ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

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C A P. XXXV.

An Act for the more convenient Payment of Penſions to Widows of Officers of the Navy.

[28th *April* 1809.]

WHEREAS His late Majeſty King *George* the Second was graciouſly pleaſed, by Commiſſion under the Privy Seal, bearing Date the Thirtieth Day of *Auguſt* in the Sixth Year of His Reign, to conſtitute and appoint certain Perſons, and their Succeſſors, to be Commiſſioners or Governors of the Charity for the Relief of Poor Widows of Commiſſion and Warrant Officers of the Royal Navy: And whereas it would greatly tend to the Comfort and Accommodation of the Widows of Commiſſion and Warrant Officers of the Royal Navy, entitled to Penſions from the ſaid Commiſſioners or Governors, if ſuch Penſions were paid to the reſpective Widows entitled thereto, in the Pariſhes or Places of their Reſidence, or as near thereto as may be: 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 from and after the Twenty-fifth Day of *December* One thouſand eight hundred and nine, it ſhall be lawful for the Court of Aſſiſtants of the ſaid Charity, to order and direct that all ſuch Penſions ſhall be paid to the Widows entitled thereto,

From Dec. 25, 1809, the Court of Aſſiſtants of the Charity for the Relief of Widows of Officers of the Navy, may direct the Penſions to be paid ſuch

Widows at the Places of their Reſidence, &c.

thereto, at or near to the Pariſhes or Places of their Reſidence, in any Part of His Majeſty's Dominions, or in Foreign Parts, by any Perſons appointed by them to pay the ſame.

Court of Aſſiſtants may make ſuch Regulations as to the Payment of ſuch Penſions as they think proper, &c.

II. And be it further enacted, That it ſhall be lawful for the ſaid Court of Aſſiſtants to make ſuch Orders, Rules, and Regulations, and from Time to Time to alter the ſame in relation to the Payment of any ſuch Penſions to any ſuch Perſons ſo entitled thereto as aforeſaid; and alſo as to any Certificates, Vouchers, Receipts, or Orders for the better regulating, managing, and making ſuch Payments, and to require ſuch Proofs and Affidavits relating thereto, as may be requiſite for the ordering and ſecuring the Payment of ſuch Penſions: Provided always, that every ſuch Order or Regulation may, from Time to Time, be revoked or altered by any Warrant, Order, or Inſtruction under His Majeſty's Royal Sign Manual.

Widows may apply to have their Penſions paid by the Receiver General of the Land Tax, or the Collector of the Cuſtoms, &c.

III. And be it further enacted, That from and after the Twenty-fifth Day of *December* One thouſand eight hundred and nine, if any Widow who ſhall be entitled to receive any ſuch Penſion, ſhall be deſirous to receive the ſame from any Receiver General of the Land Tax in *Great Britain*, Collector of the Cuſtoms at any Port in *Great Britain* or *Ireland*, Collector of the Exciſe for any Collection in *Great Britain* or *Ireland*, or Clerk of the Checque at any Dock Yard in *Great Britain* near to the Place of her Reſidence, it ſhall be in the Power of ſuch Widow ſo entitled to apply before the Time of iſſuing ſuch Penſions by Letter to the Secretary to the Court of Aſſiſtants at the Admiralty Office, to have ſuch Penſion paid by ſuch Receiver General of the Land Tax, Collector of the Cuſtoms, Collector of the Exciſe, or Clerk of the Checque; and ſhall, at the ſame Time, tranſmit ſuch Vouchers and Documents as ſhall be required by the ſaid Court of Aſſiſtants.

Court of Aſſiſtants may order the Paymaſter to make out Two Duplicate Remittance Bills, payable to ſuch Widows by the Receiver General, &c.

IV. And be it further enacted, That the ſaid Court of Aſſiſtants on being ſatisfied of the Juſtice of the ſaid Claims, ſhall order and direct the ſaid Paymaſter to make out, or cauſe to be made out, Two Remittance Bills for the Penſion due to ſuch Widow, which ſaid Bills ſhall be Duplicates of each other, and ſhall be joined together by oblique Lines, Flouriſhes, or Devices, and ſhall be made payable to ſuch Widow by the Receiver General of the Land Tax, Collector of the Cuſtoms, Collector of the Exciſe, or Clerk of the Checque, to whom the ſaid Remittance Bills ſhall be addreſſed; and ſuch Remittance Bills, being numbered and dated, ſhall be ſigned by the ſaid Paymaſter, who ſhall cauſe ſuch Remittance Bills to be prepared, and Accounts thereof to be kept; and ſuch Remittance Bills, being written or printed, ſhall be according to the Tenor and Form following, or to the like Effect:

Form of Bills.

'No. I. Day of

'Sir,

'PAY to *A. B.* of on her producing and delivering 'the Duplicate hereof, the Sum of being for the 'Penſion payable to the ſaid *A. B.* as a Widow of [*as the Caſe*

'*Caſe may be*], on the Day of laſt, if the 'ſame be demanded within Six Calendar Months from the Date hereof; 'otherwiſe you are to return this Bill to the Paymaſter of Penſions to Sea 'Officers Widows at his Office.

