

CAP. V.

An act to enable the South-Sea company to ingraft part of their capital stock and fund into the stock and fund of the bank of England, and another part thereof into the stock and fund of the East-India company; and for giving further time for payments to be made by the said South-Sea company to the use of the publick.

MAY it please your most excellent Majesty, Whereas the capital or joint stock of the corporation, called by the name of the governor and company of merchants of Great Britain trading to the South-Seas and other parts of America, and for encouraging the fishery, did, at the time of making the act of parliament of the sixth year of your Majesty's reign, intituled, An act for enabling the South-Sea company to increase their present capital stock and fund by redeeming such publick debts and incumbrances as are therein mentioned; and for raising money to be applied for lessening several of the publick debts and incumbrances; and for calling in the present exchequer-bills remaining uncanceled; and for making forth new bills in lieu thereof, to be circulated and exchanged upon demand at or near the exchequer, *by computation amount in the whole to eleven millions seven hundred forty six thousand eight hundred forty four pounds eight shillings and ten pence, or thereabouts.* *And whereas it hath been represented unto us, your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled, That by virtue and in pursuance of the said act several annuities, debts and incumbrances have been subscribed and redeemed, or taken in, which (being computed at the respective values in and by the said act prescribed) will make in the whole twenty six millions fifty five thousand seven hundred and seventy four pounds five shillings and two pence, or thereabouts, to be added to the said capital or joint stock; and that both the said sums will make the increased capital or joint stock of the said corporation (which is commonly called the South-Sea company) to amount in the whole to thirty seven millions eight hundred and two thousand six hundred and eighteen pounds fourteen shillings, or thereabouts: and that in respect of several of the said sums comprehended in the said increased capital or joint stock, the said corporation is and will be entitled to several annuities or yearly funds, after the rate of five pounds per centum per annum, to be paid and payable at the receipt of your Majesty's exchequer by weekly or other payments, out of several duties, revenues and other provisions settled by the said act for that purpose, until and for the feast of the nativity of Saint John Baptist which shall be in the year of our Lord one thousand seven hundred and twenty seven; and afterwards at the rate of four pounds per centum per annum, until the redemption thereof according to the said act: and that in respect of several other of the said sums comprehended in the said increased capital or joint stock, the said corporation is and will be entitled*

6 Geo. 1. c. 4.

Farther provisions concerning the matters in this act,

7 Geo. 1. stat. 2.

8 Geo. 1. c. 20.

titled to several annuities or yearly funds, after the rate of four pounds per centum per annum, to be paid and payable at the said receipt by weekly or other payments, out of several duties, revenues and other provisions settled by the said act for payment thereof, until and for the said feast of the nativity of Saint John Baptist one thousand seven hundred and twenty seven, and afterwards at the same rate, until the redemption thereof by parliament according to the said act; which said annuities or yearly funds so payable at the said receipt of exchequer are nevertheless liable to such charges and incumbrances, as in and by the said act are expressed or mentioned concerning the same. And whereas in and by the said act provision was made, That nine thousand three hundred ninety seven pounds nine shillings and six pence per annum, therein mentioned, and several other sums which were thereby directed to be computed and added thereunto, for charges of management, should from time to time be paid and payable to the said company in the manner thereby prescribed; as in and by the said act (relation being thereunto had) may more fully appear. And whereas the said South-Sea company, in and by a proposition agreed to in a general court of the same holden on or about the second day of January one thousand seven hundred and twenty, and since presented to us your Majesty's said dutiful and loyal subjects, have humbly offered, that a sum not exceeding nine millions of the capital stock of the said South-Sea company, together with an annuity of five pounds per centum per annum issuing from the exchequer, and payable weekly, be ingrafted into the capital stock of the governor and company of the bank of England, and be added to their present capital stock of five millions five hundred fifty nine thousand nine hundred ninety five pounds fourteen shillings and eight pence; and that every proprietor of the said sum so to be ingrafted be entitled to a share in the capital of the said governor and company of the bank of England, at the rate of one hundred and twenty pounds per centum, that is to say, for every one hundred and twenty pounds in the said sum not exceeding nine millions to be ingrafted, each proprietor to have one hundred pounds stock in the bank; that the remaining twenty pounds per centum, part of the said sum not exceeding nine millions, (which, if the whole be ingrafted, would make one million and an half) be reserved for the common benefit and advantage of the proprietors of the whole capital so increased; and that a certain sum be annually allowed to the governor and company of the bank of England towards their charges of management: and the said South-Sea company in the said proposition have also humbly offered, that a sum not exceeding nine millions of the capital stock of the said South-Sea company, together with an annuity of five pounds per centum per annum issuing from the exchequer, and payable weekly, be ingrafted into the stock of the united company of merchants of England trading to the East Indies, and added to their present capital stock of three millions two hundred thousand pounds; and that every proprietor of the said sums so to be ingrafted into the capital of the united company of merchants of England trading to the East Indies be entitled to a share in the capital stock of the same company, at the rate of one hundred and twenty pounds per centum, that is to say, for every one hundred

