with every Person by the said Act constituted in virtue of his Office such Commissioner, and every Officer and Person appointed or to be appointed by the Commissioners under the Provisions of the said Act, shall be empowered, unless he shall previously resign or be removed, to hold his Office and exercise the Powers thereof until the Twenty-third Day of *July* One thousand eight hundred and sixty-four, and the End of the then next Session of Parliament; and until the Expiration of the said last-mentioned Period it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time at pleasure to remove the Commissioners for the Time being appointed by Her Majesty, or to be appointed by Her Majesty, Her Heirs and Successors, and upon every Vacancy in the Office of such Commissioner to appoint, as in the said Act is described, some other fit Person to the said Office.

CAP. LVI.

An Act to make perpetual an Act to amend the Laws relating to Loan Societies. [21st *July* 1863.]

'WHEREAS an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her Majesty, Chapter One hundred and ten, intituled '*An Act to amend the Laws relating to Loan Societies*, and continued by several Acts, and lastly by an Act of the Session of Parliament of the Twenty-first and Twenty-second Years of Her Majesty, Chapter Nineteen, is about to expire, and it is expedient to make the same perpetual:' 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, as follows:

3 & 4 Vict. c. 110.

Recited Act 3 & 4 Vict. c. 110. made perpetual.

1. There shall be repealed the First Section of the said Act of the Session of the Twenty-first and Twenty-second Years of Her Majesty, Chapter Nineteen, whereby it is provided that the said Act of the Third and Fourth Years of Her Majesty is to continue in force until the First Day of *August* One thousand eight hundred and sixty-three, and the last-mentioned Act shall be and is hereby made perpetual.

CAP. LVII.

An Act to consolidate and amend the Acts relating to the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers in case of Death, and to make like Provision for the Cases of Desertion and Insanity, and other Cases. [21st *July* 1863.]

'WHEREAS it is expedient to consolidate and amend the Provisions now in force relating to the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying on Service, and those Provisions having been found beneficial, it is also expedient to make like Provision for the Security and Application of the Effects of Deserters and others, and of Officers and Soldiers becoming insane on Service:'

Be it therefore 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, as follows:

Preliminary.

Short Title.

1. This Act may be cited as The Regimental Debts Act, 1863.

2. In

Interpretation of Terms.

2. In this Act—
The Term "Officer" means (except where it is otherwise expressed) a Commissioned Officer of Her Majesty's Army, or of Her Majesty's *Indian* Army:
The Term "Soldier" means (except where it is otherwise expressed) a Soldier of Her Majesty's Army, or a *European* Soldier of Her Majesty's *Indian* Army, including a Warrant and a Non-commissioned Officer:
The Term "Representation" includes Probate, and Letters of Administration, with or without Will annexed, and the corresponding Documents or Acts in use according to the Law of *Scotland*, or other Law in force in any Place where this Act operates:
The Term "Representative" means any Person taking out Representation:
The Term "the Secretary of State for War" means such One of Her Majesty's Principal Secretaries of State for the Time being as Her Majesty thinks fit to intrust with the Seals of the War Department:
The Term "*India*" means the Territories for the Time being vested in Her Majesty under the Act of the Year 1858, "for the better Government of *India*": 21 & 22 Vict. c. 106.
The Term "the Secretary of State for *India* in Council" means One of Her Majesty's Principal Secretaries of State acting with the Council of *India* under that Act:
The Term "Person" includes a Corporation and any Body of Persons.

Repeal of Enactments in Schedule.

3. The Enactments described in the Schedule to this Act shall be repealed; but this Repeal shall not affect the past Operation of any such Enactment, or anything already done, or any Right, Title, Obligation, or Liability already accrued thereunder, or any Remedy or Proceeding for the Enforcement thereof.

PART I.—Death on Service.

Preferential Charges.

Definition of Preferential Charges on Property,—Military Debts, &c.

