office, complete Liſts of all the Exchequer Bills made out by them, ſpecifying therein the reſpective Dates and Sums expreſſed therein, and diſtinguiſhing therein the Perſons to whom, and the Numbers of the Certificates, by virtue whereof the ſame were iſſued reſpectively. The Commiſſioners.

XVI. And be it further enacted, That all and every Perſon and Perſons to whom any ſuch Sums in Exchequer Bills ſhall be advanced or lent, ſhall previouſly enter into ſuch Bond or Obligation, Bonds or Obligations, in ſuch Sum or Sums of Money reſpectively, and with ſuch Sureties or ſuch further Securities as are herein-after mentioned, and as the Caſe may require and the ſaid Commiſſioners ſhall deem neceſſary; which Bond or Obligation, Bonds or Obligations, and Securities, the ſaid Commiſſioners ſhall, by their Diſcretion, have full Power and Authority to cauſe to be taken as herein-after is mentioned; and that every Bond or Obligation to be taken in purſuance of this Act, as well of the principal Party as of ſuch Sureties reſpectively, ſhall be to our Sovereign Lord the King, in ſuch Sum or Sums of Money as ſhall be directed by ſuch Commiſſioners by virtue of this Act to be paid to our ſaid Lord the King, by ſuch Form of Words as Obligations to the King's Majeſty have been uſed to be made, and with ſuch Conditions to be thereunder written as by ſuch Commiſſioners ſhall be deemed proper; and that all ſuch Obligations to be ſo made ſhall be good and effectual in the Law, and ſhall be of the ſame Quality, Force, and Effect, to all Intents and Purpoſes, as any Obligation made to our Sovereign Lord the now King, or his Predeceſſors, or any of them, hath at any Time heretofore been or now is adjudged, received, or taken to be; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding. Perſons to whom Bills are advanced to give Bond.

XVII. And be it further enacted, That all Bonds and Obligations which ſhall be entered into by the Perſon or Perſons to whom or to whoſe Account any ſuch Exchequer Bills ſhall be advanced, ſhall be made in ſuch Sums, not leſs than double the Amount of the principal Sums contained in ſuch Exchequer Bills, as the ſaid Commiſſioners ſhall in their Diſcretion direct; and that in every ſuch Caſe, if the Party or Parties ſhall enter into any ſuch Bond or Obligation, Bonds or Obligations, without any or ſufficient Surety or Sureties, then ſuch Party or Parties ſhall, over and above ſuch Bond or Obligation, Bonds or Obligations, depoſit, or cauſe to be depoſited, in the Cuſtody of the ſaid Commiſſioners, or of ſuch Perſon as they ſhall appoint, by Writing under the Hands of the ſaid Commiſſioners, or any Two or more of them, any Exchequer Bills iſſued under the Authority of any Act or Acts of Parliament paſſed in *Great Britain* or *Ireland*, or any *India* Bonds, Bills of Exchange, or other Negotiable Securities for Money whatever, or any Aſſignment or Aſſignments of any Mortgages, Heretable Bonds, or other Heretable or Real Securities whatever, which may affect, incumber, or charge, the Lands, Tenements, or Hereditaments, Heretages, or other Real Eſtates, of any Perſon or Perſons whatſoever, having Lands, Tenements, or Hereditaments, Heretages, or other Real Eſtates in *Great Britain* or *Ireland*, and in which Exchequer Bills, *India* Bonds, Bills of Exchange, or other Negotiable Securities for Money, Mortgages, Heretable Bonds, or other Heretable or Real Securities, affecting, incumbering, or charging, ſuch Lands, Tenements, or Hereditaments, or ſuch Heretages or other Real Eſtates in *Great Britain* or *Ireland*, ſuch Party How Bonds ſhall be made, and what Securities depoſited, where there are no Sureties.

Party or Parties ſhall have a ſpecifick Intereſt to a certain Amount, which ſhall be proved to the Satisfaction of the ſaid Commiſſioners, bearing a Proportion not leſs than is herein-after mentioned, to the Value of the principal Sums ſo to be advanced; that is to ſay, in the Proportion of Four to Three on the Value of ſuch Depoſit, or on the Value of the ſpecifick Intereſt which the Party or Parties depoſiting the ſame, or cauſing the ſame to be depoſited, ſhall have therein.

Sureties bound for no more than they ſubſcribe to, but no Bills to be iſſued unleſs the Whole ſubſcribed amount to double the Sum to be advanced.

XVIII. And be it further enacted, That in all Caſes where any ſuch Bond or Obligation ſhall be entered into, with ſuch Surety or Sureties as the ſaid Commiſſioners ſhall in their Diſcretion approve, then each of the Sureties in ſuch Bond or Obligation ſhall be bound in ſuch Sum, and no more, as he ſhall ſet and ſubſcribe againſt his Name in ſuch Bond or Obligation; provided that no Exchequer Bills ſhall be iſſued on the Security of ſuch Bonds or Obligations as laſt mentioned, unleſs the Amount of all the Sums ſet and ſubſcribed againſt the Names of the ſeveral Sureties, upon the ſaid Bonds or Obligations, ſhall amount in the Whole to double the Sums contained in ſuch Exchequer Bills ſo to be advanced on the Credit thereof.

Commiſſioners may take additional Security as herein ſpecified.

XIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, in all Caſes where they ſhall ſee Occaſion, to accept and take, as a further and additional Security for any Loan of any Sum on ſuch Exchequer Bills as aforeſaid, or Part of ſuch Loan, from any Principal or Surety in ſuch Loan, or other Perſon or Perſons having any Exchequer Bills iſſued under the Authority of any Act or Acts of Parliament paſſed in *Great Britain* or *Ireland*, or any *India* Bonds, Bills of Exchange, or other Negotiable Securities for Money whatſoever, or from any ſuch Principal or Surety, or other Perſon or Perſons having Lands, Tenements, or Hereditaments, Heretages, or other Real Eſtates, in *Great Britain* or *Ireland*, any Mortgage, Heretable Bond, or other Heretable or Real Securities whatſoever, which may affect, incumber, or charge the ſaid Real Eſtates of ſuch Principals or Sureties, or other Perſon or Perſons as aforeſaid, and alſo to accept and take as a like further and additional Security from any ſuch Principal or Surety, or other Perſon or Perſons poſſeſſed of any Mortgages, Heretable Bonds, or other Heretable or Real Securities, affecting, incumbering, or charging, any ſuch Real Eſtates in *Great Britain* or *Ireland*, any Aſſignment or Aſſignments of ſuch Mortgages, Heretable Bonds, or other Heretable or Real Securities, and that every ſuch Exchequer Bill, *India* Bond, Bill of Exchange, or other Negotiable Security for Money; and every ſuch Mortgage, Heretable Bond, or other Heretable or Real Security, which ſhall be ſo accepted by the ſaid Commiſſioners, ſhall be depoſited with the ſaid Commiſſioners, or ſuch Perſon as they ſhall appoint.

