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An Act for regulating the Appropriation of certain unclaimed Shares of Prize Money acquired by Soldiers or Seamen in the Service of the *East India* Company. [15th *July* 1828.]

WHEREAS by an Act made and passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to regulate the Appropriation of unclaimed Shares* 1 & 2 G. 4.
of Prize Money belonging to Soldiers or Seamen in the Service of the c. 61.
East India *Company,* Provisions are made for regulating the Appropriation of all such unclaimed Prize Money, belonging to Soldiers or Seamen in the Service of the United Company of Merchants of *England* trading to the *East Indies,* as had accrued at the Time of the passing of the said Act, and as was then remaining in the Hands of any Prize Agent or Agents, or any other Person or Persons whomsoever: And whereas it is expedient that Provision should be made for regulating the Appropriation of all Sums of Money belonging to Officers and Soldiers employed in the Service of the said United Company, and of all Sums of Money belonging to Commanders, Officers, and Crews of Ships hired by or belonging to the said United Company, which, since the passing of the said Act, have come into the Hands of any Prize Agent or Agents, or any other Person or Persons whomsoever, or which, since the passing of the said Act, have severally arisen from or have become distributable, or shall

hereafter arise from or become distributable, in respect of any Capture made, or other warlike Service already performed, and which shall hereafter come to the Hands of Prize Agents and other Persons; and that all unclaimed Shares of such Prize Money should be appropriated as herein-after 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 or to arise from or distributable, or hereafter to become distributable, in respect of any Capture made, or other warlike Service whatsoever already performed, belonging or to belong to Officers or Soldiers or to any Officer or Soldier in or having been in the Service of the said Company, in whatever Service the same may have accrued, which, since the passing of the said recited Act, has come into and is now remaining in the Hands or shall hereafter come into 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.

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

Application of the Money so paid over.

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 or to arise from or distributable, or hereafter to become distributable, in respect of any Capture made, or other warlike Service whatsoever already performed, belonging or to belong 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, which, since the passing of the said recited Act, has come into and is now remaining in the Hands or shall hereafter come into 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

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

Application of such Money.

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.

Nothing herein to give to the Company any Right to Prize Money of any Soldier or Sailor on account of Services in any of His Majesty's Forces or Ships.

III. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give to the said United Company, or any Person or Persons on the Behalf of the said Company, any Right, Title, or Interest in or to any Booty, Prize Money, Head Money, Bounty Money, Salvage Money, or to any forfeited or unclaimed Share or Shares thereof, which now is or are or hereafter shall be due or payable to any Officer, Soldier, Sailor, or other Person, on account of Services in His Majesty's Army, Royal Artillery, Black, Provincial, or other Troops in the Pay of His Majesty, or on board of any of His Majesty's Ships or Vessels, or in any other Service, to the forfeited and unclaimed Shares of which the Royal Hospital for Seamen at *Greenwich*, or the Royal Hospital for Soldiers at *Chelsea*, the respective Treasurers thereof, are entitled or shall become entitled by the Laws now in force, nor to give any Powers or Authorities to the said United Company over such last-mentioned Booty, Prize Money, Head Money, Bounty Money, or Salvage Money, or in respect thereof.

Times within which Payments to the Company are to be made.

IV. Provided also, and be it further enacted, That all Money now remaining in the Hands of any Prize Agent or Agents, or any other Person or Persons whomsoever, and which is 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 of 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; and that all Money which shall hereafter come into the Hands of any Prize Agent or Prize Agents, or any other Person or Persons whomsoever, and which is 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 Receipt thereof by such Prize Agent or Agents, or other Person or Persons; and that all such Money which shall be to be paid over at any of the Settlements Abroad of the said United Company, and which shall be in the Hands of such Prize Agent or Agents, or other Person or Persons, at the Time when 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, shall be paid over within Six Calendar Months

Months next after such Notification; and that all such Money which shall, after such Notification, come to the Hands of any Prize Agent or Agents, or other Person or Persons whomsoever, shall be paid within Six Calendar Months next after the Receipt thereof by such Prize Agent or Agents, or other Person or Persons.

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

V. 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 Accounts 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.

VI. 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 which ever 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 shown at all reasonable Times, at the Place or Places where such Grants, Deeds, Writings, Books of Account, Letters, and Papers shall be usually 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 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.

VII. 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*.

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

VIII. 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,

Power of Recovery of the 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.

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

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, and all and every Agent or Agents shall be subject to the like Penalties for Neglect or Default in not accounting for or paying over the Share or Shares, which by the said recited Act or by this Act is or are made payable to the said United Company, as Agents are made liable to by any Act or Acts now in force, for not accounting for or for not paying over Shares and Balances to the Treasurers of *Greenwich* and *Chelsea* Hospitals respectively.

Not to affect the Interests of Chelsea or Greenwich Hospitals.

IX. 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, diminish, or interfere with any Claim, Right, or Interest which by virtue of any Law or Laws now in force may 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, on any unclaimed and forfeited Shares of Prize Money, or for the Recovery thereof, 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.

Acquitting Persons paying over Prize Money.

X. 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 required to be paid 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.

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

Persons employed by the Company

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. Not to act as Agents.

XII. Provided also, 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 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. Not to prevent Persons trying Rights to Prize Money.

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. Public Act.

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