4. Where an Officer or Soldier dies on Service, the following Classes of Expenses and Debts incurred and owing by him or on his Account shall, for the Purposes of this Act, be considered Preferential Charges on his Personal Property, and be payable thereout in preference to all other Debts and Liabilities, and, as among themselves, in the following Order:—
(1.) Expenses of last Illness and Funeral:
(2.) Military Debts, namely, Sums due in respect of—
Quarters;
Mess, Band, and other Regimental Accounts;
Military Clothing, Appointments and Equipments, not exceeding a Sum equal to Six Months Pay of the Deceased, and having become due within Eighteen Months before his Death;
including Sums due to any Agent or to any Paymaster, Quartermaster, or other Officer, on any such Account, or on account of any Advance made for any such Purpose;
to which shall be added, where the Death occurs out of the United Kingdom,—
(3.) Servants Wages, not exceeding Two Months Wages to each Servant:
(4.) Household Expenses incurred within a Month before the Death or after the last Issue of Pay to the Deceased, whichever is the shorter Period.

Surplus only of Personal Estate to be deemed Personal Estate.

5. The Surplus only of the Personal Property of an Officer or Soldier dying on Service, remaining over after Payment of Preferential Charges, shall be considered Personal Estate of the Deceased, with reference to the Calculation of Probate Duty, or of any other Tax or Per-centage, or for any of the Purposes of Administration or Distribution.

Questions respecting Amount, Payment, &c. of Preferential Charges to be decided by

6. If, in any Case, a Doubt or Difference arises as to any particular Expense or Debt being a Preferential Charge or not,—or as to any alleged Preferential Charge having been in fact incurred, or being due, in the whole or in part, or not,—or as to the Priority among or Payment of any Preferential Charges, where the Property is insufficient to pay all in full, or where those of One Class exceed the Amount allowed for that Class,—or otherwise in relation

Secretary of State, or in India by Military Secretary to Government of Presidency.

relation to any Preferential Charge or the Payment thereof,—the Decision of the Secretary of State for War, where the Death occurs elsewhere than in *India*, and of the Military Secretary to the Government of the Presidency in which the Deceased was quartered, where the Death occurs in *India*, or of such Officer or Person as the Secretary of State or Military Secretary respectively deputes by Writing under his Hand to act for him in this Behalf, shall be final, and shall be binding on all Persons for all Purposes.

Collection and Disposal of Effects.

On Death of Officer or Soldier on Service, Committee of Officers to secure Effects.

7. Immediately on the Death of an Officer or Soldier on Service, such Committee of Officers as may be prescribed by Royal Warrant, according to the Circumstances of different Cases, herein-after called the Committee of Adjustment, shall secure all such of his Effects as—

Where the Death occurs in the United Kingdom, are in Camp or Quarters; and

Where the Death occurs out of the United Kingdom, are within the Station, Colony, or Command.

If Preferential Charges not paid, Power to Committee to sell and convert Effects, and to get in Credits, and after Payment of Expenses, to secure Surplus.

8. Provided that if the Representative of the Deceased, or his Widow (if any), or any of his Next of Kin, pays in full the Preferential Charges, the Committee of Adjustment shall not further interfere in relation to the Property.

If such Payment is not made, then, within One Month after the Death, the Committee of Adjustment may and shall, without any Representation taken out, and as if they were the Representatives of the Deceased, and to the Exclusion of all other Authorities and Persons whomsoever, sell or convert into Money such Parts of the Effects of the Deceased as do not consist of Money,—and also where the Death occurs out of the United Kingdom get in, and give Receipts (which shall be effectual Discharges) for, all or any of the Credits forming Part of the Estate of the Deceased, and being payable or recoverable in *India* or in the Colony or Possession in which the Deceased was quartered (as the Case may be), and, if they think fit, sue for and recover any of such Credits,—and, after paying thereout the Expenses attending the Discharge of their Duties, shall pay thereout the Preferential Charges, and secure the Surplus of the Effects, or Effects and Credits, as the Case may be, remaining over after all such Payments.

In India, Power for Committee to deliver over Effects to Administrator General.

