

ANNO TRICESIMO NONO

GEORGII III. REGIS.

Seſſ. 2.

***

His Majeſty may empower the Treaſury to direct Exchequer Bills to be made out, agreeably to the Malt Act of the preſent Seſſion;

That it ſhall and may be lawful to and for the 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, Fifty Pounds, and Twenty Pounds each, not exceeding in the Whole the Sum of Five hundred thouſand 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 eight hundred*, 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 laſt-mentioned 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 laſt-mentioned 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 2 *d.* 2 *q. per Cent. per Diem*, and to be payable at certain Periods.

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 Two-pence Halfpenny *per Centum per Diem*, upon or in reſpect of the Whole of the Monies reſpectively contained therein; and that One Half Part of each Claſs or Denomination of ſuch Bills ſhall be made payable on the Fifth Day of *April* One thouſand eight hundred, and the remaining Half Part thereof on the Fifth Day of *July* One thouſand eight hundred; and that the principal Sum contained in every ſuch Bill, together with ſuch Intereſt as aforeſaid, to be computed from the Day of the Date thereof until the Time by this Act appointed for Payment thereof, ſhall be paid off and diſcharged upon the Days and Times reſpectively appointed for the Payment thereof.

Bills not to be received for any Duty, &c. before the Days 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

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.

V. And be it further enacted, That the Collector of the Cuſtoms at *Liverpool*, and the Mayor of *Liverpool* for the Time being, together with Rear Admiral *Smith Child*, *Thomas Staniforth*, *Pudſey Dawſon*, *Hugh Taylor*, *John Myers*, *William Harper*, and *William Peet Litt*, Eſquires, ſhall be, and are hereby conſtituted Commiſſioners for advancing and lending to the Merchants carrying on Trade within the Towns of *Liverpool* and *Lancaſter* reſpectively, upon the Depoſits and Securities, and under the Terms and Conditions, and ſubject to the Regulations hereinmentioned, 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 every Commiſſioner in this Act named, before he ſhall begin to act in the Execution of the ſame, (except in adminiſtering the Oath herein-after expreſſed), ſhall take the following Oath; that is to ſay,

'I *A. B.* do ſwear, That according to the beſt of my Judgement, 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.'

which any Two may adminiſter.

Which Oath any Two of the ſaid Commiſſioners are hereby authorized to adminiſter to any other or others of the ſaid Commiſſioners.

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, or any Five or more of them, 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, or any Three or more of them, in Writing under their Hands, ſuch reaſonable Salaries as the ſaid Commiſſioners appointed by this Act ſhall think meet; and ſhall and may alſo 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,

kers, Meſſengers, and other Officers, and appoint others in their Place; and the ſaid Solicitor, Secretary, Clerks, Brokers, 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 or Reward 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 City, Borough, or Town Corporate, in *Great Britain*, 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, or any Five or more of them, ſhall, by Writing under their Hands, from Time to Time, deſire, out of any Part of the Publick Monies remaining in His Majeſty's Exchequer, 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 ſwear, affirm, or alledge, any Matter or Thing which ſhall be falſe or untrue,

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 the Iſſue.

XI. And be it further enacted, That, within Seven Days after this Act ſhall have received the Royal Aſſent, the ſaid Commiſſioners, or any Five or more of them, 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 Merchants carrying on Trade within the Towns of *Liverpool* and *Lancaſter* reſpectively, 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 the Day of 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, or any Five or more of them; 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, in the Manner and under the Regulations herein-after mentioned, Exchequer Bills, in equal Proportions, as nearly as may be, of Bills, payable at the different Periods ſpecified in this Act, to the Amount ſpecified in ſuch Certificate or Certificates, in caſe the ſame ſhall not exceed the Value of One Half Part of the Exchequer Bills to be iſſued in purſuance of this Act; and in caſe the Amount ſpecified therein as aforeſaid ſhall exceed One Half Part, then to ſuch Amount as the ſaid Lords Commiſſioners of the Treaſury, or the Lord High Treaſurer for the Time being, ſhall, on a Statement of the Cauſes to them or him to be made by the ſaid Commiſſioners appointed by this Act, deem expedient and ſhall direct.

