

Penalty on person acting as a broker without admittance.

That if any person or persons from and after the determination of this present sessions of parliament, shall take upon him to act as a broker, or employ any other under him to act as such, within the said city and liberties, not being admitted as aforesaid, every such person so offending shall forfeit and pay to the use of the said mayor and commonalty and citizens of the said city, for every such offence, the sum of five and twenty pounds, to be recovered by action of debt, in the name of the chamberlain of the said city, in any of her Majesty's courts of record, in which no protection, essoin, or wager of law shall be allowed, or any more than one imparlance.

CAP. XVII.

An act for assuring to the English company trading to the East Indies, on account of the united stock, a longer time in the fund and trade therein mentioned, and for raising thereby the sum of twelve hundred thousand pounds for carrying on the war, and other her Majesty's occasions.

Preamble reciting the act for establishing the East India company.
9 & 10 W. 3.
c. 44.

I. **M**OST gracious sovereign, whereas in and by an act made in the ninth year of the reign of our late sovereign lord King William the Third (of glorious memory) intituled, An act for raising a sum not exceeding two millions, upon a fund for payment of annuities, after the rate of eight pounds per centum per annum, and for settling a trade to the East Indies, it is, amongst other things, enacted, That all the monies arising by the several duties upon salt and rock salt, and upon stamp vellum, parchment, and paper, in the said act mentioned, should be brought and paid into the receipt of the Exchequer yearly and every year, reckoning the first year to begin from the nine and twentieth day of September, one thousand six hundred ninety eight, and that one hundred and sixty thousand pounds per annum, of the monies to arise by the said several duties, and to be brought into the Exchequer by weekly or other payments, in case the same payments should extend thereunto, should be the whole and entire yearly fund, and in case the same weekly or other payments should not extend to one hundred and sixty thousand pounds per annum, then the said weekly monies or payments, so far as the same should extend, should be part of the yearly fund, for and towards the answering and paying of the annuities of eight pounds per centum per annum, to such persons or corporations as should subscribe and pay in their monies upon the terms of the said act: and it is thereby further enacted, That it should and might be lawful for his Majesty, by commission under the then great seal of England, to authorize and appoint any number of persons to take and receive all such voluntary subscriptions as should be made on or before the said nine and twentieth day of September, one thousand six hundred ninety eight, by or for any person or persons, natives or foreigners, bodies politic or corporate (the governor and company of the bank of England only excepted) of any sum of money whatsoever, not less than one hundred pounds, for and towards the raising and paying into the receipt of the Exchequer, the sum of two millions

of

of pounds sterling: and it was therein further enacted, That during the time thereby limited for taking the said subscriptions, it should and might be lawful to and for all and every person and persons, natives and foreigners, bodies politick and corporate, by or for themselves, or any of them, or in trust for any other person or persons, bodies politick or corporate, or any of them (except as aforesaid) freely to subscribe any sum of money not less than one hundred pounds, for or towards the said sum of two millions; and that all monies so to be subscribed should be answered and paid in such manner and form as in the said act is expressed: and it was thereby further enacted, ordained, and declared, That every person and body politick, who should subscribe as aforesaid, and be named or contained in such book or books as are therein mentioned, his, her, or their heirs, executors, administrators, successors, and assigns respectively, should have, receive, and enjoy for ever, out of the fund by the said act settled and provided, one annuity or certain yearly sum, for the whole sum by him, her, or them subscribed, according to the rate or proportion of eight pounds per centum per annum, in the manner thereby prescribed: and it is thereby further enacted, That it should and might be lawful to and for his said late Majesty, by letters patents under the then great seal of England, to incorporate all and every person and persons, natives and foreigners, bodies politick and corporate, who should subscribe, or for whom subscription should be taken, and upon whose subscriptions such payment should be made, as is therein expressed, and all and every person and persons, bodies politick and corporate, who as executors, administrators, successors, or assigns, or by any other lawful title, derived or to be derived from, by, or under the said original subscribers, at any time or times thereafter, should have or be entitled to any part, share, or interest of or in the said yearly fund, so long as they respectively should have any such part, share, or interest therein, to be one body politick and corporate, by the name of, The general society entitled to the advantages given by an act of parliament, for advancing a sum not exceeding two millions, for the service of the crown of England, with such succession, capacity, and powers as in the said act is mentioned, and in such charters or letters patents, such further rules, powers, and clauses for carrying on trade, and pursuing the ends and intent of the said act, were to be inserted, as should be lawfully and reasonably desired in that behalf: and it was thereby further enacted, That in case the said whole sum of two millions, or one moiety, or any greater part of the said sum of two millions should be subscribed, as aforesaid, on or before the said nine and twentieth day of September, one thousand six hundred ninety eight, that then, and from thenceforth, all and every the person and persons, natives and foreigners, bodies politick and corporate, by or for whom such subscriptions should be made, and all and every person and persons, bodies politick and corporate, who as executors, administrators, successors, or assigns, or by any other lawful title derived or to be derived from, by, or under the said original subscribers at any time or times thereafter, should have or be entitled to any part, share, or interest of and in the said yearly fund, and of and in a proportional part of the principal stock of

