ANNO QUINTO

GEORGII IV. REGIS.

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C A P. CVII.

An Act to prevent the illegal pawning of Clothes and Stores belonging to *Chelsea* Hospital; to give further Powers to the Treasurer and Deputy Treasurer of *Chelsea* and *Greenwich* Hospitals; to punish Persons fraudulently receiving Prize Money or Pensions; and to enable the Commissioners of *Chelsea* Hospital to hold Lands purchased under the Will of Colonel *Drowly*. [24th *June* 1824.]

WHEREAS several of the Pensioners of the Royal Hospital for Soldiers at *Chelsea*, and other Persons, have at various Times pawned or illegally disposed of Clothes, Linen, Stores, and other Goods delivered to them to wear or use, and it is expedient to prevent the unlawful pawning and disposing of the like Goods in future; 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 the Commissioners of the said Royal Hospital, and their Successors, shall and may and they are hereby authorized and empowered to cause the Clothes, Linen, Stores, and other Articles belonging to the said Hospital capable of being marked, to be from Time to Time marked, stamped, or branded with the Words "Chelsea Hospital;" and if any Pensioner or other Person or Persons shall pawn, sell, or illegally dispose

Clothes and other Articles to be marked 'Chelsea Hospital.'

Penalty on Persons pawning or

receiving in pawn such Articles, or defacing the Marks, 10*l.*

of, or if any Pawnbroker or other Person or Persons shall take in pawn, buy, exchange, or receive any Clothes, Linen, or other Goods marked, stamped, or branded as aforesaid, upon any Account or Pretence whatever (such Mark, Stamp, or Brand thereon to be considered and taken as sufficient Evidence, without further Proof, that the Articles so marked, stamped, or branded, are the Property of the said Commissioners), or if any Pensioner or other Person or Persons shall cause such Mark or Stamp, Marks or Stamps, to be taken out, obliterated, or defaced from any of the Articles belonging to the said Royal Hospital, the Person or Persons so offending shall forfeit for every such Offence the Sum of Ten Pounds, upon Conviction thereof by the Oath of One or more credible Witness or Witnesses before any One or more of His Majesty's Justices of the Peace of the County wherein the said Offence or Offences shall be committed; which Penalty shall be levied by Warrant under the Hand and Seal or Hands and Seals of the said Justice or Justices of the Peace by Distress and Sale of the Goods and Chattels of the said Offender or Offenders; One Moiety of which said Penalty or Penalties shall be paid to the Informer or Informers, and the other Moiety shall go and be paid to the Use of the said Hospital; and in case any Offender who shall be convicted as aforesaid of having pawned, sold, or illegally disposed of, or bought, exchanged, received, or taken in pawn any such Clothes, Linen, or other Goods as aforesaid, or of having caused such Mark or Stamp, Marks or Stamps as aforesaid, to be taken out or defaced, shall not have (or shall at the Time of Conviction declare that he or she has not) sufficient Goods and Chattels whereon Distress may be made to the Value of the said Penalty or Penalties recovered against him or her for such Offence or Offences; or in case it shall be considered by the Justice or Justices before whom such Offender shall be convicted, that the Offender so convicted is likely to abscond before the said Penalty or Penalties can be levied by Distress, then and in every such Case such Justice or Justices of the Peace shall and may, by Warrant under his or their Hand and Seal or Hands and Seals, commit the Offender to the Common Gaol of the County where such Offence or Offences shall be committed, there to remain without Bail or Mainprize for the Space of Three Calendar Months, or until the said Penalty or Penalties shall be paid.

How such Penalty shall be levied and applied.

Actions to be brought in the Name of the Treasurer of the Royal Hospital of Chelsea.

