

binding and conclusive, as well to the said governor and company of merchants of *London* trading into the *East Indies*, as to the rest of the said members of the said *English* company, and shall be by them complied with, and submitted to accordingly.

XIII. Provided always, and it is hereby further enacted by the authority aforesaid, That from and after the making of the said award, and surrender of the charter of the said governor and company of merchants of *London* trading into the *East Indies*, in pursuance to the said indenture tripartite, then the persons who at the time of such surrender, shall in pursuance of the same indenture be the managers for the united trade of the *English* company trading to the *East Indies*, and none others, shall be the directors of the said *English* company, (which company shall then be called, *The united company of merchants of England trading to the East Indies*) until such time as new directors shall be chosen for the same, in pursuance of the said charter, bearing date the fifth day of *September*, in the tenth year of his said late Majesty's reign.

XIV. And be it further enacted by the authority aforesaid, That this present act, and the acts herein before recited, and all parts thereof, shall be construed, adjudged, and taken to be publick acts to all intents and purposes whatsoever.

#### C A P. XVIII.

*An act for the more effectual discovery of the death of persons pretended to be alive, to the prejudice of those who claim estates after their deaths.*

WHEREAS divers persons, as guardians and trustees for infants, and husbands in right of their wives, and other persons having estates or interests determinable upon a life or lives, have continued to receive their rents and profits of such lands after the determination of their said particular estates or interests: and whereas the proof of the death of the persons, on whose lives such particular estates or interests depended, is very difficult, and several persons have been, and may be thereby defrauded: for remedy whereof, and for preventing such fraudulent practices, be it enacted by the Queen'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 any person or persons who hath or shall have any claim or demand in or to any remainder, reversion, or expectancy, in or to any estate after the death of any person within age, married woman, or any other person whatsoever, upon affidavit made in the high court of *Chancery*, by the persons so claiming such estate, of his or her title, and that he or she hath cause to believe that such minor, married woman, or other person is dead, and that his or her death is concealed by such guardian, trustee, husband, or any other person, shall and may once a year, if the person aggrieved shall think fit, move the lord chancellor, keeper, or commissioners for the custody of the great seal of *Great Britain* for the time being, to order, and they are hereby authorized

Car. 2. c. 6.

Person claiming estate in remainder, &c. after death of minor, married woman, &c. on affidavit, &c. that he hath cause to believe such minor, &c. is dead, lord chancellor or keeper, cause such minor, &c. to be produced, &c.

Guardian, &c.  
refusing to  
produce such  
infant, &c.

Party so con-  
cealed to be  
taken to be  
dead, and  
claimant may  
enter on land,  
&c.

On affidavit,  
that minor,  
&c. is beyond  
sea, claimant  
may send over  
persons to  
view such  
minor, &c.

rized and required to order such guardian, trustee, husband, or other person, concealing or suspected to conceal such person, at such time and place as the said court shall direct, on personal or other due service of such order, to produce and shew to such person and persons, (not exceeding two) as shall in such order be named by the party or parties prosecuting such order, such minor, married woman, or other persons aforesaid; and if such guardian, trustee, husband, or such other person, as aforesaid, shall refuse or neglect to produce or shew such infant, married woman, or such other person, on whose life any such estate doth depend, according to the directions of the said order, That then the court of *Chancery* is hereby authorized and required to order such guardian, trustee, husband, or other person, to produce such minor, married woman, or other person concealed, in the said court of *Chancery*, or otherwise before commissioners to be appointed by the said court, at such time and place as the court shall direct, two of which commissioners shall be nominated by the party or parties prosecuting such order, at his, her, or their costs and charges; and in case such guardian, trustee, husband, or other person, shall refuse or neglect to produce such infant, married woman, or other person so concealed, in the court of *Chancery*, or before such commissioners, whereof return shall be made by such commissioners, and that return filed in the petty bag office, in either or any of the said cases, the said minor, married woman, or such other person so concealed, shall be taken to be dead, and it shall be lawful for any person claiming any right, title, or interest in remainder or reversion, or otherwise after the death of such infant, married woman, or such other persons so concealed, as aforesaid, to enter upon such lands, tenements, and hereditaments, as if such infant, married woman, or other person so concealed, were actually dead.

II. And be it further enacted by the authority aforesaid, That if it shall appear to the said court by affidavit, that such minor, married woman, or other person, for whose life such estate is holden, is, or lately was at some certain place beyond the seas in the said affidavit to be mentioned, it shall and may be lawful for the party or parties prosecuting such order, as aforesaid, at his, her, or their costs and charges, to send over one or both the said persons appointed by the said order, to view such minor, married woman, or other person, for whose life any such estate is holden; and in case such guardian, trustee, husband, or other person concealing or suspected to conceal such persons, as aforesaid, shall refuse or neglect to produce or procure to be produced to such person or persons, a personal view of such infant, married woman, or other person, for whose life any such estate is holden, That then and in such case such person or persons are hereby required to make a true return of such refusal or neglect to the court of *Chancery*, which return shall be filed in the petty bag office, and thereupon such minor, married woman, or other person, for whose life any such estate is holden, shall be taken to be dead; and it shall be lawful for any person claiming any

right, title, or interest, in remainder, reversion, or otherwise after the death of such infant, married woman, or other person, for whose life any such estate is holden, to enter upon such lands, tenements, and hereditaments, as if such infant, married woman, or other person, for whose life any such estate is holden, were actually dead.