9 & 10 W. 3.
c. 44.

the said general society, so long as they respectively should continue to have any part, share, or interest therein, and all and every person and persons, who for any time should be licensed by such person or persons, bodies politick or corporate, to trade in the stead of them, should, or lawfully might for ever thereafter, by themselves severally, or by such factors, agents, or servants as they severally should think fit to entrust, freely traffick, and use the trade of merchandize into and from the East Indies, and parts or limits in the said act mentioned, in such manner, and by such proportions, and subject to such restrictions as in the said act are expressed: and it was further thereby enacted, That if the said whole sum of two millions, or one moiety, or any greater part thereof, should be subscribed on or before the said nine and twentieth day of September, one thousand six hundred ninety eight, and all or any corporations, or other person or persons, having particular shares or interest in the said principal stock of the said general society, or in proportionable annuities or yearly payments issuing out of the said yearly fund, should be willing and desirous to unite and join together such their several shares and interests, and to be incorporated, so as they might be able to manage their trade (in proportion to their interests) as a company, and by a joint stock, that then it should and might be lawful for his said late Majesty, by letters patents under the then great seal of England, to incorporate all such persons and corporations, by such proper names as he should think fit, to be one company, with power to manage and carry on their trade to the East Indies, and other the limits in the said act mentioned, by a joint stock, and to have perpetual succession, and a common seal; with power to grant and take, sue, and be sued, and to choose their own managers, directors and officers from time to time, and such other powers and clauses as should be necessary or requisite for the carrying on of such trade, and should be reasonable for his said late Majesty to grant, nevertheless with such restrictions as in the said act is mentioned; and the directors and managers, and other members of such company, were to be subject to such further rules, qualifications, and appointments, as his said late Majesty in such charter should think necessary or reasonable to be inserted: and in the said act there is contained a proviso or condition of redemption in such manner and form as therein, and hereafter in this present act are expressed: and it is also thereby enacted, That in case the duties arising or appropriated by the said act, should at any time or times appear to be so deficient in the produce of the same, as that within any one year, to be reckoned from the nine and twentieth day of September, which should be in the year of our Lord one thousand six hundred ninety and nine, the weekly payments upon the same duties should not amount to so much as should be sufficient to discharge and satisfy the several and respective benefits, yearly payments or advantages by the said act appointed or intended to be paid, within or for the same year respectively, in every such case, every such deficiency should be answered by or out of the next aids to be raised and granted by parliament in the manner therein mentioned: as by the said act of parliament, in which are contained divers other powers, provisos, authorities, privileges, and clauses, (relation being thereunto had) more fully and at large it doth