II. And be it further enacted, That all Actions and Suits to be brought or commenced by or on behalf of the Commissioners of the said Royal Hospital for Soldiers at *Chelsea*, shall be brought, commenced, and prosecuted in the Name of the Treasurer or Deputy Treasurer of the said Royal Hospital for the Time being; and upon the Trial or Hearing of any such Action or Suit, it shall not be necessary to produce the Commission appointing the Commissioners of the said Royal Hospital, nor the Warrant or Authority appointing the said Treasurer or Deputy Treasurer to their respective Offices, but the general acting of the said Treasurer or Deputy Treasurer in their said respective Offices of Treasurer or Deputy Treasurer shall be deemed sufficient Proof of the due Appointment of them respectively to their said respective Offices; and in all Indictments, Informations, and other Proceedings against any Person or Persons

for feloniously stealing, or taking away, or pawning, or unlawfully disposing of, or buying, exchanging, receiving or taking in pawn any of the Goods or Property belonging to the said Royal Hospital or the Commissioners of the same, it shall be sufficient to charge the same as being the Property of the Commissioners of the Royal Hospital for Soldiers at *Chelsea*.

Treasurer or his Deputy empowered to prove Debts due to the Hospital in Cases of Commissions of Bankrupt or of Insolvency.

III. And whereas divers Questions and Doubts have arisen as to the Right of the Treasurer or Deputy Treasurer for the Time being of the said Royal Hospital for Soldiers at *Chelsea*, to come in and prove Debts, and receive Dividends, and otherwise to act as a Creditor against the Estate and Effects of any Bankrupt or Bankrupts, under any Commission or Commissions of Bankrupt, or against the Estate or Effects of any Insolvent Debtor or Insolvent Debtors taking the Benefit of the several Acts for the Relief of Insolvent Debtors, upon the Amount or for or in respect of any Prize, Grant, Bounty, or other Monies belonging to or given or appropriated to the said Hospital, or to the Army generally, or to any Divisions, Battalions, Regiments, or Individuals of the Army, under the several Acts of Parliament for the Appropriation and Distribution of such Prize, Bounty, Grant, or other Monies respectively: And whereas it is expedient to put an End to all such Questions and Doubts, but without Prejudice to any Questions now depending in any Petition or Petitions in any Matters or Matter of Bankruptcy, or any Questions which may arise out of or in consequence of such Petition or Petitions, be it therefore enacted, That it shall and may from Time to Time and at all Times hereafter be lawful to and for the said Treasurer or Deputy Treasurer for the Time being of the aforesaid Hospital or either of them, by themselves or himself, or by their or either of their Deputy or Deputies, to be by them or either of them for such Purposes or any of them nominated or appointed by any Deed or Writing, Deeds or Writings, under their or either of their Hands or Hand, for and on behalf and in the Name of the said Treasurer or Deputy Treasurer for the Time being, or either of them, or for and on behalf and in the Name or Names of the Commissioners for the Time being of the said Hospital, or any of them, to appear before the major Part of the Commissioners named or to be named in any Commission or Commissions of Bankrupt, in any public or private Meetings of such Commissioners under any such Commission or Commissions of Bankrupt, and to prove the Amount of all Prize or Bounty Money, Grant, or Monies, or Balances of Prize or Bounty Money, Grant or Monies, or other Allowances of Money in the Nature thereof, in the Hands, Custody, or Power of or unpaid by such Bankrupt or Bankrupts respectively, at the Date and issuing of every such Commission of Bankrupt, either as original Agent or Agents, or as substituted Agent or Agents, or under or by virtue of any Order or Orders of the Person or Persons entitled to the same, or otherwise howsoever, in or to which the said Hospital or the Army generally, or any Division or Divisions, Battalion or Battalions, Regiment or Regiments, Individual or Individuals of the Army shall be interested or entitled under the several Acts of Parliament already enacted and now in force, or at any Time or Times hereafter to be enacted