III. Provided always, That if it shall afterwards appear upon proof, in any action to be brought, that such infant, married woman, or other person for whose life any such estate is holden, were alive at the time of such order made, That then it shall be lawful for such infant, married woman, guardian, or trustee, or other person having any estate or interest, determinable upon such life, to re-enter upon the said lands, tenements, or hereditaments, and for such infant, married woman, or other person, having any estate or interest determinable upon such life, their executors, administrators or assigns, to maintain an action against those who, since the said order, received the profits of such lands, tenements, or hereditaments, or their executors or administrators, and therein to recover full damages for the profits of the same received, from the time that such infant, married woman, or other person, having any estate or interest determinable upon such life, were ousted of the possession of such lands, tenements, or hereditaments.

IV. Provided always, That if any such guardian, trustee, husband, or other person or persons, holding or having any estate or interest determinable upon the life or lives of any other person or persons, shall by affidavit or otherwise, to the satisfaction of the said court of *Chancery*, make appear, That he, she, or they have used his, her, or their utmost endeavours to procure such infant, married woman, or other person or persons, on whose life or lives such estate or interest doth depend, to appear in the said court of *Chancery*, or elsewhere, according to the order of the said court in that behalf made, and that he, she, or they cannot procure or compel such infant, married woman or other person or persons so to appear, and that such infant, married woman, or other person or persons, on whose life or lives such estate or interest doth depend, is, are, or were living at the time of such return made and filed, as aforesaid, then it shall be lawful for such person or persons to continue in the possession of such estate, and receive the rents and profits thereof for and during the infancy of such infant, and the life or lives of such married woman, or other person or persons, on whose life or lives such estate or interest doth or shall depend, as fully as he, she, or they might have done if this act had not been made.

V. And be it further enacted by the authority aforesaid, That every person who, as guardian or trustee for any infant, and every husband seized in right of his wife only, and every other person having any estate determinable upon any life or lives, who after the determination of such particular estates or interests, without the express consent of him, her, or them, who

If infant, &c. alive, after order made, such infant, &c. may re-enter.

If guardian, &c. prove that he hath used his endeavours to procure such infant to appear, and that he was then living, &c.

Guardian to continue in possession, &c.

Guardian, &c. holding estates after determination of life of minor, adjudged trespassers.

are

Heirs, &c.  
may recover  
damages.

are or shall be next and immediately entitled upon and after the determination of such particular estates or interests, shall hold over and continue in possession of any manors, messuages, lands, tenements, or hereditaments, shall be and are hereby adjudged to be trespassers; and that every person and persons, his, her, and their executors and administrators, who are or shall be entitled to any such manors, messuages, lands, tenements, and hereditaments, upon or after the determination of such particular estates or interests, shall and may recover in damages against every such person or persons so holding over, as aforesaid, and against his, her, or their executors, or administrators, the full value of the profits received during such wrongful possession, as aforesaid.

#### CAP. XIX.

*An act for continuing the half subsidies therein mentioned, with several impositions and other duties, to raise money by way of loan, for the service of the war, and other her Majesty's necessary and important occasions, and for charging of prize goods and seizures, and for taking off the drawbacks of foreign cordage, and to obviate the clandestine importation of wrought silks.*

**M**OST gracious Sovereign, *We your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled, duly considering the necessity of making an ample and complete provision to enable your Majesty to carry on the present war, and to defray your other necessary expences, have for that end and purpose cheerfully and unanimously given and granted, and do by this act give and grant to your Majesty, the several and respective subsidies, impositions, and duties herein after particularly described, for and during the terms herein after expressed, that is to say, Whereas several subsidies of tonnage and poundage, and other duties and sums of money upon wines, goods, and other merchandizes, were given and granted unto his late majesty King Charles the Second, of blessed memory, for his life, by an act of parliament (made in the twelfth year of his reign, intituled, A subsidy granted to the King of tonnage and poundage, and other sums of money payable upon merchandizes exported and imported) and by the book of rates thereunto annexed, which subsidies of tonnage and poundage, and other duties and sums of monies upon wines, goods, and merchandizes, as well exported as imported, (with some alterations) were by several subsequent acts of parliament granted to continue until the first day of August, one thousand seven hundred and ten; and by an act of parliament made in the fifth year of your Majesty's reign, intituled, An act for continuing several subsidies, impositions, and duties, and for making provisions therein mentioned, to raise money by way of loan, for the service of the war, and other her Majesty's necessary and important occasions, and for ascertaining the wine measure, the said subsidies of tonnage and poundage, and other duties and sums of money last-mentioned, were enacted to continue and be payable to your Majesty,*

22 Car. 2. c. 4.

5 Annæ, c. 17.