doth and may appear: and whereas in pursuance of the said act, his said late Majesty, by a commission under the then great seal of England, bearing date at Westminster the fourteenth day of July, in the tenth year of his reign, did authorize several persons therein named, to be commissioners, with power to take subscriptions for and towards the raising and paying the said sum of two millions, as by the said commission, relation being thereunto had, may more fully appear: and whereas it appeared by duplicates transmitted into the office of the auditor of the receipt of his said late Majesty's Exchequer, that several sums amounting in the whole to the said sum of two millions of pounds sterling, were subscribed pursuant to the said act: and whereas the said whole sum of two millions was entirely answered to his Majesty's use: and whereas by a charter under the great seal of England, bearing date at Westminster the third day of September, in the tenth year of his said late Majesty's reign, his Majesty created and established the said corporation, or body politick, called, The general society entitled to the advantages given by an act of parliament, for advancing a sum not exceeding two millions, for the service of the crown of England, with such powers, privileges, and benefits as are therein expressed; and whereas by letters patents under the great seal of England, bearing date at Westminster the fifth day of September, in the said tenth year of his said late Majesty's reign, reciting, That the subscribers towards the said sum of two millions therein particularly named and expressed, were willing and desirous to unite or join together their several shares or interests in the principal stock of the said general society, or in their proportionable annuities, or yearly payments issuing out of the said yearly funds, and to be incorporated so as they might be able to manage their trade in proportion to their interest, as a company and by a joint stock, his said late Majesty did grant, ordain, and establish, that the subscribers therein particularly named, and every of them, and all and every person and persons, bodies politick and corporate, who as executors, administrators, successors, or assigns, or by any other lawful title, derived or to be derived from, by or under the same subscribers, should have and be entitled to any part, share, or interest of or in the said yearly fund by the said act settled, as aforesaid, or of or in the proportionable annuities or yearly payments issuing out of the said yearly fund, so long as they respectively should have any such part, share, or interest therein, to be one body politick and corporate, by the name of The English company trading to the East Indies, with such benefit of trade, powers, privileges, and advantages, and subject to such restrictions, conditions, covenants, and agreements, as are therein expressed. And whereas by another act of parliament made in the eleventh year of his said late Majesty's reign, reciting, That John Dubois, of London, merchant, had, by direction of, and in trust for the corporation of the governor and company of merchants of London trading into the East Indies, subscribed and paid the sum of three hundred and fifteen thousand pounds, as part of the said sum of two millions, it was enacted, That the said governor and company of merchants of London trading into the East Indies, should remain, continue, and be one body corporate and politick by the

Charter dated
3 Sept. 10 W.

The general
society.
9 & 10 W. 3.
c. 44.

Charter 5 Sept.

English com-
pany trading
to the East In-
dies.

11 & 12 W. 3.
c. 4. a private
act.

name aforesaid, subject nevertheless to be determined upon redemption of the fund by the said act granted: and whereas by an indenture tripartite, bearing date the two and twentieth day of July, in the year of our Lord one thousand seven hundred and two, made between your Majesty of the first part, the governor and company of merchants of London trading into the East Indies of the second part; and the English company trading to the East Indies of the third part, it was (amongst other things) agreed, with your Majesty's approbation, that the said governor and company of merchants of London trading into the East Indies, should purchase from the members of the said English company so much of their capital stock as would make the property of the said governor and company of merchants of London trading into the East Indies equal to the property which would then remain to the other members of the said English company trading to the East Indies; and that the whole trade which might or should be carried on during the term of seven years, to be reckoned from the date of that indenture, to and from the East Indies, and other the parts within the limits aforesaid, for or in respect of their severall stocks and funds thereby agreed to be united, should be for the benefit and behoof of all the members of the said English company trading to the East Indies, proportionable to their shares in the capital or principal stock thereof; and that the said governor and company of merchants of London, trading into the East Indies, should have a right and power equal to the rest of the members of the said English company, in the direction, management, and carrying on of the said trade, during the said term of seven years; and that after the end or expiration of the said term of seven years, the whole trade to the East Indies, and other the parts within the limits aforesaid, for or in respect of their united stock and fund, should for ever (subject to the redemption of the said fund by parliament) be wholly managed and carried on by the said English company trading to the East Indies (by whatsoever name the same should then be called) according to the said charter of the fifth of September, in the said tenth year of his said late Majesty's reign, and not otherwise: and to that end and purpose, many covenants, conditions, and agreements were contained in the said indenture, as by the same, relation being thereunto had, may more fully appear: and whereas the united stock of the said governor and company of merchants of London trading into the East Indies, and of all the rest of the members of the said English company trading to the East Indies, in their own names, or in the names of others in trust for them, doth at this time amount to one million nine hundred ninety two thousand eight hundred pounds, part of the sum of two millions before-mentioned; and their united fund doth amount to one hundred fifty nine thousand four hundred twenty four pounds per annum, part of the sum of one hundred and sixty thousand pounds per annum, before-mentioned: and as well the said governor and company of merchants of London trading into the East Indies, as the rest of the members of the said English company trading to the East Indies, are willing to advance to your Majesty, in manner herein after-mentioned, for carrying on the present war, and other your Majesty's necessary occasions, a further sum
of