Negotiable Depoſits, in Default of Payment of Loan, to be ſold, and the Monies may be ſued for in the Name of the Secretary, to whom Aſſignments of Mortgages,

XX. And be it further enacted, That all ſuch Exchequer Bills, *India* Bonds, Bills of Exchange, or other Negotiable Securities for Money ſo depoſited with the ſaid Commiſſioners, ſhall, in Default of Payment of ſuch Loan in the Manner directed by this Act, become and be veſted in the ſaid Commiſſioners, and ſhall and may be ſold and diſpoſed of, or the Monies due and payable by virtue thereof ſhall and may be ſued for in due Courſe of Law, in the Name of their Secretary for the Time being, for the Uſe of the ſaid Commiſſioners under this Act; and that every Aſſignment of any ſuch Mortgage, Heretable Bond, and other He-

retable or Real Security, which shall be granted, constituted, or made, to the said Commissioners, and shall be so deposited by the Principal or Principals in any such Bond or Obligation made to His Majesty as aforesaid, as a Security for such Loan as aforesaid; and every Mortgage, Heretable Bond, or other Heretable or Real Security, which shall be granted, constituted, made, or deposited, as aforesaid, by any such Principal or Surety, or other Person or Persons, as such further and additional Security as aforesaid, shall severally and respectively be granted, constituted, and made, to and in the Name of the Secretary to the said Commissioners for the Time being, in Trust for the said Commissioners, in Terms of the Loan for which the same shall be a Security; and the said Secretary for the Time being shall, under the Directions of the said Commissioners, have full Power and Authority to perform, execute, and carry into Effect, any Acts, Matters, and Things whatever, which shall be requisite for the further and better assuring and validating any such Mortgage, Heretable Bond, or other Heretable or Real Security or Assignment thereof as aforesaid, and for enforcing, prosecuting, and pursuing the same, for the Recovery of the Sums for which such Securities were respectively granted, constituted, and made, in all Courts of competent Jurisdiction in *Great Britain*, as fully and effectually, to all Intents and Purposes, as if the same Securities respectively were granted, constituted, and made, to the Secretary for the Time being, as a Security for his own proper Debt; and that on Payment or Satisfaction of the principal Sums for which such Security shall be given, with Interest for the same, and all Costs incurred in recovering the same, the said Secretary for the Time being shall, and he is hereby authorized, under the Direction of the said Commissioners, to execute on Behalf of the said Commissioners a Release, Discharge, or Renunciation, of the said Monies so paid or satisfied, to be prepared at the Costs of the Party or Parties making such Payment or Satisfaction, according to the Forms prescribed by Law for releasing, discharging, and renouncing, a Mortgage, Debt, or Incumbrance, upon a Real Estate; and that such Release, Discharge, and Renunciation, shall be good and valid in Law, to all Intents and Purposes whatever.

etc. shall be made.

Secretary may do all Acts for validating Mortgages, recovering Monies, *&c.*

XXI. And be it further enacted, That in case any Person or Persons carrying on Trade in a Partnership or Firm with any other Person or Persons, shall apply for any Exchequer Bills to be advanced by virtue of this Act on any of the Securities herein mentioned, and shall shew, to the Satisfaction of the said Commissioners, that such Exchequer Bills are to be advanced to such Person or Persons for the Use of the said Partnership, it shall and may be lawful for the Person or Persons so applying for such Advance, to give to the said Commissioners, over and above the Security required by this Act, a Promissory Note or Promissory Notes in the Partnership Firm in such Sum or Sums of Money respectively, not exceeding in the Whole the Amount of the Sum to be advanced to such Person or Persons, with Interest for the same, according to the said Act, as the said Commissioners shall direct; which Promissory Notes as aforesaid shall respectively be made payable to the Secretary of the said Commissioners for the Time being, at such Times and in such Proportions as the Advance to be made to the Person or Persons so applying shall be stipulated to be paid by the Bond or Obligation, Bonds or Obligations, to be entered into by such Person or Persons

Persons applying for Exchequer Bills for the Use of Partnerships, may give Notes in the Partnership Firm.

ſons purſuant to this Act, which Notes ſhall be reſpectively made in the Form following; that is to ſay,

Form of Partnerſhip Notes.

'WE Promiſe to pay to the Secretary of the Commiſſioners for 'the Iſſue of Exchequer Bills advanced to Perſons connected with or 'trading to the Iſlands of *Grenada* and *Saint Vincents* for the Time 'being, the Sum of with Intereſt for the ſame, 'at the Rate of Five Pounds *per Centum* by the Year, from the Date 'hereof, on the Day of now next 'enſuing.'

Notes to be given for each Inſtalment.

Provided that ſeparate and diſtinct Notes ſhall be made and given by ſuch Perſon or Perſons as aforeſaid, in reſpect of each Inſtalment, to be paid of the Sum advanced purſuant to this Act; and it ſhall be lawful for the Secretary to the ſaid Commiſſioners for the Time being to ſue upon every ſuch Note.

Where Bills ſhall have been applied to the Uſe of Partnerſhips, their Eſtate and Effects to be liable though other Security ſhall have been taken.

XXII. And be it further enacted, That in caſe any Advance in Exchequer Bills ſhall be made to any Perſon or Perſons concerned in any Partnerſhip, upon the Application of any Perſon or Perſons to the ſaid Commiſſioners to make ſuch Advance to the Uſe of the ſaid Partnerſhip, and ſuch Advance, or any Part thereof, ſhall have been actually applied to the Uſe of the ſaid Partnerſhip, then the Eſtate and Effects of ſuch Partnerſhip ſhall be liable and ſubject to, and are hereby made chargeable with the Payment of the Sums advanced and actually applied as aforeſaid, with Intereſt for the ſame, and all Coſts attending the Recovery thereof, as in caſe of Debt found on Record to the King's Majeſty, notwithſtanding the ſaid Commiſſioners ſhall or may have taken Securities for the ſame Debt in the Name or Names of any other Perſon or Perſons than the Perſons concerned in ſuch Partnerſhip, or in the Names or Name of any One or more of ſuch Partners; and in caſe it ſhall be made appear by Affidavit to any Baron of the reſpective Courts of Exchequer in *England* and *Scotland*, that ſuch Advance, or ſuch Part thereof as aforeſaid, was actually applied to the Uſe of the ſaid Partnerſhip, and the ſame being found on Record, it ſhall be lawful for ſuch Baron to cauſe an Extent to be iſſued againſt the Eſtate and Effects of ſuch Partnerſhip to the Amount of the Sum ſo actually applied, with Intereſt thereupon and Coſts as aforeſaid, in the ſame Manner as if the Advance ſo actually applied was an immediate Debt from all the Perſons concerned in ſuch Partnerſhip to the King's Majeſty.

Commiſſioners may order Securities made to them to be aſſigned to their Secretary.