9. Where the Death occurs in *India*, the Committee of Adjustment may, in such Cases, under such Circumstances, and at such Time or Times, as may be prescribed by Royal Warrant, according to the Circumstances of different Cases, deliver over the Effects secured by them to the Administrator General for the Presidency in which the Deceased was quartered.

Disposal of Surplus.

Remittance of Surplus by Committee.

10. The Committee of Adjustment shall, according to the Circumstances of the Case, remit or lodge the Surplus aforesaid to or in the Hands of such Paymaster or other Officer or Person, at such Time or Times, in such Manner, and together with such Accounts, Vouchers, Reports, and Information, as may be prescribed by Royal Warrant.

As to the Payment of Surplus where Deaths occur in India or elsewhere.

11. Where the Death occurs elsewhere than in *India*, or the Death occurs in *India*, the Deceased being (in the latter Case) a Soldier of Her Majesty's Army, then the Paymaster or other Officer or Person aforesaid shall dispose of the Surplus as follows:—

(1.) Where the Amount exceeds One hundred Pounds, he shall pay it over to the Representative of the Deceased, if present at Head Quarters, and if there is none, shall forthwith remit it to the Secretary of State for War:

(2.) Where the Amount does not exceed One hundred Pounds, it shall not be necessary for any Purpose that Representation to the Deceased be taken out, but if Representation is taken out, such Paymaster or other Officer or Person shall pay the Amount over to the Representative, if present at Head Quarters:

(3.) Where the Amount does not exceed One hundred Pounds, and Representation is not taken out, then such Paymaster or other Officer or Person shall dispose of the Amount, or Part thereof, (in such Manner as may be prescribed by Royal Warrant for such Cases,) for the Benefit of the Widow and of the Children or other near Relatives

Relatives (if any) of the Deceased, or of some of such Persons, being present at Head Quarters; and if there are no such Persons, or any Part of the Amount aforesaid is not so disposed of for their Benefit, he shall forthwith remit the whole Amount, or the Part thereof not so disposed of, (as the Case may be,) to the Secretary of State for War.

Provision where Death occurs in India, the Deceased not being a Soldier.

12. Where the Death occurs in *India*, the Deceased not being a Soldier of Her Majesty's Army, the following Provisions shall take effect:—

(1.) The Paymaster or other Officer or Person aforesaid shall, as soon as may be after receiving the Surplus aforesaid, publish such Notice (stating the Amount of the Surplus, and other Particulars respecting the Deceased and his Property), as may be prescribed by Royal Warrant, together with a Notice stating that all Claims by Creditors against the Property of the Deceased are to be lodged with such Paymaster or other Officer or Person, who shall retain the Surplus for Two Months after the first Publication of such Gazette Notice as aforesaid, and shall receive and record all Claims lodged with him accordingly:

(2.) If Claims are so lodged, not exceeding in the whole such absolute Amount, or such Proportion of the Surplus, as may be prescribed by Royal Warrant, according to the Circumstances of different Cases, then such Paymaster or other Officer or Person shall, at the Expiration of the said Two Months, proceed to discharge the Demands of the Claimants who have lodged Claims with him, unless under the special Circumstances of the Case of the Deceased it appears to him inexpedient or unjust to do so:

(3.) In that Case, or in case the Claims lodged exceed in the whole the absolute Amount or the Proportion aforesaid, then such Paymaster or other Officer or Person shall, without discharging those Claims, or any of them, transfer the Surplus aforesaid to the Administrator General for the Presidency:

(4.) Where such Paymaster or other Officer or Person does not so transfer the Surplus, he shall dispose thereof, or of so much thereof as remains after the Discharge of any Claims, as follows:

Where the Amount exceeds One hundred Pounds, he shall pay it over to the Representative of the Deceased in *India*, if any;

Where the Amount does not exceed One hundred Pounds, it shall not be necessary for any Purpose that Representation to the Deceased be taken out in *India*, but if Representation is taken out there, such Paymaster or other Officer or Person shall pay the Amount over to the Representative in *India*;