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 Rules and Regulations for their own Government, in the appointing 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 authoriſed 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 enquiring into the ſame reſpectively, ſhall determine what 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; and that all ſuch Exchequer Bills ſhall be diſtributed in ſuch Proportions, according to the reſpective Sums and Periods of Payment expreſſed therein, that the Re-payment thereof to be made on each Loan, may be made as nearly as may be by equal Inſtalments.

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, provided that the total Amount to be iſſued by virtue of ſuch Certificate ſhall not, at any one Time, exceed the Amount of Exchequer Bills directed to be iſſued by the Lords Commiſſioners of the Treaſury, as herein-mentioned; 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 Seven or more of them, convened upon Three Days Notice for that Purpoſe.

Bills to bear the Date of Iſſues.

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, or any Five or more of them, 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 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 or his Judgement require, to be iſſued, in equal Proportions, as nearly as may be, of Bills payable at ſuch of the different Periods ſpecified in this Act, as ſhall be ſubſequent to the Time when ſuch Iſſue ſhall be to be made reſpectively, 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 herein-before 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 the Commiſſioners.

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 the Periods appointed for Payment of the ſame, and diſtinguiſhing therein the Perſons to whom, and the Numbers of the Certificates by virtue whereof the ſame were iſſued reſpectively.

Perſons to whom Bills are advanced to give Bond.

XVI. And be it further enacted, That all and every Perſon and Perſons, to whom any ſuch Exchequer Bills ſhall be advanced or lent, ſhall previouſly enter into ſuch Security in ſuch Sum or Sums of Money, together with ſuch Depoſits of Goods, as the Caſe may require, and the ſaid Commiſſioners, or any Five or more of them, ſhall deem neceſſary, which Securities the ſaid Commiſſioners, or any Five or more of them, ſhall, by their Diſcretion, have full Power and Authority to cauſe to be taken as herein-after is mentioned; and that every Security to be taken in purſuance of this Act ſhall be by Writing obligatory to our Sovereign Lord the King, in ſuch Sum or Sums of Money as ſhall be directed by ſuch Commiſſioners, or any Five or more of them, 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.

How Bond ſhall be made, and Wares or Merchandizes depoſited as Securities, &c.

XVII. And be it further enacted, That all Securities, which ſhall be entered into by the Perſon or Perſons to whom and to whoſe Account any ſuch Exchequer Bills ſhall be advanced, ſhall be made in ſuch Sum, not leſs than the Amount of the Principal Sums contained in ſuch Exchequer Bills, as the ſaid Commiſſioners, or any Five or more of them, ſhall in their Diſcretion direct; and that in every ſuch Caſe the Party or Parties

ſhall

ſhall alſo depoſit, or cauſe to be depoſited, in the Cuſtody of the ſaid Commiſſioners, or of ſuch Perſons as they ſhall appoint, by Writing under the Hands of the ſaid Commiſſioners, or any Two or more of them, Wares or Merchandizes of the proper Goods of ſuch Party or Parties, or in his or their Poſſeſſion and Diſpoſition, and wherein he or they ſhall have a ſpecifick Intereſt to a certain Amount, which ſhall be proved to the Satisfaction of ſuch Commiſſioners, (the Duties of Cuſtoms and Exciſe payable upon the ſame, in caſe any ſuch Duties ſhall by Law be payable upon ſuch Goods, being firſt duly ſatisfied, or for which Bonds ſhall have been taken for the due Payment of the ſame, under the Authority of any Act to be paſſed in this preſent Seſſion of Parliament, and which ſhall be proved to the Satisfaction of the ſaid Commiſſioners, or ſuch Perſon or Perſons as they ſhall appoint), bearing a Proportion not leſs than Twice the Value of the Principal Sums ſo to be advanced; and which Wares or Merchandizes ſhall be delivered to the ſaid Commiſſioners, or to ſuch Perſons as they ſhall appoint as aforeſaid, at ſuch Place or Places herein-after mentioned, as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint, and ſhall be ſecured and kept in proper Warehouſes, at ſuch Places reſpectively to be approved of by the ſaid Commiſſioners, or any Five or more of them, under ſuch Regulations as the ſaid Commiſſioners, or any Five or more of them, ſhall preſcribe; and ſuch Wares and Merchandizes ſhall not be liable to be attached, or ſeized, or removed, or taken from or out of the Cuſtody of the ſaid Commiſſioners, by any Proceſs either in Law or Equity, or by or under any Commiſſion of Bankruptcy not actually iſſued at the Time when ſuch Depoſit ſhall be made, unleſs the Principal Sums contained in ſuch Exchequer Bills as ſhall be advanced or lent on the Security of the ſaid Wares or Merchandizes, together with ſuch Intereſt as ſhall be directed to be paid by this Act, ſhall be firſt paid or ſatisfied, at the Times or in the Manner herein-after mentioned, or without having obtained the previous Conſent of the ſaid Commiſſioners, or any Five or more of them, under their Hands, for ſuch Attachment or Seizure, or for the Removal of the ſame according to the Directions of this Act, or by the Order of the Court of Exchequer at *Weſtminſter*, as herein-after is mentioned.