XXIII. Provided always, and be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, whenſoever they ſhall ſee Cauſe, to order and direct, by any Order in Writing, any Security which may be granted, conſtituted, made, or aſſigned, to or to the Uſe or Behoof of the ſaid Commiſſioners by virtue of this Act, to be granted, made, conſtituted, or aſſigned, to their Secretary for the Time being, in his own proper Name, without any Declaration of Uſe or Truſt expreſſed therein, and in ſuch Form and Manner as if ſuch Security had been granted, made, conſtituted, or aſſigned, to the ſaid Secretary as and for his own proper Debt, and every ſuch Security ſhall enure to the Uſe and Behoof of, and ſhall be in Truſt for, the ſaid Commiſſioners, under and by virtue of this Act, as fully and effectually as if ſuch Uſes

or

or Truſts had been particularly expreſſed therein; any Thing in this Act contained to the contrary notwithſtanding.

XXIV. And be it further enacted, That the principal Sums contained in the Exchequer Bills which ſhall be advanced or lent by the ſaid Commiſſioners under the Authority of this Act, ſhall be repaid, without Deduction or Abatement, together with Intereſt for the ſame, by Inſtalments as herein-after is mentioned; (that is to ſay), One Third Part of the principal Sums in ſuch Exchequer Bills ſhall be repaid to the Caſhier or Caſhiers of the Bank of *England* at their Office, together with Intereſt for the ſame, at and after the Rate of Five Pounds *per Centum per Annum*, on or before the Fifth Day of *January* One thouſand ſeven hundred and ninety-ſeven; One other Third Part thereof, with like Intereſt, on or before the Tenth Day of *October* One thouſand ſeven hundred and ninety-ſeven; and the Reſidue thereof, with like Intereſt, on or before the Fifth Day of *July* One thouſand ſeven hundred and ninety-eight; ſuch Intereſt to be computed on the ſaid principal Sum from the Time of ſuch Loan to the reſpective Times of Payment thereof as aforeſaid: and if any Default ſhall be made by any Perſon or Perſons in the Payment of any Sum or Sums of Money within the reſpective Times herein-before limited for Payment thereof, according to the true Intent and Meaning of this Act, it ſhall and may be lawful for the ſaid Commiſſioners hereby appointed, or any Two or more of them, by any Warrant or Warrants under their Hands and Seals, to cauſe the Money due and payable by virtue thereof, the Exchequer Bills, *India* Bonds, Bills of Exchange, and other Perſonal Securities, depoſited with the ſaid Commiſſioners, or ſuch Security or further Security as aforeſaid, and alſo all ſuch Mortgages and Aſſignments of Mortgages, Heritable Bonds, or other Heritable or Real Securities, made, conſtituted, or granted, to or to the Uſe of or depoſited with the ſaid Commiſſioners, to be ſold and diſpoſed of or be ſued for in due Courſe of Law, in the Name of the Secretary of the ſaid Commiſſioners for the Time being, for the Uſe of the ſaid Commiſſioners under this Act; and further, that in caſe any ſuch Default ſhall be made, and no other ſufficient Security ſhall be depoſited or given, or that the ſame ſhall be found or ſhall become inſufficient in Value to ſatisfy the Whole of the Demand from ſuch Defaulter or Defaulters, it ſhall alſo be lawful for the ſaid Commiſſioners, and they are hereby required, without further Delay, to iſſue their Warrant or Warrants from Time to Time, to the proper Officer or Officers of the Crown, having the Direction or Management of Proceedings upon Obligations to His Majeſty, requiring ſuch Officer or Officers preſently to proceed againſt all or any of the Perſons who ſhall have entered into any Bond or Obligation for the Sum advanced, his, her, and their, Heirs, Executors, and Adminiſtrators, for the Recovery of ſuch Parts of the Sums advanced on ſuch Bonds or Obligations as ſhall be then due, together with Intereſt as aforeſaid, and ſuch Coſts and Charges attending ſuch Proceeding, as ſhall be by Law payable for the ſame; the Amount of which principal Sums ſo to be levied the ſaid Commiſſioners ſhall cauſe from Time to Time to be teſtified by their Note in Writing under the Hands of any Two or more of them, to ſuch Officer or Officers, and which Sum ſhall be inſerted in the Writ or Proceſs; and the like Proceſs ſhall and may from Time to Time iſſue as aforeſaid, as Occaſion ſhall require;

Principal Sums advanced, with Intereſt, to be repaid by Inſtalments, and in Default the Depoſits may be diſpoſed of or ſued for.

If Surety or Depoſit be inſufficient, the Commiſſioners may direct the proper Officer to proceed againſt the Sureties.

Monies recovered to be paid to the Bank.

Commissioners may direct against which of the Obligors, Suit shall be commenced, &c.

require; and the Sums so recovered, (the Costs and Charges aforesaid excepted), shall be paid to the said Cashier or Cashiers of the Bank of *England*, without Abatement, Deduction, or Delay, in Satisfaction of such Demands; and it shall be in the Discretion of the said Commissioners to direct against which of the Obligors in such Security such Proceedings shall be from Time to Time commenced or prosecuted; and the said Commissioners shall have the Control and Superintendance of such Prosecutions, and the same shall not be discontinued, quashed, or abated, upon any Pretence whatsoever, without the Authority of the said Commissioners, testified under the Hands and Seals of any Two or more of them, and exhibited to the Barons of His Majesty's Court of Exchequer at *Westminster*, or to the Barons of the Court of Exchequer in *Scotland*, as the Case may require.

In Proceedings against Obligors, no Writ of *Scire Facias* requisite, &c.

XXV. Provided always, and be it further enacted, That where any Proceeding shall be directed by the said Commissioners as aforesaid, against any of the Obligors or Obligor named in any such Obligation, no Writ or Writs of *Scire Facias* shall be required to be issued; but that, upon the Production of the Warrant or Warrants of the said Commissioners as before mentioned, before any of the Barons of the said respective Courts of Exchequer, and in case such intended Proceeding shall be against any Sureties or Surety, then upon Proof of Notice having been served upon such Party or Parties, or left at his or their usual Place or Places of Abode respectively, Ten Days at least before such Application shall be made to such Baron, an Extent shall and may issue in the First Process, upon the *Fiat* of such Baron, without any Affidavit or other Verification or Proof of the Cause of such Proceeding than such Warrant or Warrants as aforesaid.

If Payment shall be made of Part of Loan in consequence of any additional Security, it shall entitle the Surety to the same Remedy as if the Payment had been made upon his Obligation, &c.

