

ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

CAP. LXI.

An Act to regulate the Appropriation of unclaimed Shares of Prize Money belonging to Soldiers or Seamen in the Service of the *East India* Company. [23d *June* 1821.]

WHEREAS divers Sums of Money belonging to Officers and Soldiers employed in the Service of the United Company of Merchants of *England* trading to the *East Indies*, under and by virtue of divers Charters and Acts of Parliament, authorizing them to raise and maintain a Military Force in the *East Indies*, and other the Parts mentioned in such Charters, or some of them; and divers other Sums of Money belonging to Commanders, Officers, and Crews of Ships hired by or belonging to the said United Company, which said several Sums of Money have arisen from, or have become distributable in respect of, Services in War, now remain and are in the Hands of Prize Agents and other Persons: And whereas it is expedient that all Unclaimed Shares of such Money should be appropriated as hereinafter is provided; be it therefore 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 all and every Shares and Share of Booty, Prize Money, Head Money, Bounty Money, and Salvage Money, and of Money arisen from or distributable in respect of any Capture or other warlike Service whatsoever, belonging to Officers or Soldiers, or to any Officer or

Prize Money belonging to Soldiers, remaining in Hands of

Agents and others, to be paid over to the East India Company.

or Soldier in, or having been in the Service of the said Company, in whatever Service the same may have accrued, now remaining in the Hands of any Prize Agent or Agents, or any other Person or Persons whomsoever, shall be paid over to the said United Company in *London*, or at any of their Settlements Abroad, according to the Residence of the Party or Parties paying the same, or as the Court of Directors of the said United Company shall direct; and all Sums of Money, when so paid over, shall be applied to the Fund established by the Right Honourable *Robert* late Lord *Clive*, for the Relief of Persons and the Widows of Persons in the Military Service of the said United Company, commonly called "Lord *Clive*'s Fund," for the Purpose and Objects of the said Fund, according to the Rules and Regulations for the Time being thereof; subject nevertheless to be refunded without Interest to any Person or Persons entitled to the same, and establishing his, her, or their Claim or Claims thereto, to the Satisfaction of the Court of Directors of the said Company, or of the Governor and Council of the Settlement where the same shall have been paid over to the said Company.

Application of the Money so paid over.

Prize Money belonging to Seamen, in the Hands of Agents and others, to be paid over to the East India Company.

II. And be it further enacted, That all and every Shares and Share of Booty, Prize Money, Head Money, Bounty Money, and Salvage Money, and of Money arisen from or distributable in respect of any Capture or other warlike Service whatsoever, belonging to Commanders, Officers, Sailors or other Persons, or to any Commander, Officer, Sailor, or other Person, serving or who may have served on board of any Ship or Vessel in the Service of the said Company, whether hired or belonging to the said Company, in whatsoever Service the same may have accrued, now remaining in the Hands of any Prize Agent or Agents, or any other Person or Persons whomsoever, shall be paid over to the said United Company in *London*, or at any of their Settlements Abroad, according to the Residence of the Party or Parties paying the same, or as the Court of Directors of the said United Company shall direct; and all Sums of Money when so paid over shall be applied to the Hospital Fund established for the Relief of Persons and Widows of Persons belonging to Ships and Vessels in the Service of the said United Company, commonly called "*Poplar* Hospital," for the Purposes and Objects of the said last-mentioned Fund, according to the Rules and Regulations for the Time being thereof; subject nevertheless to be refunded without Interest to any Person or Persons entitled to the same, and establishing his, her, or their Claim or Claims thereto, to the Satisfaction of the Court of Directors of the said Company, or of the Governor and Council of the Settlement where the same shall have been paid over to the said Company.

Application of such Money.

Times within which Payments are to be made.

III. Provided always, and be it further enacted, That all Money hereby directed to be paid over to the said United Company, and which shall be to be paid over in *London*, shall be paid within Six Calendar Months next after the passing of this Act; and all such Money which shall be to be paid over at any of the Settlements Abroad of the said United Company, shall be paid within Six Calendar Months next after the Governments at the said Settlements respectively shall have caused the Provisions of this Act, in that respect,

to be notified in the Way in which General Orders for the Army are usually published at the said Settlements respectively.

Agents and other Persons to deliver upon Oath Accounts of unclaimed Shares.

IV. And be it further enacted, That all and every Person and Persons whomsoever, who are required by this Act to pay over any Money to the said United Company, shall and they are hereby required, without further Requisition or Notice, to deliver or cause to be delivered to the Secretary of the said United Company in *London*, or to the several Secretaries of the respective Governments at the Settlements Abroad where such Money shall be to be paid over to the said United Company respectively, a true and correct Account of all the Monies remaining in his or their Hands, and so to be paid over, with a List or Lists of the Names, Rank, Regiment, or other sufficient Description of the Persons entitled thereto, which Account and Lists shall be verified by the Affidavit on Oath of the Party or One of the Parties required to deliver the same, such Oath to be taken before any Magistrate or other Person authorized by any Court of Law or Equity to administer Oaths, and which Oath such Magistrate or other Person is hereby required to administer accordingly.