Where the Amount does not exceed One hundred Pounds, and Representation in *India* is not taken out, such Paymaster or other Officer or Person shall dispose of the Amount, or Part thereof, in *India*, (in such Manner as may be prescribed by Royal Warrant for such Cases,) for the Benefit of the Widow and of the Children or other near Relatives (if any) of the Deceased, or of some of such Persons, being in *India*:

(5.) Subject to the foregoing Provisions, such Paymaster or other Officer or Person shall, at the Expiration of such Time, not exceeding in any Case Six Months, as may be prescribed by Royal Warrant, remit the Surplus, or so much thereof as remains in his Hands after discharging any Claims, from *India* to *England*, as follows,—

In the Cases of Officers of Her Majesty's Army constituting the Staff Corps of the Three Presidencies, and in the Cases of Officers and *European* Soldiers of Her Majesty's *Indian* Army, to the Secretary of State for *India* in Council,—

In other Cases, to the Secretary of State for War.

Disposal of Residue by Secretary of State.

On Receipt of Surplus at War or India Office, Notices to be

13. The Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, on receiving any such Surplus or Part of a Surplus as is herein-before directed to be remitted, shall cause an Account to be made up, as soon as may be, of the total

published in London Gazette, &c. as to Amount to Credit of Deceased, and other Particulars.

total Amount to the Credit of the Deceased, including the Amount of the Surplus or Part of a Surplus so remitted, together with all Arrears of Pay, Batta, Grants, and other Allowances in the Nature thereof, and thereupon shall cause to be published, as soon as conveniently may be, in the *London Gazette*, and also in any Newspaper or otherwise as may seem fit, a Notice stating the total Amount to the Credit of the Deceased as aforesaid, herein-after called the Residue, and such other Particulars respecting the Deceased and his Property as may seem fit, together with a Notice stating the Mode in which any Application respecting the Residue is to be made to the Secretary of State for War, or to the Secretary of State for *India* in Council, as the Case may be.

Residue exceeding 100*l.* to be paid to Representative of Deceased.

14. Where the Residue exceeds One hundred Pounds, the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, shall dispose of the Residue by paying it over to the Representative of the Deceased.

Residue not exceeding 100*l.* to be paid to Representative, if any.

15. Where the Residue does not exceed One hundred Pounds, it shall not be necessary for any Purpose that Representation to the Deceased be taken out, but in any Case the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, may, if it seems fit, require Representation to be taken out; and if, on that Requisition or otherwise, Representation is taken out, then he shall dispose of the Residue by paying it over to the Representative.

Where Residue does not exceed 100*l.*, and no Representation, War or India Office empowered to pay it over for Benefit of Widow, &c., or to invest it for Benefit of Children, &c.

16. Where the Residue does not exceed One hundred Pounds, and Representation is not taken out, then, after the Expiration from the first Publication of the required Notice in the *London Gazette*, of Three Months in the Case of an Officer, and of One Month in the Case of a Soldier, the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, shall dispose of the Residue as follows:—

(1.) He shall, if he thinks fit, pay the Residue over to any Person showing herself or himself, to the Satisfaction of the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, to be the Widow of the Deceased, or to be the Child or any Relative of the Deceased, or to be entitled to take out Representation to the Deceased,—to the end that the Residue may be applied by the Person to whom it is so paid over in a due Course of Administration, and the same shall be so applied accordingly (for which Application the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, may require such Security as seems fit):

(2.) Or else, where the Deceased leaves any Child or near Relative him surviving, the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, shall retain the Residue in his Hands on behalf of such Child or near Relative, and shall invest the Residue, or any Part thereof, in such Manner as may be prescribed by Royal Warrant, and shall apply the Sums invested, and the Income thereof, or any Part thereof respectively, from Time to Time, for the Maintenance, Education, or Advancement, or otherwise for the Benefit, of such Child or near Relative, in such Manner as may seem fit, subject to such Regulations as may be laid down by Royal Warrant.

Debts.

Provision in last-mentioned Case for Payment of Debts out of Residue.