XXVI. And be it further enacted, That if any Person as Surety shall give any such additional Security as in this Act is mentioned, over and above such Bond or Obligation, or other Security, for any Loan as is hereby required, and if any Payment shall be made of any Part of such Loan, in consequence of such additional Security being so given, and in Discharge thereof, every such Payment shall be deemed and taken to be made under the Bond or Obligation entered into by such Surety, and in Discharge, or in Part Discharge thereof, for the Purpose of entitling such Surety, his Executors or Administrators; and such Payment shall entitle such Surety, his Executors and Administrators respectively, to the like Remedy from the principal Debtor or Debtors in the said Loan, his or their Heirs, Executors, or Administrators, for the Reimbursement of the Sums so paid or satisfied, and from the Co-Sureties in the said Loan for the like Contribution, as if such Payment or Satisfaction had actually been made upon the Bond or Obligation entered into by such Surety; and if any Person, not being a Party to any Bond or Obligation entered into by virtue of this Act, shall give such further Security for any Loan as in this Act is particularly mentioned, and any Payment or Satisfaction of such Loan, or any Part thereof, shall be made in consequence of such further Security being so given, and in Discharge thereof, every such Payment or Satisfaction shall entitle the Party making the same, his Executors or Administrators, to the like Remedy from the principal Debtor or Debtors in the said Loan, his or their Heirs, Executors, or Administrators, for the Reimburse-

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ment of the Sums ſo paid or ſatisfied as if ſuch Perſon had entered into a Bond or Obligation as Surety, and ſuch Payment had been made thereupon; and that in every Caſe of ſuch Payment upon or in conſequence of ſuch additional Security, as well the Bond or Obligation, Bonds or Obligations, of ſuch principal Debtor or Debtors, entered into by virtue of this Act, as all and every the additional Securities which may have been given by ſuch principal Debtor or Debtors by virtue of this Act, ſhall ſeverally and reſpectively ſtand and remain as Securities for the Purpoſe of ſuch Reimburſement in the Manner hereby directed in Caſes of Payment by Sureties upon Bonds or Obligations, and until the Whole of the Sums ſo paid or ſatisfied ſhall be fully reimburſed; and that ſuch Proceedings ſhall and may be had upon any additional Securities given by ſuch principal Debtor or Debtors, for the Recovery of the Sums ſo paid for the Benefit of the reſpective Parties making ſuch Payments, their Executors or Adminiſtrators, as might lawfully have been had for the Recovery of the Sums due and payable to the ſaid Commiſſioners, notwithſtanding the ſaid Loan ſhall have been fully repaid to the ſaid Commiſſioners.

After Payment of Sums advanced and Intereſt, Obligations to be delivered up.

XXVII. And be it further enacted, That after the due Payment of the Sums advanced, with Intereſt as aforeſaid, at the Time and in the Manner herein ſpecified, every ſuch Bond or Obligation entered into in purſuance of this Act being fully ſatisfied, according to the true Intent and Meaning of this Act, ſhall be forthwith delivered up to be cancelled; and in caſe any ſuch Bond or Obligation ſhall have been proſecuted according to the Directions of this Act, the ſaid Commiſſioners, or any Two or more of them, ſhall, by their Warrant or Warrants, direct the proper Officer or Officers of the ſaid reſpective Courts of Exchequer to enter up Satisfaction on ſuch Bond or Obligation, Bonds or Obligations, ſo being ſatisfied as aforeſaid, upon the Record, or otherwiſe to deliver up the ſame to be cancelled as the Caſe may require.

After Payment of Sums advanced by the Commiſſioners, Obligations with Sureties to remain as further Securities for certain Purpoſes.

XXVIII. And be it further enacted, That every Bond or Obligation, with any Sureties or Surety to be taken according to this Act, after Payment or Recovery thereupon by the ſaid Commiſſioners of the Sums advanced or lent, with all Intereſt and Coſts, in the Manner required by this Act, ſhall ſtand and remain as a further Security for the Purpoſes, and in the Manner herein-after mentioned; (that is to ſay), if any Surety or Sureties upon ſuch Bond or Obligation, his, her, or their Executors or Adminiſtrators, ſhall have paid or ſatisfied any Part of ſuch Sums, Intereſt, or Coſts, then ſuch Bond or Obligation as againſt the principal Obligor or Obligors, his or their Heirs, Executors, or Adminiſtrators, ſhall ſtand as a Security as aforeſaid, for the Reimburſement to ſuch Sureties reſpectively, their Executors or Adminiſtrators, of the Whole of the Sums ſo paid or ſatisfied, and ſo from Time to Time until ſuch Reimburſement ſhall be fully made according to the Intent of this Act; and if any ſuch Sureties or Surety, their or his Executors or Adminiſtrators, ſhall have paid or ſatisfied a Sum which ſhall bear a greater Proportion to the Whole of the Sums recovered upon ſuch Bond or Obligation than the Sum for which ſuch Surety reſpectively ſhall have been bound ſhall bear to the total Amount of all the ſeveral Sums of Money for which all the ſeveral Sureties ſhall have been bound by ſuch Bond or Obligation, then ſuch Bond or Obligation as againſt each and

every

every of the Sureties who ſhall not have paid or ſatisfied an equal Proportion of the whole Sum recovered according to the Sum for which he ſhall have been reſpectively bound, their and every of their Heirs, Executors, and Adminiſtrators, reſpectively ſhall ſtand as a Security for the Benefit of ſuch Sureties or Surety, their Executors or Adminiſtrators reſpectively, who ſhall have paid or ſatisfied any ſuch Sums as aforeſaid, for the Purpoſe of enforcing a Contribution among ſuch Sureties in an equal Proportion to the ſeveral Sums for which they ſhall have been reſpectively bound, and ſo from Time to Time until ſuch Contribution ſhall be fully made according to the Intent of this Act; and that in every ſuch Caſe, upon the Application of any Sureties or Surety to the ſaid Commiſſioners for any of the Purpoſes aforeſaid, the ſaid Commiſſioners ſhall cauſe the reſpective Claims of ſuch Sureties or Surety reſpectively, and the Sums to be recovered from ſuch Principals or Sureties reſpectively, their and every of their Heirs, Executors, or Adminiſtrators, to be adjuſted and ſettled as herein is mentioned, ſo that the whole Sum recovered ſhall be diſtributed in equal Proportion according to the Sums for which each Surety reſpectively ſhall have been bound in the ſame Bond or Obligation, and ſo from Time to Time as the Caſe ſhall require; and thereupon the ſaid Commiſſioners, by Warrant or Warrants in Writing under their Hands, ſhall from Time to Time direct Proceſs to iſſue for the Recovery of ſuch Sums as they ſhall have ſo adjuſted and ſettled to be reſpectively recovered from, and paid to, ſuch Perſons reſpectively as they ſhall ſpecify in ſuch Warrant or Warrants, under and ſubject to the ſeveral Regulations and Directions in this Act contained.

Commiſſioners may adjuſt Claims of Sureties, and direct Proceſs for Recovery.

Proceſs may iſſue againſt Principals for the Benefit of Sureties, and againſt Sureties for the Benefit of Co Sureties, &c.