of twelve hundred thousand pounds of lawful money of Great Britain, upon such terms, conditions, and advantages as are hereafter expressed and set down: now we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirous not only to supply your Majesty with such aids as may enable your Majesty to carry on the said war with vigour, but also to raise the same in such a manner as may create no new charge upon your subjects, do most humbly beseech your Majesty that it may be enacted; and 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, English com-
That the said *English* company trading to the *East Indies*, as well company to ad-
for and on the behalf of the said governor and company of vance
merchants of *London* trading into the *East Indies*, as for and on 1,200,000l.
the behalf of all other the members of the said *English* com-
pany, shall advance and actually pay into the receipt of her
Majesty's Exchequer, for her Majesty's use, the said sum of
twelve hundred thousand pounds, by such proportions, and at
such times as are herein after appointed for the payment thereof Times of pay-
(that is to say) two hundred thousand pounds part thereof, on or ment.
before the twelfth day of *May*, which shall be in the year of our
Lord one thousand seven hundred and eight; two hundred
thousand pounds more thereof, on or before the twelfth day of
July, one thousand seven hundred and eight; two hundred
thousand pounds more thereof, on or before the eleventh day of
September, one thousand seven hundred and eight; two hundred
thousand pounds more thereof, on or before the twelfth day of
November, one thousand seven hundred and eight; two hundred
thousand pounds more thereof, on or before the twelfth day of
January, one thousand seven hundred and eight; and two hundred
thousand pounds more thereof, and in full satisfaction of the
said twelve hundred thousand pounds on or before the tenth day of
March, which shall be in the year of our Lord one thousand
seven hundred and eight; and in case the said *English* company On non-pay-
trading to the *East Indies*, shall make failure in any of the said ment compa-
payments hereby appointed to be made, at or before the respec- ny may be su-
tive days or times before limited in that behalf, the monies ed, &c.
whereof such failure in payment shall be made, shall and may
be recovered to her Majesty's use, by action of debt, or upon
the case, bill, suit, or information, in any of her Majesty's courts
of record at *Westminster*, wherein no essoin, protection, privi-
lege, or wager of law shall be allowed, or any more than one
imparlance; in which action, bill, suit, or information it shall
be lawful to declare, That the said *English* company trading to
the *East Indies*, are indebted to her Majesty the monies of which
they shall have made default in payment, according to the form
of this statute, and have not paid the same, which shall be suf-
ficient; and in or upon such action, bill, suit, or information,
there shall be further recovered to her Majesty's use, against the
said *English* company trading to the *East Indies*, damages after

the rate of twelve pounds *per centum*, for the monies so unpaid contrary to this act, besides, full costs of suit; and the said *English* company trading to the *East Indies*, and their successors, and the said united stock and fund shall be and are hereby made subject and liable thereunto.

Company
may borrow
1,500,000 l. on
their com-
mon seal.

II. And for the better enabling the said *English* company trading to the *East Indies*, to raise and pay the said sum of twelve hundred thousand pounds to her Majesty's use as aforesaid, it is hereby declared and enacted by the authority aforesaid, That the common seal of the said *English* company, now in the hands of the managers for the united trade of the *English* company trading to the *East Indies*, shall and may be made use of to borrow any sum or sums of money from time to time, upon account of the said united stock and fund, so as the sum total of all the principal monies which at any one time shall be owing upon the security of the said seal, do not exceed one million five hundred thousand pounds, over and above the monies which might lawfully be borrowed thereupon before the making of this present act.

The two com-
panies may
call in monies
for advancing
1,200,000 l.