The Court of Directors and Governments Abroad empowered to call for general Prize Accounts on Oath.

V. And be it further enacted, That upon the reasonable Request and Notice of the Court of Directors of the said United Company, and the Governments of the Settlements of the said Company Abroad respectively, all and every Person and Persons whomsoever who are required by this Act to pay over any Money to the said United Company, shall make out and deliver or cause to be made out and delivered to the Secretaries of the said Court of Directors and of the said Governments respectively requiring the same, full, true, and particular Accounts in Writing of all the Receipts, Payments, Dealings, and Transactions of such Person and Persons; and if they shall be Executors, Administrators, Agents, or Representatives, then full, true, and particular Accounts in Writing of their several Testators, Intestates, and Principals, any way relating to any Booty, Prize Money, or other Matter in respect of which such Money so to be paid over shall have arisen, with the Dates of all and every such Receipts, Payments, Dealings, and Transactions, and true and correct Lists and Descriptions of all Grants, Deeds, Writings, Books of Account, Letters, and Papers whatsoever, in the Custody or Power, or whichever shall have been in the Custody or Power of the Persons respectively required to make out and deliver the same, or of their respective Testators, Intestates, or Principals, any way relating to any such Booty, Prize Money, or other Matter; which Accounts and Lists shall be verified by Affidavit on Oath, to the best of the Knowledge, Information, and Belief of the Person or Persons required to make out and deliver the same, such Oath to be taken before any Magistrate or other Person authorized by any Court of Law or Equity to administer Oaths, and which Oath such Magistrate or other Person is hereby required to administer accordingly; and all the Grants, Deeds, Writings, Books of Account, Letters, and Papers relating to the Matters aforesaid, and in the Custody or Power of the Person or Persons required to pay over any such Money as aforesaid, shall be produced and shewn at all reasonable Times at the Place or Places where such Grants, Deeds, Writings, Books of Account, Letters, and Papers, shall be usually kept

kept and deposited, or in some other reasonable and convenient Manner, to such Person and Persons as the said Court of Directors or the said Governments respectively shall direct or authorize to inspect the same; and such Person and Persons shall have full Liberty to inspect, and take and cause to be taken such Copies, Extracts, and Abstracts thereof, as he or they, or the said Court of Directors, or the said Governments respectively, shall see fit: Provided always, that this Act, or any thing herein contained, or the Production, Inspection, or Examination of the Accounts, Books, and Papers before mentioned, shall not in any way be deemed or construed to extend to open any Account which shall have been conclusively closed and settled by the Order, Judgment, Sentence, or Decree of any Court of competent Jurisdiction, or in any other Manner by which the Parties interested therein would have been concluded if this Act had not been passed, nor to prevent any Court of competent Jurisdiction to order any such Account to be opened, or to give Liberty for Surcharge or Falsification thereof, upon just Cause and Ground shewn for that Purpose.

Not to require Accounts which have been legally closed.

Persons taking false Oaths guilty of Perjury, and Persons suborning liable to the Penalties of Perjury according to the Law of England.

VI. And be it further enacted, That if any Person or Persons whosoever shall be convicted of making a false Oath touching any of the Matters directed or required by this Act to be testified on Oath, such Person or Persons so convicted as aforesaid shall be deemed guilty of Perjury, and shall be liable to the Pains and Penalties to which Persons guilty of Perjury are liable by any Law in force in that Part of the United Kingdom called *England*; and if any Person shall corruptly procure or suborn any other Person or Persons to swear falsely in any such Oath, such Person being duly convicted of such procuring and suborning, shall for every such Offence incur and suffer such Penalties, Forfeitures, Pains, and Disabilities, as Persons convicted of Perjury are respectively liable unto by any Law in force in the said Part of the said United Kingdom called *England*.

Power of Recovery of Monies directed to be paid over.

Courts of Justice invested with the same Powers as they now have with respect to Greenwich and Chelsea Hospitals.

VII. And be it further enacted, That the said United Company shall have and be entitled to the same Rights, Powers, Remedies, and Methods of Suit at Law or in Equity, or by any Admiralty Process, to be commenced and prosecuted in the Name of the said United Company in the several Courts of Justice in the United Kingdom and in the *East Indies*, and elsewhere soever, for Discovery and Recovery of the Monies hereby directed to be paid over to the said Company, as the original Owners thereof now have or are entitled to use or exercise; and all Courts of Law and Equity, and of Admiralty Jurisdiction, in the United Kingdom and in the *East Indies*, shall have and exercise the same Jurisdiction, Powers, and Authorities, for compelling all and every Person and Persons to account for and pay over the Monies hereby directed to be paid over to the said United Company, as any Court of Law or Equity, or of Admiralty Jurisdiction, may now lawfully exercise with respect to any unclaimed Balances payable to the Treasurers of *Greenwich* Hospital and *Chelsea* Hospital respectively, by virtue of any Act or Acts of Parliament, or any Law, Usage, or Custom whatsoever; and that it shall and may be lawful to and for the Court of Directors of