If any Queſtion ſhall ariſe reſpecting Property depoſited, it ſhall be determined by the Court of Exchequer.

XVIII. And be it further enacted, That if any Queſtion ſhall ariſe reſpecting the Property of any Wares or Merchandizes which ſhall be depoſited as aforeſaid, or any Intereſt therein, or the Money ariſing by Sale thereof, or any Part thereof, any Perſon or Perſons claiming ſuch Wares or Merchandizes, or any Intereſt therein, or the Produce thereof, or any Part thereof, ſhall and may apply in a ſummary Way, by Motion or otherwiſe, touching the ſame, to the Court of Exchequer at *Weſtminſter*, as the Caſe may require, who ſhall proceed to enquire into the Validity of ſuch Claim, and ſhall thereupon order ſuch Wares or Merchandizes, or any Part thereof, or any Money which ſhall have ariſen by Sale thereof, or any Part thereof, to be delivered or paid to ſuch Perſon or Perſons, upon ſuch Terms and in ſuch Manner as the ſaid Court ſhall direct.

Commiſſioners may advance Exchequer Bills on

XIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners appointed by this Act to advance and lend Exchequer Bills to be made out in purſuance of this Act, on ſuch Security

Security of the Perſon or Perſons requiring ſuch Advance as aforeſaid, and on Wares or Merchandizes being lodged and ſecured in the King's Warehouſes, or in Warehouſes under the Management or Controul of the reſpective Commiſſioners of Cuſtoms and Exciſe, or either of them, or of their Officers in the Ports of *Liverpool* or *Lancaſter*, of the Value of Twice the Amount of the Exchequer Bills ſo to be advanced, calculated on the eſtimated Value of the ſaid Wares or Merchandizes, excluſive of the Duties chargeable thereon; and that ſuch Wares or Merchandizes ſhall remain in ſuch Warehouſes reſpectively, under the Management or Controul of ſuch reſpective Commiſſioners of Cuſtoms and Exciſe under the ſeveral Rules, Regulations, and Reſtrictions, now eſtabliſhed by Law, except as herein is excepted; provided that no ſuch Wares or Merchandizes ſhall be removed from any ſuch Warehouſes or Warehouſe, without the Authority of the ſaid Commiſſioners appointed by this Act, ſignified to ſuch reſpective Commiſſioners of Cuſtoms and Exciſe, or to ſuch their Officers as aforeſaid, by Warrant under the Hands and Seals of any Two or more of the ſaid Commiſſioners appointed by this Act.

the Security of the Perſons applying, and on Wares or Merchandizes being lodged in King's Warehouſes, &c.

XX. And be it further enacted, That the principal Officers of Cuſtoms or Exciſe reſident at *Liverpool* and *Lancaſter*, or any other Officers or Officer of Cuſtoms or Exciſe at ſuch Places reſpectively, being duly authorized by the reſpective principal Officers as aforeſaid, ſhall receive into their Cuſtody reſpectively, any Wares or Merchandizes intended to be depoſited as a Security for any Loan to be advanced under this Act, and forthwith tranſmit a Certificate, under their or his Hands, to the ſaid Commiſſioners appointed by this Act, certifying the Nature, Quantity, and Quality thereof.

Officers of Cuſtoms or Exciſe to receive Depoſits, and tranſmit a Certificate to the Commiſſioners.