enacted or become in force) for the Appropriation and Distribution of Prize, Bounty, Grant, or other Monies as aforesaid, or any Part thereof respectively, or otherwise howsoever, and whether such Prize or Bounty Monies, Grant, or Balances of Prize or Bounty Monies, or other Monies in the Nature thereof, or any Part thereof, shall or shall not have been notified for Distribution, or shall or shall not be payable to the said Treasurer or Deputy Treasurer of the said Hospital, or such Person or Persons as either of them shall appoint or depute to receive the same, previously to the Date and issuing of such Commission or Commissions of Bankrupt; or whether the same or any Part thereof shall or shall not then be actually liable to Distribution under the said Acts or any of them as a Debt due from such Bankrupt or Bankrupts to the said Treasurer or Deputy Treasurer, or to the Commissioners of the said Hospital, or any of them; and to make every such Proof and Proofs of Debt upon the Oath or Affirmation, as the Case may require, of such Treasurer or Deputy Treasurer of the said Hospital for the Time being, or of any Clerk or Clerks, or other Officer or Officers of the said Hospital, conversant or acquainted with the Books and Affairs of the said Hospital, who shall swear or affirm as to the Amount of such Prize, Bounty, Grant, or other Monies, or Balances of Prize, Bounty, Grant, or other Monies, of which such Proof shall be so tendered, to the best of his or their Knowledge and Belief, after an Examination of the Books of the said Hospital relating thereto, or by a Production of the Books of the said Hospital, or the Production of the Certificate of the Examiner of Prize Accounts, or by a Production and Examination of the Book or Books of such Bankrupt or Bankrupts, or the personal Examination on Oath of such Bankrupt or Bankrupts respectively, under such Commission or Commissions of Bankrupt; and which Production and Examination of the Bankrupt's Books and Accounts, and of such Bankrupt or Bankrupts themselves, the said Treasurer or Deputy Treasurer, or such other Person or Persons as they or either of them shall so appoint as aforesaid, are hereby authorized and empowered to require, or in Default of such Evidence, then by such other Evidence as to the said Commissioners named and authorized in every such Commission of Bankrupt, under which such Proof shall be tendered, or the major Part of them, shall under the Circumstances seem reasonable, the making of every such Proof, nevertheless, to be liable to such Opposition, and every such Proof, when made, liable to be expunged in the same Way and upon the same Evidence as any other Proof or Proofs of Debt by any other Person or Persons claiming to prove or having proved under such Commission or Commissions of Bankrupt respectively; and also to receive and take, and to give good and effectual Discharges for all and every Dividend and Dividends payable or to become payable by or out of the Estate and Effects of such Bankrupt or Bankrupts, or any Part thereof, upon the Amount of any and every such Proof of Debt under such Commission or Commissions; and also to vote in the Choice of any Assignee or Assignees of the Estate and Effects of any and every such Bankrupt and Bankrupts for the whole Sum proved; and also to assent to or dissent from the signing and allowing the Certificate or Certificates of every such Bankrupt and Bankrupts; and further

and to give Discharges; to vote for Assignees; and to assent to the allowing of Certificates;

further to have, use, and exercise all and every other Rights, Authorities, and Powers whatsoever, in respect of the Estate and Effects of any and every such Bankrupt or Bankrupts, or the Sale or Disposition thereof, and otherwise to act therein, or in any Matter relating thereto, in the same Manner and to the same Extent as any other Creditor or Creditors of such Bankrupt or Bankrupts, proving a Debt to a like Amount under such Commission or Commissions of Bankrupt respectively might or could do or use or exercise; and also to come in and receive and give a legal and effectual Discharge or legal and effectual Discharges for any Sum or Sums of Money as or in the Nature of a Dividend or Dividends payable or to become payable by or out of the Estate and Effects of any Insolvent Debtor or Insolvent Debtors, who, at the Time of his or their presenting any Petition or Petitions for his or their Discharge or Discharges from Prison under the several Acts of Parliament now in force for the Relief of Insolvent Debtors, or hereafter to come in force and be enacted, or any of them, shall have any such Prize, Bounty, Grant, or other Money or Monies, or Balances of Prize, Bounty, Grant, or other Money or Monies, in his or their respective Hands, in or to which the said Hospital, or the Army generally, or any Division or Divisions, Battalion or Battalions, Regiment or Regiments, Individual or Individuals of the Army, shall be so interested or entitled as aforesaid, and whether the same shall or shall not have then been previously notified for Distribution, and shall or shall not then be payable over to the said Treasurer or Deputy Treasurer of the said Hospital, or such Person or Persons as either of them shall appoint or depute to receive the same, upon and for the Amounts of all such Prize, Bounty, or other Money or Monies, or Balances of Prize, Bounty, Grant, or other Money or Monies respectively, which, at the Time or respective Times of such Insolvent Debtor or Insolvent Debtors respectively presenting his or their aforesaid Petition or Petitions of Discharge shall be in his or their respective Hands, Custody, or Power; and also to appear upon and oppose, or consent to any such Petition or Petitions of Discharge, and in all other respects to have and exercise and use all and every Rights, Powers, and Authorities in respect of the Estate and Effects of such Insolvent Debtor or Insolvent Debtors, and the Sale, Disposition, and Distribution thereof, and to do and act in all other Matters in anywise relating thereto, in the same Manner and to the same Extent as any other Creditor or Creditors of such Insolvent Debtor or Debtors for a like Amount would have or be entitled to, or might or could use or exercise in respect of such Estate and Effects, or the Sale or Disposition thereof, or otherwise relating thereto.