XXIX. And be it further enacted, That ſuch Proceſs as aforeſaid ſhall and lawfully may iſſue on any ſuch Bond or Obligation as aforeſaid, againſt any ſuch Principals or Principal, their or his Heirs, Executors, or Adminiſtrators, for the Benefit of any ſuch Sureties or Surety, their or his Executors or Adminiſtrators, and againſt any ſuch Sureties or Surety, their or his Heirs, Executors, or Adminiſtrators, as aforeſaid, for the Benefit of any Co-Sureties or Co-Surety, their or his Executors or Adminiſtrators, notwithſtanding the whole Sum which ſhall have been advanced to ſuch Principals or Principal ſhall have been repaid; and in caſe any Sureties or Surety ſhall become bound by diſtinct Bonds or Obligations for the ſame Perſons or Perſon, and for or on account of the ſame Advancement, all and every the Proviſions aforeſaid ſhall be applied in like Manner, as well for the Benefit of as againſt ſuch Principals or Principal, as if all ſuch Sureties and Principals reſpectively were named in the ſame Obligation.

Eſtates and Effects of Bankrupts in *England* liable to the Claim of the Commiſſioners, in Preference to all others.

XXX. And be it further enacted, That every Bond or Obligation, or other Security entered into or given by any Perſon or Perſons, either as Principal or Surety, who ſhall afterwards become Bankrupt within the true Intent and Meaning of the ſeveral Statutes made and now in force concerning Bankrupts, and againſt whom a Commiſſion of Bankrupt ſhall be awarded and iſſued out in that Part of *Great Britain* called *England*, ſhall, by reaſon and force of ſuch Bankruptcy, and from the Time of ſuch Bankruptcy, become and be forfeited, and due and payable as againſt ſuch Bankrupt or Bankrupts, and all the Eſtate and Effects of ſuch Bankrupt or Bankrupts which would be liable to ſatisfy the Demands of the Creditors ſeeking Relief under ſuch

Commiſſion of Bankrupt, ſhall be liable and ſubject to, and are hereby made chargeable with, the Payment of the Principal and Intereſt due upon ſuch Bond or Obligation, or other Security, and all Coſts attending the Recovery of the ſame; and that the Claims of the ſaid Commiſſioners ſhall be firſt paid and ſatisfied out of the Eſtate and Effects of the ſaid Bankrupt or Bankrupts, and in Preference to the Claim of any other Creditor or Creditors; and it ſhall be lawful for the ſaid Commiſſioners, in the Name of their Secretary for the Time being, to apply, by Petition in a ſummary Way, to the proper Courts in *England* having the Juriſdiction of the Matters of ſuch Commiſſion of Bankruptcy, to make due Order accordingly, which ſuch Courts reſpectively are hereby authorized and required to make.

Eſtates and Effects of Bankrupts in *Scotland* liable to Creditors ſeeking Relief under Sequeſtration, ſubject to the Claims of the Commiſſioners, *etc.*

XXXI. And be it further enacted, That every Bond or Obligation, or other Security, entered into or given by any Perſon or Perſons, either as Principal or Surety, who ſhall afterwards become Bankrupt, and againſt whoſe Eſtate Sequeſtration ſhall be awarded in *Scotland*, ſhall, by reaſon and force of ſuch Bankruptcy, and from the Time of the Date of the firſt Deliverance on the Petition to the Court of Seſſion for awarding the Sequeſtration, become and be due and payable as againſt ſuch Bankrupt or Bankrupts; and that all the Eſtate and Effects, Real and Perſonal, of ſuch Bankrupt or Bankrupts, which would be liable to ſatisfy the Demands of the Creditors ſeeking Relief under ſuch Sequeſtration, ſhall be liable and ſubject to, and are hereby made chargeable with, the Payment of the Principal and Intereſt due upon ſuch Bond or Obligation, or other Security, and all Coſts attending the Recovery of the ſame, and that the Claims of the ſaid Commiſſioners ſhall be firſt paid and ſatisfied out of the Eſtate and Effects of ſuch Bankrupt or Bankrupts, and in Preference to the Claim of any other Creditor or Creditors, nevertheleſs, without Prejudice to Preferences duly obtained according to the Law of *Scotland*, upon the Real Eſtates of Perſons who ſhall become Bankrupts; and it ſhall be lawful for the ſaid Commiſſioners, in the Name of their Secretary for the Time being, to apply, by Petition, in a ſummary Way, to the proper Courts in *Scotland* having Juriſdiction of the Matters of ſuch Bankruptcy, for making effectual the Payment of the Claims of the ſaid Commiſſioners accordingly, and which ſuch Courts are hereby authorized and required to make.

Commiſſioners may accept from Aſſignees, &c. Security for Sums due from Bankrupts.

XXXII. Provided always, and be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners appointed by this Act to accept from the Aſſignees under any Commiſſion of Bankrupt iſſued, or from the Factor or Factors, Truſtee or Truſtees, under any Sequeſtration awarded againſt any principal Debtor or Debtors in any ſuch Loan, under this Act, ſuch Security for the Payment of the Sum due from ſuch Bankrupt or Bankrupts, out of his or their Eſtate or Effects, as the ſaid Commiſſioners ſhall approve, and that the Acceptance of ſuch Security by the ſaid Commiſſioners ſhall operate as a Releaſe of the Eſtate of ſuch Bankrupt or Bankrupts for the Benefit of the Creditors under the ſaid Commiſſion of Bankrupt in *England*, or Sequeſtration in *Scotland*, from all Claims whatever by the ſaid Commiſſioners, other than and except ſuch Part of the ſaid Eſtate as ſhall be ſpecified in Writing between the ſaid Commiſſioners and the ſaid Aſſignees under the ſaid Commiſſion of Bankruptcy in *England*, or between the ſaid Commiſſioners

miſſioners and the ſaid Factor or Factors, Truſtee or Truſtees, under the ſaid Sequeſtration in *Scotland*, to be reſerved by the ſaid Commiſſioners for ſuch Security as aforeſaid, in caſe the ſaid Commiſſioners ſhall require ſuch Security.

Commiſſioners may accept from Aſſignees, &c. of Sureties becoming Bankrupts, proviſional Security for Payment of Sums due, &c.