XXI. Provided alſo, and be it further enacted, That the Duty payable by Law for ſuch Wares or Merchandizes, ſhall not be required or demanded during ſuch Time as ſuch Wares or Merchandizes ſhall remain in any ſuch Warehouſes or Warehouſe under the Authority of this Act.

Duties not to be demanded on Depoſits while warehouſed.

XXII. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall, and they are hereby authorized and required to provide, from Time to Time, ſuch Warehouſes or Places as they ſhall deem requiſite for lodging and ſecuring all ſuch Wares or Merchandizes as ſhall be depoſited with them, under the Directions of this Act, at *Liverpool* and *Lancaſter*, and not elſewhere; and to appoint the neceſſary Officers to attend and have the Care of the ſaid Wares or Merchandizes at ſuch Warehouſes or Places reſpectively; and to cauſe all ſuch Wares or Merchandizes, or the reſpective Packages containing the ſame, to be numbered, marked, weighed, or taken an Account of in ſuch Manner, and from Time to Time, at ſuch Times as the ſaid Commiſſioners ſhall deem neceſſary, ſo as to avoid any Damage or Loſs to the reſpective Proprietors thereof by Reaſon of ſuch Depoſits; and it ſhall be in the Diſcretion and Power of the ſaid Commiſſioners, or any Five or more of them, to make all neceſſary Regulations from Time to Time, for the Receipt, ſafe Cuſtody, and Delivery out of ſuch Wares and Merchandizes depoſited in ſuch Warehouſe or Warehouſes, or other Places, and from Time to Time to permit the Proprietor or Proprietors thereof, or their reſpective Agents or Factors, or other Perſons duly authorized, to inſpect, examine, and take reaſonable Samples of the

Commiſſioners to provide Warehouſes, appoint Officers, &c. and may redeliver Depoſits, &c.

 ſame,

ſame, provided, that upon the Application of the Proprietor or Proprietors of any Wares or Merchandizes depoſited under this Act, and upon Proof made before the Commiſſioners, or any Five or more of them, or before ſuch Perſon or Perſons as they ſhall appoint, but nevertheleſs to the Satisfaction of ſuch Commiſſioners, of the Expediency of re-delivering the ſame to ſuch Proprietor or Proprietors, his or their Aſſignee or Aſſigns, for the Purpoſe of Trade, before the Sums advanced or lent thereon ſhall be paid or ſatisfied; and upon a Tender of ſuch Security for the due Payment thereof as is herein mentioned, and of other Goods of equal Value to be depoſited in like Manner, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, in their Diſcretion, to change the Security for ſuch Loan, and to direct and order ſuch Wares and Merchandizes to be re-delivered to ſuch Proprietor or Proprietors, his or their Aſſignee or Aſſigns, on depoſiting other Goods as aforeſaid of like Value, and giving ſuch Security as by this Act is directed to be taken for the Payment of all the principal Sums advanced and lent on the ſaid Wares and Merchandizes, and which ſhall be then unpaid, together with ſuch Intereſt for the ſame as by this Act limited, at the reſpective Days or Times appointed for Payment of the ſame; and further, that where any Payment of the ſaid principal Sums with Intereſt ſhall have been duly made on or before the Day appointed for Payment thereof, the ſaid Commiſſioners, or any Five or more of them, upon the Application of the Proprietor or Proprietors of any Wares or Merchandizes depoſited as aforeſaid, his, her, or their Aſſignee or Aſſigns, ſhall direct and order a Part of ſuch Wares and Merchandizes, the eſtimated Value whereof ſhall, as nearly as conveniently may be in the Judgement of ſuch Commiſſioners, bear the ſame Proportion to the eſtimated Value of the Whole, which ſuch Principal Sum ſo repaid ſhall bear to the Whole of the Principal Sums advanced and lent on any ſuch Wares and Merchandizes, to be re-delivered to ſuch Proprietor or Proprietors, his or their Aſſignee or Aſſigns, and ſo from Time to Time, on every ſuch reſpective Inſtalment being ſo paid and ſatisfied on or before the Day when the ſame ſhall reſpectively become payable, and in like Manner ſhall re-deliver the Whole of ſuch Wares and Merchandizes on Payment of all the Principal Sums advanced and lent thereon, together with Intereſt; and that upon producing the Certificate or Certificates of the ſaid Commiſſioners, or any Two or more of them, with the Receipt of the Caſhier or Caſhiers of the Bank of *England* thereunto annexed, ſignifying the Payment thereof as aforeſaid, the Officer or Officers having the Care of ſuch Wares or Merchandizes ſhall deliver out of the Warehouſe or Warehouſes, or other Places wherein the ſame ſhall be ſo depoſited, the Whole, or ſo much of the ſaid Wares or Merchandizes as ſhall be mentioned or expreſſed in ſuch Certificate or Certificates of ſuch Commiſſioners.