'*C. D.* Paymaſter.

'To the Receiver General of the Land Tax for the County of

'To the Collector of the Cuſtoms at the Port of

'To the Collector of Exciſe at

'To the Clerk of the Checque at

'By virtue of the Act 49 Geo. III.'

'N. B. The forging of this Remittance Bill, or procuring any 'other Perſon to forge the ſame, in order to receive 'any Part of the Monies hereby payable, is made 'Felony by the Act 49 Geo. III.

And ſo ſoon as the ſaid Bills are made out and ſigned, the Paymaſter, or Perſon to be appointed by the ſaid Paymaſter, ſhall cut or cauſe them to be cut aſunder, through the oblique Lines, Flouriſhes, or Devices; and ſhall cauſe one Duplicate to be tranſmitted to the Widow named therein, to whom the Money ſhall be made payable, and the other Duplicate to be tranſmitted to the Receiver General of the Land Tax, Collector of the Cuſtoms, Collector of the Exciſe, or Clerk of the Checque, to whom the ſame ſhall be addreſſed; and if the Duplicate of ſuch Bill ſhall be produced by the Widow, to whom the ſame ſhall be made payable, to ſuch Receiver General of the Land Tax, Collector of the Cuſtoms, Collector of the Exciſe, or Clerk of the Checque, to whom the ſame ſhall be addreſſed, within Six Calendar Months from the Date thereof, he ſhall carefully examine the ſame with the Duplicate tranſmitted to him as aforeſaid, and being ſatisfied of the Authenticity thereof, and of the Identity of the Widow producing the ſame to him, he ſhall immediately pay the Sum mentioned therein to ſuch Widow, without Fee, or Reward, or Deduction, on any Pretence whatever, taking a Receipt for ſuch Payment on the Back of the Bill; which Bill, and the Duplicate thereof, being tranſmitted by the Perſon who ſhall pay the ſame to the ſaid Paymaſter, ſhall be immediately repaid to him by ſuch Receiver General, Collector of the Cuſtoms, Collector of the Exciſe, or Clerk of the Checque, or his Order; but in caſe the Duplicate of ſuch Bill ſhall not be ſo produced, and Payment thereof demanded within Six Calendar Months from the Date thereof, then the ſaid Receiver General of the Land Tax, Collector of the Cuſtoms, Collector of the Exciſe, or Clerk of the Checque, ſhall return the Duplicate thereof in his Hands to the ſaid Paymaſter at his Office in *London*, who ſhall cauſe the ſame to be cancelled; and thereupon the Sum contained in ſuch Bill ſhall become payable to the Widow in whoſe Favour it was drawn, or to her lawful Repreſentatives in caſe of her Death, in the ſame Manner as if ſuch Bill had never been iſſued.

One Duplicate ſhall be ſent to the Widow and the other to the Receiver General, &c. who ſhall, on the Widow's producing the Duplicate, pay her the Sum contained therein, &c.

V. Provided always, and be it further enacted, That if any Receiver General of the Land Tax, Collector of the Cuſtoms, Collector of the Exciſe,

Receiver General, &c. to indorſe on the Duplicate

the Date of its being tendered, in case he has not Publick Monies in his Hands to pay the Bill, &c. and appoint a Day of Payment within a Month.

Excise, or Clerk of the Checque, to whom the Duplicate of any such Bill shall be tendered for Payment, shall not have in his Hands Publick Monies sufficient to answer the same, and shall for that Reason refuse or delay the immediate Payment thereof, such Receiver General of the Land Tax, Collector of the Customs, Collector of the Excise, or Clerk of the Checque, shall immediately indorse on the said Duplicate the Date of its being so tendered to him, and the Cause of his Refusal or Delay to pay the same; and shall appoint therein for the Payment of the same some future Day, within the Space of One Month at the farthest from its being so first tendered to him as aforesaid; and such Duplicate, with the Indorsement thereon, shall be immediately delivered back to the Person presenting the same; and if upon Complaint made to the respective Commissioners appointed, or to be appointed, to manage the said several Duties of Land Tax, Customs, or Excise, or to the Commissioners of the Navy, if the Person complained of be a Clerk of the Checque, it shall appear that such Receiver General of the Land Tax, Collector of the Customs, Collector of the Excise, or Clerk of the Checque, hath unnecessarily or wilfully refused or delayed the Payment of such Bill, or directly or indirectly, by himself or any Person under him, received or taken any Fee, Reward, Gratuity, Discount, or Deduction whatsoever, on account of the Payment of the same, it shall and may be lawful to and for any Three or more of the said Commissioners to convict and fine the Person under their Direction so offending, in any Sum not exceeding Fifty Pounds, according to the Nature and Degree of the Offence; and such Fine shall be levied and recovered in such and the same Manner, to all Intents and Purposes, as any Penalty or Fine may be levied and recovered for any Offence against the Laws of Customs or Excise; and the said Fine, when recovered, shall be paid to the Informer or Informers.