XXXIII. Provided alſo, and be it further enacted, That in caſe ſuch Debt ſhall grow due to the ſaid Commiſſioners from any ſuch Bankrupt or Bankrupts, as a Surety or Sureties upon any ſuch Loan as aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners to accept from the Aſſignees under ſuch Commiſſion of Bankruptcy in *England* or from the Factor or Factors, Truſtee or Truſtees, under ſuch Sequeſtration in *Scotland*, ſuch proviſional Security for the Payment of the Sum due from ſuch Bankrupt or Bankrupts out of his or their Eſtate or Effects, as the ſaid Commiſſioners ſhall approve, ſuch proviſional Security to be void on the Payment or Satisfaction of the Sum ſo due by the principal Debtor or Debtors, or by the Acceptance of other Surety or Sureties in lieu thereof, in the Manner herein-after mentioned; provided that ſuch Acceptance of ſuch proviſional Security by the ſaid Commiſſioners, ſhall operate as a Releaſe of the Eſtate of ſuch Bankrupt or Bankrupts for the Benefit of the Creditors under the ſaid Commiſſion of Bankruptcy in *England*, or Sequeſtration in *Scotland*, from all Claims whatſoever, by the ſaid Commiſſioners, other than and except ſuch Part of the ſaid Eſtate as ſhall be ſpecified in Writing between the ſaid Commiſſioners and the ſaid Aſſignees under the ſaid Commiſſion of Bankruptcy in *England*, or between the ſaid Commiſſioners, and the ſaid Factor or Factors, Truſtee or Truſtees, under the ſaid Sequeſtration in *Scotland*, to be reſerved by them for ſuch proviſional Security as aforeſaid, in caſe the ſaid Commiſſioners ſhall require ſuch Security: Provided always, that any ſuch Releaſe of the Eſtate or Eſtates of any ſuch Bankrupt or Bankrupts as aforeſaid, whether Principals or Sureties, upon any ſuch Loan as aforeſaid, ſhall not be deemed or taken either in Law or Equity to diſcharge any other Perſon or Perſons, or the Eſtate or Effects of any other Perſon or Perſons, or to affect any other Security for the ſame Debt, or in any Manner to prevent any Contribution amongſt Sureties, or any Demand of Sureties againſt their Principals provided for by this Act.

If principal Debtors do not in a limited Time produce Sureties in place of ſuch as become Bankrupts, or pay Half of the Sum for which they were Sureties, their Securities ſhall be deemed forfeited to that Amount.

XXXIV. And be it further enacted, That if any ſuch Surety or Sureties, upon any ſuch Loan by the ſaid Commiſſioners under this Act, ſhall be declared Bankrupt as aforeſaid, and the principal Debtor or Debtors thereon ſhall not, within Fourteen Days after Notice thereof, and Requiſition made for that Purpoſe by the ſaid Commiſſioners, produce another Surety or Sureties, to be approved of by the ſaid Commiſſioners, to become bound, and who ſhall accordingly become bound in the ſaid Sum, by the like Surety or Sureties, in lieu of the Surety or Sureties ſo becoming Bankrupt as aforeſaid, or pay to the ſaid Commiſſioners One Half of the Sum for which ſuch Surety or Sureties were bound by ſuch Security or Securities, then the Security and Securities given or entered into by ſuch principal Debtor or Debtors ſhall be deemed forfeited as far as to the Amount of One Half of the Sum or Sums in which ſuch Surety or Sureties were bound reſpectively; and it ſhall and may be lawful for the ſaid Commiſſioners to cauſe Proceſs to be iſſued in the Manner preſcribed by this Act againſt the principal Debtor or Debtors, his and

their Heirs, Executors, and Administrators, for the Recovery of One Half Part of all and every the Sum and Sums in which such Surety or Sureties were bound respectively, together with Interest and Costs, to be directed by the said Commissioners in pursuance of this Act.

Commissioners may apply for Commissions of Bankruptcy, *etc.*

XXXV. And be it further enacted, That it shall be lawful for the said Commissioners, in the Name of their Secretary for the Time being, to apply, by Petition or otherwise, to the proper Courts in *England* and *Scotland* respectively, for any Commission of Bankruptcy or Sequestration against the Estate or Effects of any Bankrupt or Bankrupts, and to sue out and otherwise pursue the same respectively, in like Manner as any other Creditor or Creditors is or are by Law entitled to do in *England* and *Scotland* respectively.

Any Person appointed by the Commissioners shall be admitted to prove Debts, *&c.*

XXXVI. And be it further enacted, That the Commissioners named in any Commission of Bankruptcy which shall, at any Time hereafter, be awarded and issued out in *England*, and the Court of Session, or Lord Ordinary officiating on the Bills for the Time, and every Officer or other Person concerned in the Management of the sequestered Estate of any Bankrupt in *Scotland*, shall admit the Proof of any Debt, or Grounds of Debt, under this Act, on the Oath, Affirmation, or Affidavit, of any Person appointed by the said Commissioners to act in the Execution of this Act; which Oath, Affirmation, and Affidavit, respectively, shall be taken and administered before any of the proper Officers having Authority by Law to administer Oaths or Affirmations, or to take Affidavits, in Cases of Bankruptcy, and shall permit such Person so authorized by the said Commissioners to vote in the Choice of an Assignee or Assignees, Factor or Factors, Trustee or Trustees, as the Case may require, of such Bankrupt's Estate and Effects, and to do and execute every other Act, Matter, and Thing, relating to such Bankruptcy, as fully and effectually as if such Person so authorized was the *bona fide* Creditor of such Bankrupt or Bankrupts.

Act not to delay the Execution of Commissions of Bankruptcy, *&c.* if Estates and Effects be subject to the Claims of the Commissioners.

XXXVII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to prevent, hinder, or delay, the Execution of any Commission of Bankruptcy, by the Commissioners therein named, according to the Laws now in force in that Part of *Great Britain* called *England*, or the proceeding to or under Sequestration in *Scotland*, provided that every Assignment of the Estate or Effects of such Bankrupt or Bankrupts under the said Commission in *England*, and every Act of Sequestration of the Estate or Effects of such Bankrupt or Bankrupts in *Scotland*, shall be subject to the Claims of the said Commissioners appointed by this Act, and until the same shall be fully paid or secured to be paid.

Deposits vested in the Commissioners by a certain Description, who may sue and be sued in the Name of their Secretary.

XXXVIII. And be it further enacted, That all Mortgages, Heritable Bonds, or other Heritable or Real Securities, and all Assignments of Mortgages, Heritable Bonds, or other Heritable or Real Securities, and also all Exchequer Bills, *India* Bonds, Bills of Exchange, and other Negotiable Securities for Money whatsoever, given to or deposited with the said Commissioners, under the Authority and for the Purposes of this Act, shall be for such Purposes vested in the said Commissioners by the Name of *The Commissioners for the Issue of Exchequer Bills advanced*

to

to Perſons connected with or trading to the Iſlands of Grenada or Saint Vincents; and that the ſaid Commiſſioners ſhall and may ſue and be ſued in the Name of the Secretary for the Time being, and that no Action or Suit in Law or Equity, to be brought or commenced 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 to 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 collectively or individually, or againſt their Secretary, except in One of the ſaid Courts of Exchequer, and with the Leave of ſuch Court firſt had and obtained, and upon ſuch Terms and Conditions as the ſaid Courts ſhall direct.

Five Commiſſioners may act.

XXXIX. And be it further enacted, That all Acts, Matters, and Things, which the ſaid Commiſſioners appointed by this Act are hereby required or authorized to do or execute, ſhall and may be done and executed by any Five or more of them, unleſs the ſame ſhall be otherwiſe ſpecially provided by this Act.

No Obligation, &c. under this Act liable to Stamp Duty.