Permits, where required by Law, to be required for Removal of the like Goods from Warehouſes.

XXIII. Provided alſo, and be it further enacted, That in all Caſes where a Permit ſhall be required by Law for the Removal of any Wares or Merchandizes from Place to Place within this Kingdom, ſuch Permit ſhall be required in all Caſes for the Removal of the like Wares or Merchandizes, to or from any Warehouſe or Warehouſes, to be provided or uſed under the Authority of this Act.

XXIV. Pro-

XXIV. Provided always, and be it further enacted, That the Perſon or Perſons depoſiting, or cauſing to be depoſited, any Wares or Merchandizes under this Act, ſhall, at his and their proper Charges, if required ſo to do by the ſaid Commiſſioners appointed by this Act, cauſe the ſame to be inſured from any Loſs by Fire, for and during ſuch Time as the ſaid Wares or Merchandizes ſhall be depoſited in any Warehouſe or Warehouſes or other Place in purſuance of this Act, for ſuch Sum or Sums of Money, and with ſuch Perſon or Perſons, as the ſaid Commiſſioners ſhall direct or appoint.

Perſons depoſiting Goods, to inſure them from Fire, if required by the Commiſſioners.

XXV. 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), the Principal Sum in each and every Exchequer Bill 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*, by the Space of Fifteen Days at leaſt before the Time when each ſuch Exchequer Bill ſhall become payable, according to the Proviſions of this Act, ſuch Intereſt to be computed on the ſaid Principal Sum from the Date of ſuch Exchequer Bill to the Time of Payment thereof; and if any Default ſhall be made by any Perſon or Perſons in the Payment of ſuch 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 Five or more of them, by any Warrant or Warrants under their Hands and Seals, to cauſe ſo much as they ſhall think neceſſary of the Wares and Merchandizes depoſited, or being in any ſuch Warehouſe or Warehouſes, or other Places, by or on Account of ſuch Defaulter or Defaulters, as a Security for ſuch Payment, ſuch Wares and Merchandizes not bearing a greater Proportion to the eſtimated Value of the Whole than the Sum ſo due and in Arrear ſhall bear to the whole Sum advanced on the Credit of ſuch Wares or Merchandizes, to be appraiſed and ſold at publick Auction, to the higheſt Bidder, under ſuch Terms and Conditions of Sale as ſuch Commiſſioners ſhall direct, for and towards ſatisfying ſuch Parts of the Sums advanced on ſuch Wares and Merchandizes as ſhall be then due, together with Intereſt as aforeſaid, and with ſuch Coſts and Charges attending ſuch Sale as ſhall be allowed by the ſaid Commiſſioners, and the Money ariſing from ſuch Sale ſhall be forthwith paid to the ſaid Caſhier or Caſhiers of the Bank of *England*, towards ſatisfying the Sum or Sums directed by ſuch Commiſſioners to be raiſed thereby, and the Reſidue thereof ſhall be reſerved at the ſaid Bank of *England*, and carried to the Account of future Payments to be made by ſuch Defaulter or Defaulters, if any ſhall remain to be made, and the Overplus, (if any be, after ſatisfying all Sums advanced on ſuch Wares or Merchandizes, with the Intereſt, Coſts, and Charges as aforeſaid), to be paid to ſuch Defaulter or Defaulters, or ſuch other Perſon or Perſons as ſhall appear to ſuch Commiſſioners to be entitled to the ſame, or ſuch Perſon or Perſons as he or they ſhall reſpectively appoint to receive the ſame.