17. Notwithstanding anything herein-before contained, where the Residue does not exceed One hundred Pounds, and Representation to the Deceased is not taken out, the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, shall, before disposing of the Residue or any Part thereof, in manner aforesaid,—or after so disposing of the Residue or any Part thereof, if and so far as the Disposition thereof is capable of Revocation,—apply the Residue, or so much as may be requisite, in or towards Payment of any Debt of the Deceased of which he has Notice, subject to the following Conditions:

First.—That the Debt accrued due within Three Years before the Death:

Second.—That Payment of it is claimed within Two Years after the Death:

Third.—That the Claimant proves the Debt to the Satisfaction of the Secretary of State for War, or of the Secretary of State for *India* in Council, as the Case may be.

Any

Any Person claiming to be a Creditor of the Deceased shall not be entitled to obtain Payment of his Debt out of any Money that may, under this Act, be in the Hands of the Secretary of State for War, or of the Secretary of State for *India* in Council, by any Means or Proceedings whatever except by means of a Claim lodged with such Secretary of State, and Proceedings thereon, under and according to this Act.

Nothing in the present Section shall prejudicially affect the Claim of any Creditor in respect of a Debt incurred before the Commencement of this Part of this Act.

Undisposed-of Residues.

Residues undisposed of for 6 Years to be applied towards Compassionate Fund.

18. If, in any Case, the Residue or any Part thereof remains, for One Year after the first Publication of the required Notice in the *London Gazette*, in the Hands of the Secretary of State for War, or of the Secretary of State for *India* in Council, as the Case may be, undisposed of or unappropriated, then as soon as conveniently may be after the End of that Year the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, shall cause to be published in the *London Gazette* a Notice similar to the original required Notice, *mutatis mutandis*, and so for Six successive Years from the Publication of the original Notice; and if, in any Case, the Residue, or any Part thereof, remains in the Hands of the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, undisposed of or unappropriated for Six Months after the Publication of the last of such required Notices in the *London Gazette*, then, at the Expiration of the said Six Months, he shall apply the same, together with any Income or Accumulations of Income accrued therefrom, in such Manner in or towards the Creation or Maintenance of such Compassionate or other Fund for the Benefit of Widows and Children or other near Relatives of Soldiers dying on Service, as may be prescribed by Royal Warrant.

Provided, that the Application under the present Section of any Residue, or Part of a Residue, undisposed of or unappropriated as aforesaid, shall not be deemed to bar any Claim of any Person to the same, or any Part thereof, that may be established at any Time after such Application.

Medals and Decorations.

Medals and Decorations excepted;

to be disposed of according to Royal Warrant.

19. Medals and Decorations belonging to an Officer or Soldier dying on Service shall not be considered to be comprised in the Personal Estate of the Deceased with reference to the Claims of Creditors or for any of the Purposes of Administration under this Act or otherwise; and, notwithstanding anything in this or any other Act contained, the same, when secured by the Committee of Adjustment, shall be held and disposed of according to Regulations laid down by Royal Warrant.

Exception as to Regimental Paymasters.

Special Provision for Case of Death of Regimental Paymaster.

20. The Case of a Regimental Paymaster dying on Service shall, notwithstanding anything herein-before contained, be provided for as follows:—

(1.) That Case shall be deemed wholly excepted out of the foregoing Provisions of this Act, save so far as they define and give Preference to and regulate the Payment of and provide for Decisions respecting Preferential Charges, and as they relate to the Duties and Powers of the Committee of Adjustment, and to Medals and Decorations:

(2.) The Duties and Powers of the Committtee of Adjustment in relation to the Property shall, nevertheless, in the Case of a Regimental Paymaster, be deemed to arise in full immediately and unconditionally on the Death, and to continue notwithstanding the Payment of the Preferential Charges by any Person:

(3.) Money in the Possession or under the Control of a Regimental Paymaster at his Death shall not be considered to be comprised in his Effects for the Purposes of this Act:

(4.) The Surplus in the Hands of the Committee of Adjustment shall, in the Case of a Regimental Paymaster, be dealt with by them as may be prescribed by Royal Warrant, and not according to the foregoing Provisions of this Act.