Treasurer also to act in behalf of the Hospital in Cases of Insolvency.

IV. And be it further enacted, That all and every the Powers, Rights, and Authorities by this Act given or directed or allowed to be used by the Treasurer or Deputy Treasurer of *Chelsea* Hospital, with respect to Army Prize Money in Cases of Bankruptcy or Insolvency, shall and may be used, exercised, and employed by the Treasurer or Deputy Treasurer of *Greenwich* Hospital with respect to all Naval Prize Money, Grants, Percentage, or other Allowances of Money or Shares

Powers given to Treasurer, &c. of Chelsea Hospital extended to the Treasurer and Deputy of Greenwich Hospital.

Shares thereof, due or payable or given to the Commissioners and Governors of *Greenwich* Hospital, or due or payable or given to His Majesty's Navy or Marines, or the Individual Officers or Privates thereof, or other Persons entitled to share therein, or in which the said Royal Hospital at *Greenwich* or such Person or Persons as aforesaid have a beneficial Interest, in as full and ample a Manner as if the said Powers and Authorities were herein particularly repeated and specified: Provided that nothing herein-before contained shall in any Manner affect any Questions depending at the Time of passing this Act in any Matter or Matters in Bankruptcy, in any Petition or Petitions presented before the passing of this Act, or on any Questions which may arise out of or in consequence of such Petition or Petitions; but all Matters so depending in such Petition or Petitions, or so arising, shall be decided and determined as if this Act had not passed.

Punishment of personating Persons entitled to Prize Money or Pensions changed to Transportation, &c.

V. And whereas it is expedient that the Crimes of personating and falsely assuming the Name and Character of any Person entitled to Prize Money or Pension, for the Purpose of fraudulently receiving the same, should no longer be punished with Death; be it further enacted, That from and after the passing of this Act, whosoever shall willingly and knowingly personate or falsely assume the Name or Character of any Officer, Soldier, Seaman, Marine, or other Person entitled or supposed to be entitled to any Wages, Pay, Pension, Prize Money, or other Allowance of Money for Service done in His Majesty's Army or Navy, or shall personate or falsely assume the Name or Character of the Executor or Administrator, Wife, Relation, or Creditor of any such Officer or Soldier, Seaman, Marine, or other Person, in order fraudulently to receive any Wages, Pay, Pension, Prize Money, or other Allowances of Money due or supposed to be due for or on account of the Services of any such Officer or Soldier, Seaman or Marine, or other Person, every such Person being thereof convicted, shall be liable, at the Discretion of the Court, to be transported beyond Seas for Life, or for any Term of Years not less than Seven, or to be imprisoned only, or imprisoned and kept to hard Labour in the Common Gaol or House of Correction for any Time not exceeding Seven Years.