Principal Sums advanced, with Intereſt, to be paid by Inſtalments, and in Default, the Depoſits may be ſold by Auction.

XXVI. Pro-

In Proceedings againſt Obligors no Writ of *ſcire facias* requiſite.

XXVI. 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 Court of Exchequer at *Weſtminſter*, 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.

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

XXVII. And be it further enacted, That after due Payment of the Sums advanced, with Intereſt as aforeſaid, at the Times and in the Manner herein ſpecified, every ſuch 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 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 a proper Officer or Officers of the ſaid reſpective Courts of Exchequer to enter up Satisfaction on ſuch Obligation or Obligations, to be ſatisfied as aforeſaid, upon the Record, or otherwiſe to deliver up the ſame to be cancelled as the Caſe may require.

Inſtalments may be made in Money, or with certain Exchequer Bills.

XXVIII. Provided always, and be it further enacted, That the Payment of any of the Inſtalments of the Sums advanced by virtue of this Act may be made either in Money or in any of the Exchequer Bills to be iſſued by virtue of this Act, which ſhall have become due at the Time of ſuch Payment, or which ſhall be payable at a Period not later than Fifteen Days next after the Day appointed by this Act for the Payment of ſuch Inſtalment, in Diſcharge of which ſuch Exchequer Bills ſhall be paid.

Commiſſioners may authorize the Bank to employ Monies in Purchaſe of Bills.

XXIX. Provided alſo, and be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners appointed by this Act, by Writing under the Hands and Seals of any Five or more of them, to authorize the Caſhier or Caſhiers of the Bank of *England* to employ any Monies which ſhall be paid as aforeſaid, in the Purchaſe of any Bills which ſhall be payable at the Period then next enſuing, and ſhall write thereon, in Words at length, the Day of the Month and Year in which he or they ſo purchaſed ſuch Bills, to which reſpective Days the ſaid Caſhier or Caſhiers ſhall be allowed the Intereſt, upon his or their paying the ſame into the Receipt of the Exchequer as aforeſaid, provided that no Intereſt ſhall run or be paid upon or for any ſuch Bills during the Time they ſhall remain in the Hands of ſuch Caſhier or Caſhiers, but for ſuch Time the Intereſt on every ſuch Bill ſhall ceaſe.

Depoſits to be veſted in the Commiſſioners, who may ſue and be ſued in the Name of their Secretary.

XXX. And be it further enacted, That all Wares and Merchandizes 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 for the Relief of the Merchants of Liverpool and Lancaſter*; and that the ſaid Commiſſioners 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 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 the ſaid Court of Exchequer, and with the Leave of ſuch Court firſt had and obtained, and upon ſuch Terms and Conditions as the ſaid Court ſhall direct.

No Action to be brought againſt the Commiſſioners, or their Secretary, except in the Court of Exchequer.

XXXI. 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 therein 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 herein-before required, 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, 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 Obligation or Obligations to be entered into by ſuch Perſon or Perſons purſuant to this Act; which Notes ſhall be reſpectively made in the Form following; that is to ſay,

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

'WE promiſe to pay to the Secretary for the Time being of the Commiſſioners for the iſſue of Exchequer Bills for the Relief of the Merchants of *Liverpool* and *Lancaſter*, 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.

Form of Notes.

'XXXII. Provided always, That ſeparate and diſtinct Notes ſhall be made and given by ſuch Perſon or Perſons as aforeſaid, in reſpect of ſuch 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.

Notes to be given for each Inſtalment.

XXXIII. 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

Where Bills ſhall have been applied to the Uſe of Partnerſhips, their Eſtates and Effects to be liable.

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, and in caſe it ſhall be made appear by Affidavit to any Baron of the Court of Exchequer at *Weſtminſter*, 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, His Heirs or Succeſſors.

Eſtates and Effects of Bankrupts to be liable to the Claims of the Commiſſioners in Preference to all others.

XXXIV. And be it further enacted, That every Obligation or other Security entered into or given by any Perſon or Perſons as aforeſaid, 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, 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 that 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 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, 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 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.

Secretary may apply for Commiſſion of Bankruptcy.

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 for any Commiſſion of Bankruptcy againſt the Eſtate or Effects of any Bankrupt or Bankrupts, and to ſue out in like Manner as any other Creditor or Creditors is or are by Law entitled to do.