Administrators General and other Official Administrators.

Restriction on Interposition of Official Administrators.

21. An Administrator General for a Presidency in *India*, or a Registrar of any Court in *India* or in any of Her Majesty's Colonies or Possessions abroad, or any other Official Administrator, notwithstanding any Law regulating his Office independently of this Act, shall not interpose in any Manner in relation to any Property of an Officer or Soldier dying on Service, except in the Cases expressly provided for in this Act, or unless expressly required to do so by a Committee of Adjustment, or some other Officers or Persons, acting under this Act.

Duties of Administrators.

Where, under this Act, any Property comes to the Hands of any such Administrator General, Registrar, or other Official Administrator, he shall administer the same in accordance with the Provisions of this Act relating to Preferential Charges, and the other Provisions of this Act, and, subject thereto, according to the Law regulating his Office independently of this Act.

Where any Money coming, under this Act, to the Hands of any such Administrator General remains in his Hands after Discharge of all Debts and Liabilities, he shall remit the same to the Secretary of State for *India* in Council, at such Time and in such Manner as he directs, to be retained or to be paid over to the Secretary of State for War, as the Case may require, and to be disposed of, according to the Provisions of this Act, as the Residue or Part of the Residue of the Property of the Deceased.

An Administrator General shall not be entitled to take, and it shall not be lawful for him to take, a Per-centage on the Property of an Officer or Soldier dying on Service, exceeding Three *per Centum* on the gross Amount coming to his Hands if Preferential Charges have been previously paid, or on the gross Amount remaining in his Hands after Payment by him of Preferential Charges, as the Case may be.

Miscellaneous.

Money remitted not to be Assets in Place where remitted to.

22. Any Property of an Officer or Soldier dying on Service, coming, under this Act, to the Hands of any Paymaster or other Officer or Person, shall not, by reason of so coming, be deemed Assets or Effects at the Place in which that Paymaster or other Officer or Person is stationed or resides, and it shall not be necessary by reason thereof that Representation should be taken out in respect of that Property for that Place.

Where, under this Act, any such Property is to be paid or delivered over to the Representative of a deceased Officer or Soldier or other Person entitled to receive the same,—

if such Payment or Delivery is to be made in *India*, then the Military Secretary to the Government of the Presidency in which the Deceased was quartered,—

and if such Payment is to be made elsewhere than in *India*, then the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be,—

may order that such Property be transmitted to any other Place where the same can be more conveniently paid or delivered over as aforesaid; and the Obedience to any such Order by any Paymaster or other Officer or Person in whose Hands such Property is, shall be a sufficient Discharge to him, and he shall not be liable in any Manner by reason of such Property having been in his Hands and having been transmitted under any such Order.

Deduction of Arrears of Subscription to Military and Orphan Funds.

23. Nothing in this Act shall be deemed to prevent the Secretary of State for *India* in Council, on the Death of an Officer of Her Majesty's *Indian* Army, from deducting in the Pay Office from any Arrear of Pay due to the Deceased the Amount of any Arrears of Subscription due by the Deceased to the Military and Orphan Funds, or either of them.

Exemptions from Duty.

24. The Personal Estate of an Officer or Soldier dying on Service in *India*, not exceeding One hundred Pounds after Payment of Preferential Charges, and administered and disposed of under this Act without Representation being taken out, shall not be liable to the Payment of any Duty either in *India* or in the United Kingdom; but this Provision shall not affect any Exemption from Duty existing independently hereof.

Creditor administering not

25. A Creditor, as such, shall not be deemed a Person entitled to take out Representation to the Deceased within the Meaning of this Part of this Act; nor shall a Creditor taking out

out Representation as such be entitled by virtue of such Representation to claim from the Secretary of State for War, or the Secretary of State for *India* in Council, any Part of the Property of the Deceased. entitled to claim Property.

26. Where any original Will of an Officer or Soldier dying on Service comes to the Hands of the Secretary of State for War, or of the Secretary of State for *India* in Council, and Representation under the same is not taken out, then the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, may cause the same to be deposited as follows: Deposit in Court of Probate, &c. of original Wills in Hands of Secretary of State and Declarations of Intestacy.