the said United Company, and the several Governments of the Settlements Abroad of the said United Company, to exercise the same or the like Powers and Authorities for the Recovery of the Monies hereby directed to be paid over to the said United Company, as may now be exercised by virtue of any Act or Acts of Parliament now in force relating to Prize Money by the Treasurers of *Greenwich* Hospital and *Chelsea* Hospital respectively, so far as such Powers and Authorities extend to the Recovery by them, and the Discovery of unclaimed Shares of Prize Money due and belonging to any Officers, Soldiers, or Seamen in the Service of His Majesty, and shall be applicable to the Objects of this Act.

Court of Directors, &c. to exercise similar Authority to what may be exercised by the Treasurers of Greenwich and Chelsea Hospitals.

VIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to affect the Royal Hospital for Soldiers at *Chelsea*, nor the Royal Hospital for Seamen at *Greenwich*, nor to take away, repeal, or diminish any Claim, Right, or Interest which by virtue of any Law or Laws now in force have been given or are now existing, or may hereafter by virtue of the said Acts become vested in the said Royal Hospitals or in the Treasurers thereof, for the Recovery of any unclaimed and forfeited Shares of Prize Money for the Benefit of the said Institutions or for the Benefit of the Person or Persons entitled to any unclaimed and forfeited Shares of Prize Money, but the same shall continue and remain in the said Commissioners and in the said Treasurers as if this Act had not been made.

Not to affect the Interests of Chelsea or Greenwich Hospitals.

IX. And be it further enacted, That all and every Person and Persons, who shall pay over to the said Company, or to any other Person or Persons, by their Order or for their Use, any Sum or Sums of Money under the Provisions of this Act, shall, from and after such Payment, be absolutely acquitted and discharged from all Claims and Demands whatsoever of all and every other Person and Persons to the same Monies which shall be so paid over.

Acquitting Persons paying over Prize Money.

X. And be it further enacted, That all unclaimed Shares of Booty, Prize Money, Head Money, Bounty Money, and Salvage Money, and of Money arisen from or distributable in respect of any Capture or other warlike Service whatsoever, belonging to Officers and Soldiers in the Service of the said Company, and to Commanders, Officers, Sailors, and other Persons serving on board such Ships as aforesaid, in the Service of the said United Company, and which now remain in the Hands of the said United Company, or in any of their Treasuries Abroad, shall forthwith be carried over by Order of the Court of Directors of the said Company, to the Credit of the said respective Funds, called "Lord *Clive*'s Fund," and "*Poplar* Hospital;" to be applied to and for the Purposes and Objects of the said Funds respectively, in like Manner as the Monies herein-before directed to be paid to them are to be applied; and in case at any Time the Person or Persons originally entitled to the same, or their Representatives, shall establish their Claims thereto to the Satisfaction of the said Court of Directors, or of the Governor and Council of the Settlement where the same Money shall now remain, then the said Court of Directors shall cause the said Money to be refunded accordingly,

Application of Prize Monies remaining in the Hands of the East India Company.

and the same shall be brought back from the Fund to which it shall have been carried, as herein-before is mentioned.

Expences of carrying this Act into Execution to be defrayed out of the Monies recovered.

XI. And be it further enacted, That all Expences incurred or to be incurred in executing this Act, and the Sums paid in remunerating the Officers or Persons employed on Behalf of the said United Company, for their Care, Pains, and Trouble in performing the Regulations and Directions thereof, shall, so far as the same relate to those Officers or Persons, be subject to the Discretion of the Court of Directors for managing the Affairs of the said Company, and shall be paid out of the Principal Monies to be recovered and discovered as aforesaid, on account of such Shares respectively: Provided nevertheless, that no Person employed by the said United Company in executing the Regulations of this Act, shall act as an Agent for Prizes, or be concerned directly or indirectly in the Business thereof, under the Penalty of Five hundred Pounds.

Persons employed by the Company not to act as Agents.

Penalty 500l.

Not to prevent Persons trying Rights to Prize Money.

XII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from resorting to any Remedy at Law or in Equity, against the said Company, for the Recovery of the Principal, without Interest, of any Money to which he, she, or they may be entitled, and which shall have been paid to the said United Company, or which shall have been carried over by the said Company to the Credit of either of the Funds herein-before mentioned, under the Directions of this Act; provided such Person or Persons shall have preferred his or their Claim thereto to the said Court of Directors, if such Money shall have been paid over to the said Company in *England*, or shall have been carried over from their Funds at Home, or to the Governor in Council of the Presidency where the same shall have been paid or carried over, if paid over to the said Company, or carried over from their Funds in *India*, within Six Years after the same shall have been so paid or carried over; any thing herein contained to the contrary notwithstanding.

Public Act.

XIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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