III. And it is hereby enacted by the authority aforesaid, That in case the general court of the said governor and company of merchants of *London* trading into the *East Indies*, and the general court of the said *English* company trading to the *East Indies*, at any time or times whilst they shall separately continue, shall think fit, or if the general court of the said *English* company, after the determination of the other general court aforesaid, shall think fit to call in monies from their respective adventurers or members, for or towards the raising the said sum of twelve hundred thousand pounds to be advanced to her Majesty's use, or any part thereof, or for repaying the monies borrowed for that purpose, or the interest thereof, that then it shall and may be lawful to and for the said governor and company of merchants of *London*, trading into the *East Indies*, and the said *English* company trading to the *East Indies* respectively, at any time or times, during the separate continuance of their general courts, as aforesaid, and afterwards to and for the said *English* company trading to the *East Indies*, by whatsoever name or names the same shall then be called or known, to call in, or direct to be paid unto them respectively, from and by their respective adventurers and members for the time being, proportionably, any sum and sums of money which shall from time to time be so thought fit, for or towards the making up the said sum of twelve hundred thousand pounds to be advanced to her Majesty's use as aforesaid, or for repaying the monies borrowed for that purpose, or the interest thereof; and that all executors, administrators, guardians, and trustees, shall be indemnified in paying the same; and in case any adventurers or members of the said respective corporations, shall neglect or refuse to pay his, her, or their shares of the monies so called in, at the time or times appointed for that purpose, by notice to be fixed upon the *Royal Exchange* in *London*, or in case any adventurer or adventurers, member or members of the said respective corporations, shall neglect or refuse to pay his,

Or for repay-
ing the monies
borrowed.

Executors,
& indemnified.

his, her, or their share of the monies which the said companies, or either of them, shall (in pursuance of the said first recited act, and their respective charters, or any or either of them) call in, for the carrying on of their trade, at the time or times appointed for that purpose, by the like notice, as aforesaid, then and in either of the said cases, it shall and may be lawful for the said governor and company of merchants of *London* trading into the *East Indies*, and the said *English* company trading to the *East Indies* respectively, and their respective successors, not only to stop the share or dividends which shall from time to time become payable to such adventurer or adventurers, member or members, so neglecting or refusing, of the fund, stock, or profits of the said respective companies, and to apply the same from time to time for or towards payment of the share of the money so called in, and which ought to have been paid by such adventurer or adventurers, member or members so neglecting or refusing to pay the same, until the same shall be satisfied, but also to stop the transfers of the shares of every such defaulter, and to charge such defaulter and defaulters with an interest after the rate of six pounds *per centum per annum*, for the monies so by him and them neglected to be paid, from the time the same were appointed to be paid until the payment thereof; and the share and stock of such defaulter and defaulters shall be liable to make good and answer the said monies so appointed to be paid, and the interest thereof; and that in case the principal and interest shall not be paid within the space of three months, then the said governor and company, and the said *English* company, and their successors respectively as aforesaid, shall have power to sell so much of the stock of such defaulter or defaulters as will satisfy and pay the same.

Members refusing to pay, company may stop their dividends.

And the transfers of such defaulters, and charge them with interest at 6l. per cent. shares not paid in 3 months, company may sell.

IV. And be it further enacted by the authority aforesaid, That the said sum of twelve hundred thousand pounds agreed to be advanced and paid, as aforesaid, shall be, and be called, deemed, and taken to be a further addition to the capital stock of the said *English* company, and shall be, and is hereby exempted from any taxes, rates, impositions, or assessments whatsoever.

The said 1,200,000l. to be a further addition to the capital stock, and tax free.

V. And be it further enacted by the authority aforesaid, That the united stock and fund of the said *English* company, and their successors, by whatsoever name or names they shall be called or known, shall be and are by this present act made subject and liable to the payment and satisfaction of all such debts as are or shall be contracted by the same company, for or upon account of the said united stock or trade.

The united stock liable to all debts contracted, &c.

VI. And whereas by the said former acts and charters it was provided, That at any time, upon three years notice, after the nine and twentieth day of September, one thousand seven hundred and eleven, upon repayment of the said two millions, and all arrears of the said annuities or yearly payments, the said duties upon salt, and rock salt, and the said duties upon stamp vellum, parchment, and paper, and the said yearly fund charged thereupon, and the said annuities issuing out

For encouraging the *English* company to carry on their trade.

Former proviso for redemption repealed.
See 3 Geo. 2. c. 14. s. 11.

9 & 10 W. 3. c. 44.

Subject nevertheless, &c.