Where the Domicil of the Testator was in *England*, or in *India*, or in any of Her Majesty's Colonies or Possessions abroad, or in any Foreign Country, then in the Place for the Time being appointed in *London* or *Middlesex* for the Deposit of original Wills brought into the Court of Probate:

Where the Domicil of the Testator was in *Ireland*, then in the Place for the Time being appointed in *Dublin* for the Deposit of original Wills brought into the Court of Probate:

Where the Domicil of the Testator was in *Scotland*, then in the Office of the Commissary Clerk of the Commissary Court of the County of *Edinburgh*.

Where an Officer or Soldier dies on Service intestate, and under this Act any Residue of his Property comes to the Hands of the Secretary of State for War, or of the Secretary of State for *India* in Council, for Disposal, and Representation to the Deceased is not taken out, then the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, may, if it seems fit, cause a Declaration of the Intestacy of such Officer or Soldier to be deposited in the Place or Office where the original Will of such Officer or Soldier (if any) would be deposited as aforesaid.

In every such Case the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, may cause to be deposited together with such original Will or Declaration of Intestacy an Inventory showing the Personal Property of the Deceased, and the Application thereof, as far as the same may be known.

Where the original Will of any Officer or Soldier who has, before the Commencement of this Part of this Act, died on Service is in the Hands of the Secretary of State for War, or of the Secretary of State for *India* in Council, he may, if it seems fit, at any Time cause the same to be deposited in the Place or Office where the original Will of such Officer or Soldier would be deposited as aforesaid if he had died after the Commencement of this Part of this Act.

Every such original Will, Declaration of Intestacy, and Inventory shall be preserved and dealt with, and may be inspected, subject and according to any General or other Rules or Orders for regulating such Preservation, Dealing, and Inspection, and for fixing any Fees to be payable in respect thereof, as may be from Time to Time made in that Behalf by the Court, Judge, or other Authority empowered to make General or other Rules or Orders for like Purposes in relation to other Documents deposited in the same Place or Office.

PART II.—Desertion and other Cases.

27. In every Case of Desertion, such Committee of Officers as may be prescribed by Royal Warrant, according to the Circumstances of different Cases, herein-after called the Committee of Adjustment, shall immediately secure all such of the Deserter's Effects as— On Desertion, Committee of Officers to sell Effects, and pay Expenses.

Where the Desertion occurs in the United Kingdom, are in Camp or Quarters; and

Where the Desertion occurs out of the United Kingdom, are within the Station, Colony, or Command;

and shall forthwith make an Inventory thereof, and shall, within Three Months after the Desertion, sell or convert into Money such Parts of the Deserter's Effects as do not consist of Money, and thereout pay the Expenses attending the Execution of the Provisions of the present Section.

28. The Surplus remaining after such Payment shall be liable to be applied in or towards Payment of any such Expenses and Debts incurred and owing by the Deserter as would, under Part I. of this Act, be Preferential Charges on his Personal Property in case he had died Application of Surplus.

died on Service, with the like Preference, in the like Order, and subject to the like Provision for Decision of Doubt or Difference, as would in that Case apply, as nearly as may be, *mutatis mutandis*.

The Committee of Adjustment shall apply the same accordingly, and then shall dispose of any Property remaining in their Hands according to Regulations laid down by Royal Warrant.

Absence without Leave.

29. For the Purposes of this Part of this Act, Absence without Leave for Twenty-one Days shall be deemed included in the Term Desertion.

Act to apply to Apprentices and Felons.

30. The Provisions of this Part of this Act shall apply, as nearly as may be, *mutatis mutandis*, in the Case of a Soldier delivered up as an Apprentice, or convicted of Felony.

PART III.—Insanity.

In case of Insanity, Committee of Officers to secure Effects.