XL. And be it further enacted, That no Obligation to His Majeſty taken by the ſaid Commiſſioners from and after the paſſing of this Act, nor any Promiſſory Note to be given to the Secretary to the ſaid Commiſſioners under this Act, as a Security for the Loan of Money in ſuch Exchequer Bills as aforeſaid, nor any Affidavit, Depoſition, or Receipt, taken or to be taken or made under and by virtue of this Act, ſhall be liable to any Stamp Duty whatſoever.

Bank to open an Account with the Commiſſioners.

XLI. And be it further enacted, That the Governor and Directors of the Bank of *England* ſhall, and they are hereby required to open an Account in their Books, with the Commiſſioners hereby appointed under the Title of *The Commiſſioners for the Iſſue of Exchequer Bills advanced to Perſons connected with or trading to the Iſlands of Grenada or Saint Vincents*, and carry to the Credit of ſuch Account the ſeveral Monies by this Act directed to be paid to the Caſhiers of the Bank; and whenſoever the ſaid Commiſſioners ſhall have advanced or lent any Sum or Sums of Money in Exchequer Bills, to be made out in purſuance of this Act, to any Perſon or Perſons, the ſaid Commiſſioners ſhall, at ſome Time before the Fifth Day of *July* One thouſand ſeven hundred and ninety-ſix, deliver to ſuch Perſon or Perſons, at his or their Requeſt, One or more Certificate or Certificates under their Hands, ſpecifying the Amount of ſuch Exchequer Bills, and the reſpective Dates thereof; and the ſaid Caſhiers of the Bank, or One of them, ſhall, upon the Production of ſuch laſt mentioned Certificate or Certificates, on or before the reſpective Days appointed for Payment of the Sums ſo to be lent and advanced, accept and receive from the Perſon or Perſons producing the ſame, ſuch Proportion of the Amount of the principal Sums ſo lent, together with ſuch Intereſt, to be computed from the Time of ſuch Loan as aforeſaid, and at the Foot of ſuch laſt mentioned Certificate or Certificates acknowledge the Receipt of the ſaid Monies, and that whenſoever the ſaid Commiſſioners ſhall by their Warrant or Order have

Commiſſioners to grant Certificates of Bills advanced.

Bank on Production of Certificates to acknowledge the Receipt of Monies.

directed ſuch Monies to be raiſed or levied by Sale of any Securities, or by any Proceedings on any Securities taken by virtue of this Act in Default of ſuch Payment as aforeſaid, the ſaid Commiſſioners ſhall deliver to the Officer or Officers executing the ſame reſpectively, a like Certificate as aforeſaid, and further ſpecifying therein the Amount of the Monies to be ſo raiſed or levied, and the Subſtance of ſuch Warrant or Order to raiſe or levy the ſame; and the ſaid Caſhiers of the Bank, or any One of them, ſhall, upon the Production of ſuch laſt mentioned Certificate, accept and receive from ſuch Officer or Officers the Monies ſo raiſed or levied in Satisfaction of the Payments, whereof Default ſhall be ſo made as aforeſaid, and at the Foot of ſuch Certificate acknowledge the Receipt of the ſaid Monies, without Fee or Reward; and every ſuch Receipt ſhall be afterwards brought into the Office of the ſaid Commiſſioners hereby appointed, and by them entered in proper Books, to be provided and kept for that Purpoſe; and the ſaid Commiſſioners, or any Two or more of them, ſhall atteſt the ſame under their Hands, and return the ſame to the Perſon or Perſons producing the ſame at the ſaid Office; and every ſuch Receipt ſo atteſted, and every ſuch Entry in any of the ſaid Books, ſhall reſpectively from thenceforth be an Acquittance and Diſcharge for the Sums expreſſed therein, to have been received as againſt the ſaid Commiſſioners and every of them, their and every of their Executors and Adminiſtrators, as well to the Perſon or Perſons to whom ſuch Receipts ſhall be given, as to all and every the Perſons who have entered into any Security in reſpect of the Sums mentioned in ſuch Certificate, to which ſuch Receipt ſhall be ſubſcribed, their and every of their Heirs, Executors and Adminiſtrators reſpectively.

When Money is raiſed by Sale of Securities, the Commiſſioners to deliver to the Officer a like Certificate, on Production of which the Bank to acknowledge the Receipt of the Money.

Receipts to be brought to the Commiſſioners to be entered and atteſted, which ſhall be a Diſcharge.

XLII. And be it further enacted, That all and every Sum and Sums of Money which ſhall be paid into the Bank of *England* under or by virtue of this Act, ſhall, from Time to Time, be paid into the Receipt of His Majeſty's Exchequer at *Weſtminſter*, diſtinctly and apart from all other Monies, and that there ſhall be provided and kept in the Office of the Auditor of the ſaid Receipt of Exchequer, a Book or Books, in which all the Monies paid into the ſaid Receipt by virtue of this Act ſhall be entered ſeparate and apart from all other Monies paid into the ſaid Receipt upon any other Account whatever, and that all the Monies ſo paid into the ſaid Receipt by virtue of this Act, ſhall be ſubject and liable to the Uſes and Purpoſes herein-after mentioned; (that is to ſay), In the Firſt Place to make good all ſuch Sums as ſhall have been iſſued out of the Publick Monies for paying off and diſcharging all the Sums advanced in Exchequer Bills to be made out by virtue of this Act, with ſuch Intereſt as ſhall be payable thereon; and after Payment of the ſame, in the next Place, to make good all ſuch Sums as ſhall have been ſo iſſued towards the Charges and Expences of the ſaid Commiſſioners, in purſuance of the Orders of the Lords Commiſſioners of His Majeſty's Treaſury, according to the Directions of this Act.

Money paid to the Bank to be paid into the Exchequer, to make good the Sums iſſued for diſcharging the Exchequer Bills, &c.

XLIII. And be it further enacted, That, on or before the Fifth Day of *July* One thouſand ſeven hundred and ninety-ſix, the Lords Commiſſioners of the Treaſury, or any Three or more of them, or the Lord High Treaſurer for the Time being, ſhall cauſe a true and perfect Account in Writing, to be taken and atteſted by the proper Officers of all the Exchequer Bills to be made out in purſuance of this Act, which ſhall become payable on the ſaid Fifth Day of *July* One thouſand ſeven

Treaſury to cauſe an Account to be taken of the Exchequer Bills made out, which, with Intereſt and Charges, ſhall be charged on the Conſolidated Fund.

ſeven hundred and ninety-ſix, and that all the ſaid Exchequer Bills, with the Intereſt and Charges incident to or attending the ſame, ſhall be and are hereby charged and chargeable upon the Conſolidated Fund, (except ſuch Monies of the ſaid Conſolidated Fund as are appropriated to any particular Uſe or Uſes by any Act or Acts of Parliament in that Behalf); and ſuch Monies of the ſaid Conſolidated Fund ſhall and may be iſſued and applied, as ſoon as the ſame can be regularly ſtated and aſcertained, for and towards paying off, cancelling, and diſcharging, ſuch Exchequer Bills, Intereſt, and Charges, until the Whole of them ſhall be paid off, cancelled, and diſcharged, or Money ſufficient for that Purpoſe be kept and reſerved in the Exchequer, to be payable on Demand to the reſpective Proprietors thereof.

