ANNO SEXTO

# GEORGII IV. REGIS.

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## C A P. LXI.

**An Act to amend Two Acts; of the Fifty-eighth Year of His late Majesty, for regulating the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in Service, and the Receipt of Sums due to Soldiers; and of the Fourth Year of His present Majesty, for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company.** [22d *June* 1825.]

WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating the Payment of Regimental* 58 G.3. c.73.
*Debts, and the Distribution of the Effects of Officers and Soldiers dying in Service, and the Receipt of Sums due to Soldiers:* And whereas by an Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to consolidate and amend the Laws for punish-* 4 G. 4. c. 81.
*ing Mutiny and Desertion of Officers and Soldiers in the Service of the* East India *Company, and to authorize Soldiers and Sailors in the* East Indies *to send and receive Letters at a reduced Rate of Postage,* and by certain Articles of War made in pursuance thereof, Provision is made for the Care and Application of the Effects and Credits of deceased Officers and Soldiers in the said Company's Service: And

whereas the Transmission to Regimental Agents or other Persons of the Effects or Proceeds of Effects of Officers and Soldiers dying in His Majesty's Service, or in the Service of the said Company, has been found highly beneficial in securing an early Distribution of such Effects among the Relations of such Officers and Soldiers at small Expence, and many Sums are thereby saved to the Relations of Soldiers, which would otherwise be, from their small Amount, wholly lost; and it is therefore expedient to render the Provisions of the said recited Acts, relating to such Matters, more effectual: 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 it shall be lawful for all Officers and Persons who may be employed or required by or under the Authority of any Articles of War in force for the Time being, either for the Officers or Soldiers in the Service of His Majesty, or for the *European* Officers or Soldiers in the Service of the said Company, to take care of or collect, or superintend and direct the Collection of the Effects of Officers or Soldiers dying in Service out of the United Kingdom, to ask, demand, and receive any such Effects, and to commence, prosecute, and carry on any Actions or Suits for the Recovery thereof, without taking out any Letters of Administration, either with any Will annexed or otherwise, in like Manner in every Respect as if such Officers or Persons had been appointed Executors, or had taken out Letters of Administration of such Effects; and no Registrar of any Court in the *East Indies*, or elsewhere in any Colonies or Possessions of His Majesty abroad, shall in any Manner interpose in relation to any such Effects, unless required or authorized so to do by any such Officers or Persons under the Provisions of this Act; any Act or Acts of Parliament, Law, Statute, or Usage to the contrary notwithstanding.

Officers and others, authorized under the Articles of War to take care of the Effects of Officers and Soldiers, empowered to collect and receive the same without taking out Letters of Administration, &c.

II. And be it further enacted, That such Effects or Proceeds of Effects, when remitted to any Regimental Agent or other Person, under any Order or Regulation of the Secretary at War in that Behalf, or of the Military Secretary to the Government of any of the said Company's Presidencies respectively, shall not, by reason of coming into the Hands of such Agent or Person, be deemed or taken to be Assets or Effects within the Province in which such Agent or Person shall reside, so as to render it necessary that Administration should be taken out in respect thereof in such Province, unless Administration of any other Effects of the Officer or Soldier to whom the Proceeds so remitted shall have belonged shall have been or shall be taken out in such Province; and it shall be lawful for the Secretary at War, in all Cases relating to the Effects of any Officer or Soldier in His Majesty's Service, and for the Military Secretary to the Government of the Presidency to which the deceased Officer or Soldier shall have belonged, in all Cases relating to the Effects of any *European* Officer or Soldier in the Service of the said Company, to order that any such Effects or Proceeds of any such Effects shall be remitted to any other Place where the same can be more conveniently paid over to the Person or Persons entitled thereto; and the Obedience to any such Orders by any Agent or Person to whose Hands any such Effects

Effects remitted to Agents, &c. not to be deemed Assets within the Province in which they reside, so as to render Administration necessary, &c.

Place of Remittance may be changed to suit the Persons entitled to the Effects.

shall come, shall be a sufficient Discharge to such Agent or Person; and no such Agent or Person shall be liable to any Action or Suit by reason of any such Effects or Proceeds of Effects having been in his Hands, and thereafter transmitted under the Order of the Secretary at War or Military Secretary respectively in that Behalf.

Surplus only, after Payment of Funeral Expences and Debts, &c., to be deemed the Personal Estate of the Deceased.

III. And be it further enacted, That it shall be lawful for the Secretary at War, in the Case of any Officer or Soldier in His Majesty's Service, and for the Military Secretary to the Government of the Presidency to which the deceased Officer or Soldier shall have belonged, in the Case of any *European* Officer or Soldier in the Service of the said Company, to order or direct the Payment of any Charges or Expences attending or relating to the Illness or Funeral of any such Officer or Soldier, out of any such Effects or Proceeds of Effects, or out of any Arrears of Pay or Half Pay, and that such Charges and Expences, together with all Regimental Debts and Military Payments which may be allowed under the Provisions of any Act or Acts of Parliament, or Articles of War made in pursuance thereof, shall be made out of such Effects or Proceeds of Effects, or Arrears of Pay or Half Pay, and the Surplus only, after such Payment, shall be deemed the Personal Estate of the Deceased.

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