31. Where an Officer or Soldier is removed, put on Half Pay, or discharged, on the Ground of Insanity, such Committee of Officers as may be prescribed by Royal Warrant, according to the Circumstances of different Cases, herein-after called the Committee of Adjustment, shall immediately secure all such of his Effects as—

Where the Insanity occurs during Service in the United Kingdom, are in Camp or Quarters; and

Where the Insanity occurs during Service out of the United Kingdom, are within the Station, Colony, or Command.

Liability of Effects to be applied as for Payment of Preferential Charges.

32. The Effects of such an Officer or Soldier shall be liable to be applied in or towards Payment of any such Expenses and Debts incurred and owing by him as would, under Part I. of this Act, be Preferential Charges on his Personal Property in case he had died on Service, with the like Preference, in the like Order, and subject to the like Provision for Decision of Doubt or Difference, as would in that Case apply, as nearly as may be, *mutatis mutandis*.

If Preferential Charges not paid, Power for Committee to sell and apply Proceeds.

33. If any Person who would, if such Officer or Soldier were dead, be entitled to take out Representation to him (otherwise than as a Creditor), or his Wife (if any), or any near Relative, pays in full the Expenses and Debts aforesaid, the Committee of Adjustment shall not further interfere in relation to the Property.

If such Payment is not made, then, within One Month after the Removal, putting on Half Pay, or Discharge, is known at the Quarters where the Effects are, the Committee of Adjustment may and shall sell or convert into Money such Parts of the Effects as do not consist of Money, and, after paying thereout the Expenses attending the Discharge of their Duties, shall pay thereout the Expenses and Debts aforesaid, and shall dispose of any Property then remaining in their Hands as may be prescribed by Royal Warrant, to the end that the same may be applied for the Benefit of the Officer or Soldier to whom it belongs.

Power to War or India Office to apply Officer's Half Pay, in case of Insanity, for his Benefit.

34. Where an Officer is put on Half Pay on the Ground of Insanity, the Secretary of State for War, or the Secretary of State for *India* in Council, as the Case may be, may, if it seems fit, pay to the Person charged with the Care and Maintenance of such Officer, all or any Part of his Half Pay, to be applied for his Care and Maintenance.

PART IV.—General Provisions.

Validity of Payments, Sales, &c. under this Act.

Indemnity to Officers and others acting under it.

35. Every Payment or Application of Money, and every Sale or other Disposition of Property, made by the Secretary of State for War, or by the Secretary of State for *India* in Council, or by any Committee of Adjustment, or by any Paymaster or other Officer or Person, in pursuance of this Act, or of any Royal Warrant for carrying this Act into effect, shall be good and valid as against all Persons whomsoever; and every such Secretary of State, and every Officer belonging to any such Committee, and every such Paymaster, Officer, or Person as aforesaid shall be, by virtue of this Act, absolutely discharged from all Liability in respect of the Money or other Property so paid, applied, or disposed of.

36. Her

Further Regulations by Royal Warrant.

36. Her Majesty may from Time to Time, by Warrant under the Royal Sign Manual, do all such Things as are herein-before directed or authorized to be done by Royal Warrant, and also prescribe such Regulations as may seem fit, for the better Execution of any of the Purposes of this Act.

Every Royal Warrant made under this Act shall be laid before both Houses of Parliament within Fourteen Days after the making thereof, if Parliament is then sitting, and if not, then within Fourteen Days after the Commencement of the next Sitting of Parliament.

Commencement of Act.

37. This Act shall, with respect to the making of any Royal Warrant under it, take effect from its passing, and in all other respects shall take effect from the Time appointed for its Commencement in the Royal Warrant first made under it.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
58 Geo. 3. c. 73. -	An Act 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.	Sections One, Two, and Three.
6 Geo. 4. c. 61. -	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.	The whole.
11 Geo. 4. & 1 Will. 4. c. 41.	An Act to make further Regulations with respect to Army Pensioners.	Section Five, except as to Pension or Prize Money.
20 & 21 Vict. c. 66. -	An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service.	Sections Sixty-one to Sixty-six, both inclusive.
26 & 27 Vict. c. 8. -	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.	Sections Ninety-eight to One hundred and two, both inclusive.