Separate stock confirmed.

out of the same, and the duty of five pounds in the hundred on imported goods therein expressed; and all the corporations to be erected by or in pursuance of that act, and the benefit of trade thereby given or intended to be given to them or any of them, shall absolutely cease and determine: now, to the intent that the said English company, and their successors, may be encouraged to proceed in their trade, and may have time to settle factories, and perform such other matters and things as are necessary for carrying on the said trade to their best advantage and profit, it is hereby declared and enacted by the authority aforesaid, That the last-mentioned proviso for redemption and determination of the said several duties, yearly fund, annuities, corporations, and benefit of trade, shall be, and is hereby repealed and made void; and that the said duties upon salt and rock salt, and the said duties upon stamp vellum, parchment, and paper, and the said duty of five pounds in the hundred upon imported goods, shall continue, and the said English company trading to the East Indies, and their successors, by whatsoever name or names they shall be called or known, shall have and enjoy the said yearly sum of one hundred fifty nine thousand four hundred twenty four pounds *per annum*, and all the benefit of trade, franchises, privileges, profits, and advantages whatsoever, in respect thereof given or granted, or intended to be given or granted unto them by the said act of the ninth year of his said late Majesty's reign, or by the said charter of the fifth day of September, in the tenth year of his said late Majesty's reign, or by the said indenture tripartite of the two and twentieth day of July, one thousand seven hundred and two, and every or any of them, freed and discharged of and from the said former proviso, or condition of redemption, and all other provisos, powers, acts, matters, or things heretofore had, made, done, or committed, for redeeming, determining, or making void the said duties, yearly fund, benefit of trade, franchises, privileges, profits, and advantages, or any of them; subject nevertheless to the restrictions, covenants, and agreements in the said act first recited, and the said recited charters and indenture tripartite, or any of them contained, now in force, and also subject to the general provisos or condition of redemption hereafter in this act contained.

VII. *And whereas several persons who did subscribe, or do derive under persons who did subscribe several sums, amounting in the whole to seven thousand two hundred pounds, part of the said two millions, are in respect thereof, entitled to five hundred seventy six pounds per annum, part of the said sum of one hundred and sixty thousand pounds per annum, and to a proportional part of the trade to the East Indies, and other the parts aforesaid, have not united their stock and fund to the stock and fund of the said corporations impowered to trade by a joint stock, as aforesaid, but do by themselves, or others by them licensed, carry on their trade for their own separate use and accounts: it is hereby provided and enacted by the authority aforesaid, That the several persons entitled to the said stock, amounting to seven thousand two hundred pounds, their executors, administrators,*

nistrators, and assigns, shall and may peaceably and quietly have, hold, and enjoy their said proportion of the said yearly fund and trade, as fully and effectually as they might have done if this act had never been made; nevertheless it shall and may be lawful to and for the said *English* company, and their successors, at any time after the nine and twentieth day of *September*, one thousand seven hundred and eleven, by writing to be signed by their secretary, and to be affixed upon the *Royal Exchange* in *London*, to give notice of their intention to repay the said sum of seven thousand two hundred pounds to the persons who shall be interested therein, or entitled thereunto, at the end of three years after such notice given; and in case the said *English* company, at the end of the said three years, do fully pay and satisfy to such persons the said sum of seven thousand two hundred pounds at the *Guild-hall* of *London*, together with all arrears (if any) of the said yearly sum of five hundred seventy six pounds, which shall be then due to the said persons respectively, then, and upon such payment made, or lawful tender thereof, the said stock of seven thousand two hundred pounds, and the proportional trade and fund belonging thereunto, shall be, and are by virtue of this act, vested and settled in the said *English* company, and their successors; subject nevertheless to the general proviso or condition of redemption hereafter in this act contained, and to no other proviso or condition of redemption whatsoever; any thing in this act contained, or any other matter or thing to the contrary notwithstanding.

But after 29 September, 1711, upon three years, notice and repayment, &c.

The said separate stock, shall be vested in the *English* company.

VIII. Provided always, and it is hereby further enacted by the authority aforesaid, That the before-mentioned duty of five pounds *per centum*, for or in respect only of such goods and merchandizes as shall be imported into *Great Britain* by the said *English* company trading to the *East Indies*, from and after the nine and twentieth day of *September*, one thousand seven hundred and fourteen, shall cease, determine, and be no longer collected or paid; any thing in this, or in the said first recited act, to the contrary in any wise notwithstanding.