Penalty on Persons delaying Payment unnecessarily, &c.

On Certificate of Infirmity being produced, the Receiver General, &c. authorized to pay the Contents of the Bill to the Order of the Widow.

VI. And be it further enacted, That if such Widow to whom the Remittance Bill shall be made payable, shall be prevented and disabled by bodily Infirmity from appearing in Person before the said Receiver General of the Land Tax, Collector of the Customs, Collector of the Excise, or Clerk of the Checque, and such bodily Infirmity being properly and satisfactorily certified by the Minister, and a Churchwarden or Elder of the Parish where such Widow shall reside, or by the Physician, Surgeon, or Apothecary attending her, then and in such Case the Sum contained in such Bill, shall be paid to the Order in Writing of such Widow, upon producing and giving up to such Receiver General of the Land Tax, Collector of the Customs, Collector of the Excise, or Clerk of the Checque, such Certificate of bodily Infirmity as aforesaid, together with a Duplicate of the said Bill, and a proper Receipt on the Back of the same, signed by the Widow in whose Favour the Bill shall have been drawn, payable and witnessed by the Person who shall receive the Money.

Assignments of Pension to be void.

VII. And be it further enacted, That all Assignments, Bargains, Sales, Orders, Contracts, Agreements, or Securities whatsoever which shall be given or made by any Widow entitled to any such Pension, shall be absolutely null and void, to all Intents and Purposes.

VIII. And

VIII. And be it enacted, That all Letters and Packets ſent by the ſaid Paymaſter ſhall, from and after the Twenty-fifth Day of *December* One thouſand eight hundred and nine, be ſent free from the Duty of Poſtage; and all Letters and Packets relating to the Execution of this Act, that ſhall be forwarded by ſuch Paymaſter, ſhall be under Covers with the Words "Purſuant to Act of Parliament Forty-ninth *Geo.* III." printed upon the ſame; and the ſaid Paymaſter ſhall write his Name under the Words ſo printed; and he is hereby ſtrictly prohibited and diſcharged from encloſing or ſending under ſuch Covers any Writing, Paper, or Parcel whatever, excepting ſuch as relate to the Execution of this Act; and if he ſhall ſend or convey under the Covers aforeſaid any Writing, Paper, or Parcel, other than thoſe relating to the Execution of this Act, he ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds; and ſuch Fine ſhall be levied and recovered in ſuch and the ſame Manner, to all Intents and Purpoſes, as any Conviction may be made, and any Penalty or Fine levied or recovered, for any Offence againſt any Law by which any Duty of Cuſtoms or Exciſe is impoſed or laid; and the ſaid Fine, when recovered, ſhall be paid to the Informer or Informers againſt ſuch Offender or Offenders.

Letters and Packets ſent by the Paymaſter to be free of Poſtage.

IX. And be it further enacted, That, from and after the Twenty-fifth Day of *December* One thouſand eight hundred and nine, if any Perſon ſhall wilfully and knowingly perſonate, or falſely aſſume the Name or Character of, or procure any other Perſon to perſonate or falſely to aſſume the Name or Character of any Widow entitled, or ſuppoſed to be entitled to any ſuch Penſion aforeſaid, in order to receive the ſame, or any Part thereof, every ſuch Perſon ſo offending, and being lawfully convicted thereof, ſhall be deemed guilty of Felony, and may be tranſported for ſuch Period, not exceeding Fourteen Years, as the Court ſhall adjudge.

Penalty on Perſons perſonating Widows in order to receive Penſions.

X. And be it further enacted, That if any Perſon ſhall knowingly and wilfully forge or counterfeit, or cauſe or procure to be forged or counterfeited, or knowingly or wilfully act or aſſiſt in forging or counterfeiting, the Name or Hand-writing of any Widow entitled to any ſuch Penſion, or if any Perſon or Perſons required by any Rules or Regulations made under and by virtue of this Act to ſign any Remittance Bill, Certificate, Voucher, or Receipt, in relation to the Payment of any ſuch Penſion, for and in order to the receiving or obtaining any Money on any ſuch Penſion, or ſhall utter as true any falſe, forged, or counterfeited Remittance Bill, Certificate, Voucher, or Receipt, knowing the ſame to be forged or counterfeited, with an Intention to defraud any Perſon whatſoever, every ſuch Perſon ſo offending, being thereof lawfully convicted, ſhall be and is hereby declared and adjudged to be guilty of Felony, and may be tranſported for ſuch Period, not exceeding Fourteen Years, as the ſaid Court ſhall adjudge.

Penalty on Perſons forging Bills or Certificates, &c.

XI. And be it further enacted, That all Orders, Certificates, Vouchers, Remittance Bills, and Receipts, for or relating to any ſuch Penſions, ſhall be

Bills and Certificates, &c. exempted from Stamp Duties.

be free from all Duties of Stamps, and be good, valid, and effectual, although the ſame ſhall not have been ſtamped; any Thing in any Act contained to the contrary notwithſtanding.

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