Commiſſioners of Bankruptcy to admit the Proof of Debts on the Oath of any Perſon appointed by the Commiſſioners under this Act, *etc.*

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, 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 as the Caſe may require of ſuch Bankrupt's Eſtate and Effects, and to do and

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 prevent the Execution of any Commiſſion of Bankruptcy, provided the Aſſignment of the 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*; provided that every Aſſignment of the Eſtate or Effects of ſuch Bankrupt or Bankrupts, under the ſaid Commiſſion, ſhall be ſubject to the Claims of the ſaid Commiſſioners appointed by the ſaid Act, and until the ſame ſhall be fully paid, or ſecured to be paid.

Five Commiſſioners may act, unleſs otherwiſe provided.

XXXVIII. 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.

The Bank to open an Account with the Commiſſioners.

XXXIX. And be it further enacted, That the Governors 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 *Commiſſioners for the Iſſue of Exchequer Bills for the Relief of the Merchants of Liverpool and Lancaſter*, 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 of the 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 Sums contained therein ſhall be to be repaid, deliver to ſuch Perſon or Perſons, at his or their Requeſt, One or more Certificate or Certificates under their Hands, ſpecifying the Value of every ſuch Exchequer Bill, the reſpective Dates thereof, and the Times when they reſpectively will become payable by virtue of this Act; and the ſaid Caſhiers of the Bank, or One of them, ſhall, upon the Production of ſuch laſt mentioned Certificate or Certificates, by the Space of Fifteen Days or more, before ſuch Exchequer Bills ſhall become payable, accept and receive from the Perſon or Perſons producing the ſame, the Amount of the principal Sums contained therein, together with ſuch Intereſt to be computed from the Date thereof to the Time of Payment 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 directed ſuch Monies to be raiſed or levied by Sale of any Wares or Merchandizes depoſited by virtue of this Act, or by any Proceedings on any Securities taken by virtue thereof 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

Commiſſioners to grant Certificates of Bills advanced.

Bank, on Production of Certificates, to receive Money, and acknowledge the Receipt, &c.

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 to the Office of the ſaid Commiſſioners, 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 of 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 ſhall have entered into any Security in reſpect of the Exchequer Bills mentioned in ſuch Certificate, to which ſuch Receipt ſhall be ſubſcribed, their and every of their Heirs, Executors, and Adminiſtrators reſpectively.

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

Money paid to the Bank to be paid into the Exchequer, for the Uſes herein ſpecified.

XL. 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 the 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, for paying off and diſcharging all the Exchequer Bills to be made out by virtue of this Act, with ſuch Intereſt as ſhall be payable thereon at the reſpective Days and Times, and in the Order and Courſe in which the ſame are hereby directed to be diſcharged; and all ſuch Exchequer Bills, and Intereſt thereon, as aforeſaid, ſhall be and are hereby charged and chargeable upon, and ſhall be repaid and borne by and out of the firſt Monies that ſhall ariſe in the Receipt of His Majeſty's Exchequer accordingly; and after paying off and diſcharging the ſame, in the next Place, to pay off all the Charges and Expences which ſhall be incurred by the ſaid Commiſſioners hereby appointed in carrying this Act into Execution, and to make good all ſuch Sums as ſhall have been iſſued to the ſaid Commiſſioners out of the publick Monies, towards the ſaid Charges and Expences, in purſuance of the Orders 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, according to the Directions of this Act; and alſo to pay and ſatisfy all Charges and Expences incident to or attending the making out ſuch Exchequer Bills; and if any Surplus ſhall remain of the Monies paid into the ſaid Receipt, by virtue of this Act, after ſatisfying the ſeveral Sums hereby charged thereon as aforeſaid, ſuch Surplus ſhall be reſerved for the Diſpoſition of Parliament.