Duty of 5l. per cent. after 29 Sep. 1714. to cease.

9 & 10 W. 3. c. 44.

IX. Provided always, and it is hereby declared and enacted by the authority aforesaid, That at any time upon three years notice, after the five and twentieth day of *March*, which shall be in the year of our Lord one thousand seven hundred and twenty six, upon the expiration of the said three years, and upon repayment by parliament, as well of the said sum of two millions formerly advanced, as of the said sum of twelve hundred thousand pounds to be advanced, as aforesaid, making in the whole three millions and two hundred thousand pounds, unto such companies, corporations, or persons as shall be then entitled thereunto, and of all arrears which at the end of the said three years shall be due for or upon the said yearly fund of one hundred and sixty thousand pounds *per annum*, then, and from thenceforth, as well the said duties upon salt and rock salt, as the said duties upon stamp vellum, parchment, and paper, and also the said yearly fund of one hundred and sixty thousand pounds, and all the

After 25 March, 1726. upon 3 years notice, and repayment, &c. corporation to cease.

Repealed by 10 Ann. c. 28. 3 Geo. 2. c. 14. s. 11.

the corporations erected by or in pursuance of this or the said former acts, and the benefit of trade by this and the said former acts and charters, or any of them, given, or intended to be given to them or any of them, shall absolutely cease and determine; any thing herein contained to the contrary notwithstanding.

Not to repeal
11 & 12 W. 3.
c. 10.

X. Provided always, and be it enacted by the authority aforesaid, That this act, or any thing herein contained, shall not be deemed, taken, or construed to repeal or alter an act made in the eleventh and twelfth years of the reign of the late King *William the Third*, of glorious memory, intituled, *An act for the more effectual employing the poor, by encouraging the manufactures of this kingdom*, or any clause, matter, or thing therein contained; but that the said act, and every clause, matter, or thing therein contained, shall stand, remain, and be in full effect and force, to all intents and purposes whatsoever, as if this act had never been made; any thing herein contained to the contrary thereof in any wise notwithstanding.

From 25
March, 1708.
custom-house
may take
companies
seal'd bonds
for goods im-
ported.

XI. Provided also, and it is hereby further enacted and declared by the authority aforesaid, That from and after the five and twentieth day of *March*, one thousand seven hundred and eight, upon any importation of any goods or merchandizes by the said *English* company trading to the *East Indies*, it shall and may be lawful for the commissioners and officers of the customs for the time being, and they are hereby required from time to time to take one or more bond or bonds, under the common seal of the said *English* company, for all such of the customs and duties chargeable and to be charged on the goods and merchandizes so to be imported, as are bondable, or for which bonds have usually been given; any law, statute, or provision to the contrary thereof in any wise notwithstanding.

In order to a
compleat
union,

XII. *And whereas the governor and company of merchants of London trading into the East Indies, and the rest of the members of the English company trading to the East Indies, are desirous that a speedy and compleat union may be had and perfected, pursuant to the before-mentioned indenture tripartite, and have agreed to refer all matters in difference concerning the same, and the compleating the said union, unto the final determination of the right honourable Sidney earl of Godolphin, lord high treasurer of Great Britain; be it therefore enacted by the authority aforesaid, That the said matters in difference between the said governor and company of merchants of London trading into the East Indies, and the rest of the members of the said English company, and the settling the terms of, and perfecting and compleating the said union, shall be, and is hereby referred to the judgment, award, and final determination of the said Sidney earl of Godolphin, to proceed upon and settle the terms and conditions of the same, as his lordship shall think fit, so as the whole be made, settled, perfected, and compleated on or before the twenty ninth day of September, in the year one thousand seven hundred and eight, by writing attested under his lordship's hand and seal; which said award being so made and settled within the time aforesaid, shall in all parts thereof be binding*

all differences
referred to
the earl of
Godolphin.

His award to
be binding.

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.

After such award, &c. managers for the united trade shall be directors, &c. till new ones be chosen.

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.

Acts, &c. to be publick acts.

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 autho-

9 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 to cause such minor, &c. to be produced, &c.