58 G. 3. c. 73.

VI. And whereas by an Act passed in the Fifty-eighth Year of the Reign of His late Majesty, intituled *An Act for regulating the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in the Service, and the Receipt of such Sums due to Soldiers*; it is enacted, that no Person not being an Agent of some Regiment, Battalion, or Corps of His Majesty's Army, or of the Militia, shall receive for any Non-commissioned Officer or Soldier, or for any Representative or Representatives of, for any Non-commissioned Officer or Soldier, any Pay or Arrear of Pay, or any Effects or Proceeds of any Effects of any deceased Non-commissioned Officer or Soldier dying while in His Majesty's Service, unless such Person shall be entitled to receive such Pay or Effects or Proceeds, or any Part thereof, as a Devisee or next of Kin, or Executor or Administrator of such Non-commissioned Officer or Soldier: And it is by the said Act further enacted, that it shall not be lawful for any Agent

or Agents appointed for the Distribution of Army Prize or Bounty Money, Grant or other Allowances of Money in the Nature thereof, or for the Treasurers of *Chelsea* Hospital, to pay the Share of any Non-commissioned Officer or Soldier to any Person or Persons whatsoever, other than the Non-commissioned Officer or Soldier entitled to the same, or to the next of Kin, or Executor or Administrator of such Non-commissioned Officer or Soldier, or to the Agent of any Regiment, Battalion, or Corps of His Majesty's Army or Militia, duly authorized by the Party entitled thereto to receive the same: And whereas it is expedient that the Commissioners of the said Royal Hospital shall have Power, under special Circumstances, to authorize the Treasurer and Deputy Treasurer of the said Royal Hospital to pay Shares and Balances upon Prize Orders to Persons not coming within the Description of Agents as in the said Act mentioned; be it therefore enacted, That in all Cases in which Non-commissioned Officers or Soldiers shall previously to the passing of this Act have made their Prize Orders in favour of other Persons than Regimental Agents, either from the Circumstance of there having been no Agent for the Regiment, Battalion, or Corps to which such Non-commissioned Officers and Soldiers belonged or were attached, at the Date or making of such Prize Orders respectively, or from any other Causes which shall seem reasonable and sufficient to the Commissioners of *Chelsea* Hospital, and in all Cases in which Non-commissioned Officers or Soldiers shall hereafter make their Prize Orders in favour of other Persons than Regimental Agents, from the Circumstance of there being no Agent appointed for the Regiment, Battalion, or Corps to which such Non-commissioned Officers and Soldiers respectively belong or are attached at the Time of making their Prize Orders, it shall be lawful for the Commissioners of the Royal Hospital at *Chelsea*, and they are hereby authorized and empowered to direct Payment to be made upon such Orders by the Treasurer or Deputy Treasurer of the said Royal Hospital to the Persons named as the Payee therein, or to the legal Representative of such Payee, any thing in the said Act of the Fifty-eighth Year of His late Majesty contained in anywise notwithstanding.

Commissioners of Chelsea Hospital may order Payment of Prize Orders made in favour of other Persons than Regimental Agents.

VII. And whereas Colonel *John Drowly*, by his Will, gave all his residuary Estate, after Payment of certain Legacies, to be equally divided between the Royal Hospitals at *Chelsea* and *Greenwich*, to be paid to the Treasurers of the said Royal Hospitals, to be applied for the Use and Benefit of the Pensioners of the said respective Hospitals in such Manner as the Governors and Directors should order and direct: And whereas the Commissioners of the Royal Hospital at *Chelsea* have contracted for the Purchase of a Piece of Land adjoining the said Hospital, being Part of the *Ranelagh* Estate, for the Use and Benefit of the Pensioners of the said Royal Hospital; be it further enacted, That any Sum not exceeding Ten thousand Pounds, Part of the residuary Estate of the said Colonel *John Drowly*, shall and may be applied in the Purchase of and Payment for the Piece of Land so contracted for by the said Commissioners; and the said Piece of Land shall and may be conveyed to and for ever thereafter be held by the Commis-

Commissioners of Chelsea Hospital may lay out 10,000*l.* Part of the Estate of Colonel Drowly, in the Purchase of a Piece of Land adjoining the Hospital.

Commissioners of the said Royal Hospital of *Chelsea* for the Time being, and their Successors, or conveyed to a Trustee or Trustees on behalf of the said Commissioners for the Time being of the said Royal Hospital, for the Use and Benefit of the said Royal Hospital.

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