Bank may advance Money on the Credit of this Act.

XLIV. And be it further enacted, That it ſhall and may be lawful for the Governor and Company of the Bank of *England*, to advance or lend to His Majeſty in like Manner at the Receipt of the Exchequer, upon the Credit of the Loan granted by this Act, any Sum or Sums of Money, not exceeding in the Whole the Sum of One million five hundred thouſand Pounds; any Thing in an Act, made in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled, *An Act for granting to Their Majeſties ſeveral Rates and Duties upon Tonnage of Ships and Veſſels, and upon Beer, Ale, and other Liquors; for ſecuring certain Recompences and Advantages in the ſaid Act mentioned to ſuch Perſons as ſhall voluntarily advance the Sum of One million five hundred thouſand Pounds, towards carrying on the War againſt* France, to the contrary thereof in anywiſe notwithſtanding.

Commiſſioners to give an Account of their Proceedings to the Treaſury.

XLV. And be it further enacted, That the ſaid Commiſſioners herein appointed ſhall, from Time to Time, at their Diſcretion, or as often as they ſhall be thereunto required during their carrying on any Proceedings by virtue of this Act, and as ſoon as poſſible after the Determination of ſuch Proceedings, without any further Requiſition, give an Account of their Proceedings in Writing to the Lords Commiſſioners of His Majeſty's Treaſury, or the Lord High Treaſurer for the Time being.

Majority of Commiſſioners may fill up Vacancies by Death, *etc.* with Conſent of the Treaſury.

XLVI. And be it further enacted, That if any of the ſaid Commiſſioners appointed by this Act ſhall decline to act in the Execution of the Powers and Truſts hereof, or having begun to act ſhall decline to act any further therein, or ſhall depart this Life during the Continuance of this Act, it ſhall and may be lawful to and for the remaining Commiſſioners, or the major Part of them, acting as aforeſaid, by any Writing under their Hands and Seals, by and with the Conſent and Approbation of the Lords Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, or the Lord High Treaſurer for the Time being, to conſtitute and appoint ſuch Perſon or Perſons to be a Commiſſioner or Commiſſioners for the Purpoſes aforeſaid, in the Place of the Commiſſioner or Commiſſioners ſo refuſing to act, or declining further to act, or dying as aforeſaid, as the ſaid acting Commiſſioners, or the major Part of them, with ſuch Conſent and Approbation as aforeſaid, ſhall think fit, and ſo often as ſuch Caſe ſhall happen; and the Perſon or Perſons ſo conſtituted and appointed by the ſaid Commiſſioners, with ſuch Conſent and Approbation as aforeſaid, having firſt qualified to act

by taking and ſubſcribing the Oath herein-before provided and directed, ſhall be inveſted with the ſame Powers and Authorities as are given or delegated by this Act unto the ſaid Commiſſioner or Commiſſioners conſtituted by this Act reſpectively.

Perſons advancing Exchequer Bills may charge 5 *l. per Cent.* Intereſt.

XLVII. And be it further enacted, That it ſhall and may be lawful for all Perſons, Bodies Politick or Corporate, advancing any of the Exchequer Bills to be iſſued by virtue of this Act, by way of Loan, to any Perſons who may be willing to accept ſuch Exchequer Bills, valuing the ſame at the Sum which ſhall be expreſſed therein reſpectively, together with ſuch Intereſt as may have accrued thereon at the Time of advancing ſuch Loan, to charge and receive Intereſt for ſuch Loan at the Rate of Five Pounds *per Centum per Annum*; any Law or Uſage to the contrary notwithſtanding.

Commiſſioners may receive and ſend Letters free of Poſtage.

XLVIII. And be it further enacted, That the ſaid Commiſſioners ſhall and may receive and ſend all their Letters and Packets free from the Duty of Poſtage, provided that ſuch Letters and Packets as ſhall be ſent to the ſaid Commiſſioners be directed to the Commiſſioners for the Iſſue of Exchequer Bills at their Office; and that all ſuch Letters and Packets as ſhall be ſent by them be dated from their ſaid Office, and ſhall be ſigned on the Outſide of ſuch Letters and Packets by ſuch Perſon as the ſaid Commiſſioners, with the Conſent of the Lords Commiſſioners of the Treaſury, or any Three or more of them, ſhall appoint, and under ſuch Reſtrictions and Regulations as the ſaid Commiſſioners of the Treaſury ſhall think proper and direct.

Limitation of Actions.

General Iſſue.

Treble Coſts.

XLIX. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done by virtue of or in purſuance of this Act, until Fourteen Days Notice thereof in Writing ſhall have been given to the Secretary for the Time being of the ſaid Commiſſioners, nor after a ſufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every ſuch Action ſhall be brought in the ſaid reſpective Courts of Exchequer, and ſhall be laid in the County of *Middleſex*, or City of *Edinburgh* reſpectively, 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 thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear ſo to be done, or if ſuch Action or Suit ſhall be brought after the Time herein-before limited for bringing the ſame, or ſhall be brought without Fourteen Days Notice thereof, or ſhall be brought in any other County or Place, or after a ſufficient Satisfaction made or tendered as aforeſaid, that then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Suit, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſes by Law.

Perſons counterfeiting Certificates, &c.

L. And be it further enacted, That if any Perſon or Perſons ſhall forge, counterfeit, or alter, or cauſe or procure to be forged, counterfeited, or altered,

guilty of Felony.

altered, or knowingly or wilfully act or aſſiſt in the forging, counterfeiting, or altering, any Certificate or Certificates of the ſaid Commiſſioners by this Act appointed as aforeſaid, or any of them, or any Receipt or Receipts to be given by the Caſhier or Caſhiers of the Governor and Company of the Bank of *England* in purſuance of this Act, or ſhall wilfully deliver to the Auditor of the Receipt of His Majeſty's Exchequer for the Time being, or to any Officer appointed by him, or to the ſaid Commiſſioners by this Act appointed, or any of them, or to any Officer or Officers appointed by them, or any of them, in the Execution of the Powers of this Act, or ſhall utter any ſuch forged, counterfeited, or altered, Certificate or Certificates, Receipt or Receipts, knowing the ſame to be forged, counterfeited, or altered, with Intent to defraud His Majeſty, His Heirs or Succeſſors, or any Body or Bodies Politick or Corporate, or any Perſon whomſoever, then and in every ſuch Caſe all and every Perſon or Perſons ſo offending, and being thereof lawfully convicted, ſhall be adjudged guilty of Felony, and ſhall ſuffer Death as in Caſes of Felony, without Benefit of Clergy.

Affirmations may be adminiſtered.

LI. And be it further enacted, That in all Caſes where an Oath may be adminiſtered by this Act, it ſhall be lawful to adminiſter an Affirmation in lieu thereof, as the Caſe may require.

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FINIS.