Treaſury to cauſe an Account to be

XLI. And be it further enacted, That on the ſeveral Days and Times on which ſuch Exchequer Bills are hereby directed to be diſ-

charged; that is to ſay, on the Fifth Day of *April* and the Fifth Day of *July* One thouſand eight hundred, 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 reſpective Days and Times before ſpecified, and of the Monies which ſhall then be in the ſaid Receipt applicable to the paying off and diſcharging the ſame, and if the Money which ſhall have ariſen in the ſaid Exchequer, for or on Account of the Payments to be made by the Bank of *England*, by virtue of this Act, on the reſpective Periods before-mentioned, ſhall not be ſufficient to diſcharge the whole Principal and Intereſt due as aforeſaid on the ſeveral Exchequer Bills to be iſſued in purſuance of this Act, then ſuch Deficiency ſhall and may be ſupplied and made good by and out of the Aids or Supplies which ſhall have been or ſhall be granted in this or any ſubſequent Seſſion of Parliament; and in caſe the Monies ariſing from ſuch Aids or Supplies ſhall not at that Time be ſufficient for that Purpoſe, then all the ſaid Exchequer Bills remaining undiſcharged, with the Intereſt and Charges incident to or attending the ſame, ſhall be and are hereby charged and chargeable upon ſuch Monies as, at any Time or Times after any ſuch Deficiency ſhall happen, ſhall be or remain in the Receipt of the Exchequer of 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 from Time to Time, as ſoon as the ſame can be regularly ſtated and aſcertained, for and towards paying off, cancelling, and diſcharging, ſuch remaining 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.

taken of the Exchequer Bills made out, at the Times they become payable, which may be diſcharged out of certain Funds.

XLII. Provided always, and be it further enacted, That whatever Monies ſhall be ſo iſſued out of the ſaid Conſolidated Fund, ſhall from Time to Time be replaced by and out of the firſt Supplies to be thenafter granted in Parliament; any Thing herein contained to the contrary notwithſtanding.

Monies iſſued out of the Conſolidated Fund to be replaced out of the firſt Supplies.

XLIII. Provided alſo, That whatever Monies ſhall be afterwards paid by the Bank of *England* into the ſaid Receipt, in purſuance of this Act, ſhall be applied towards replacing the Monies before iſſued of the ſaid Aids or Supplies, or out of the ſaid Conſolidated Fund, as the Caſe may be; any Thing herein contained to the contrary notwithſtanding.

Monies afterwards paid into the Exchequer to be applied to replace former Iſſues.

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 Loan granted by this Act, any Sum or Sums of Money, not exceeding in the Whole the Sum of 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*

Bank may advance Money on the Credit of this Act.

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; or any Thing in an Act, paſſed in the laſt Seſſion of Parliament, intituled, *An Act to amend and continue, until One Month after the Concluſion of the preſent War, the Proviſions contained in an Act, paſſed in the Seſſion of Parliament of the Thirty-ſixth and Thirty-ſeventh Years of His preſent Majeſty, Chapter Ninety-one*, videlicet, *on the Twenty-ſecond Day of* June *One thouſand ſeven hundred and ninety-ſeven, for the Reſtriction on Payments of Caſh by the Bank*, 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 hereby 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, &c 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.

XLVIII. And

XLVIII. And be it further enacted, That no Obligation to His Majeſty which ſhall be taken by the ſaid Commiſſioners, 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 whatever. Bonds, &c. not liable to Stamp Duty.

XLIX. And be it further enacted, That any Wares or Merchandizes ſold by Publick Sale by way of Auction, under the Authority of this Act, ſhall and may be ſold free of the Duty impoſed upon Sales by Auction. Goods may be ſold free of Auction Duty.

L. 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 Court of Exchequer, and ſhall be laid in the County of *Middleſex*, 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 Actions, 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. Limitation of Actions. General Iſſue. Treble Coſts.

LI. 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, 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 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 and Perſons ſo offending, Perſons counterfeiting Certificates, &c. guilty of Felony.

ing, and being thereof lawfully convicted, ſhall be adjudged guilty of Felony, and ſhall ſuffer Death, as in Caſes of Felony, without Benefit of Clergy.

Commencement of Act.

LII. And be it further enacted, That this Act ſhall commence from and immediately after the ſame ſhall have received the Royal Aſſent.

Affirmations may be adminiſtered.

LIII. 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.

Act may be altered or repealed this Seſſion.

LIV. And be it further enacted, That this Act, or any of the Proviſions thereof, may be altered, varied, or repealed, by any Act or Acts to be paſſed in this preſent Seſſion of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1799.