hundred and twenty pounds in the last mentioned sum not exceeding nine millions so to be ingrafted, each proprietor to have one hundred pounds stock in the said East India company; and that the remaining twenty pounds per centum, part of the last mentioned sum not exceeding nine millions (which, if the whole be ingrafted, will make one million and an half) be disposed and distributed in the manner therein mentioned; and that a certain sum be annually allowed to the said East India company towards their charges of management. And whereas the said governor and company of the bank of England, in and by a proposition agreed to in a general court of that corporation holden on or about the twenty ninth day of December one thousand seven hundred and twenty, and since presented to us your Majesty's said dutiful and loyal subjects, have declared their willingness to admit, that nine millions of the capital of the South Sea company, together with an annuity of five pounds per centum per annum issuing from the exchequer, payable weekly, and free from all incumbrances, be ingrafted into the capital stock of the bank of England, and be added into their present capital stock of five millions five hundred fifty nine thousand ninety five pounds fourteen shillings and eight pence; and that every proprietor of the same sums so to be ingrafted be entitled to a share in the capital of the bank of England, at the rate of one hundred and twenty pounds per centum, that is to say, for every one hundred and twenty pounds in the same sum so to be ingrafted, each proprietor to have one hundred pounds stock in the bank; the remaining twenty pounds per centum, part of the same sum not exceeding nine millions (which, if the whole be ingrafted, would make one million and an half) to be reserved for the common benefit and advantage of the proprietors of the whole capital so increased; and that a certain sum be annually allowed to the said governor and company of the bank of England towards their charges of management. And whereas the said united company of merchants of England trading to the East Indies, in and by a proposition agreed to in a general court of that corporation holden on or about the third day of January one thousand seven hundred and twenty, and since presented to us your Majesty's said dutiful and loyal subjects, have declared their willingness to admit, that a sum not exceeding nine millions of the capital of the said South Sea company, together with an annuity of five pounds per centum per annum issuing from the exchequer, payable weekly, and free from all incumbrances, be ingrafted into the stock of the said East India company, and added to their present capital stock of three millions two hundred thousand pounds; and that every proprietor of the same sum so to be ingrafted be entitled to a share in the capital stock of the said East India company, at the rate of one hundred and twenty pounds per centum, that is to say, for every one hundred and twenty pounds in the same sums so to be ingrafted, each proprietor to have one hundred pounds stock in the East India company; the remaining twenty pounds per centum, part of the same sum not exceeding nine millions (which, if the whole be ingrafted, would make one million and an half) to be disposed and distributed in manner following, that is to say, six hundred and forty thousand pounds thereof, being after the rate of twenty pounds per centum,

upon the said sum of three millions two hundred thousand pounds, to the then proprietors of the same capital of three millions two hundred thousand pounds: and the remainder of the said twenty pounds per centum to and for the common benefit and advantage of all the proprietors of the whole capital of the said East India company so increased, which remainder (if the whole nine millions be ingrafted) will amount to eight hundred and sixty thousand pounds; and that a certain sum be annually allowed to the said East India company towards their charges of management. And whereas it is judged, that an ingraftment of part of the capital of the South Sea company into the capitals of the bank of England and the East India company, pursuant to the said several proposals of the said respective companies, will contribute very much to the restoring and establishing publick credit: we your Majesty's said dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do most humbly beseech your Majesty, That it may enacted, &c. *EXP.*

Between 24 June and 25 Dec. 1721, South Sea company may, under their common seal, and at their own charges, transfer to the bank such share of their capital stock at 5l. per cent. as shall be agreed on between them, together with so much of their annuities, as shall bear proportion to the stock transferred, not exceeding 9,000,000l. The shares so transferred shall be added to the capital stock of the bank. South Sea company may, between the same times, also transfer to the East India company such share of their capital stock at 5l. per cent. as shall be agreed upon between them, together with so much of their annuities, as shall bear proportion to the stock transferred, not exceeding 9,000,000l. The shares so transferred shall be added to the capital stock of the East India company. After such transfers, the two companies shall lawfully enjoy their respective shares in stock. South Sea company may enjoy their whole capital stock, &c. till the transfers be made, and afterwards may hold all their unassigned stock, &c. till redemption by parliament. South Sea company may hold 9397l. 9s. 6d. per annum for charge of management, till a transfer of part of their capital stock, and afterwards the two companies shall receive a proportional part thereof for charges of management. Annuities payable quarterly at 5l. per cent. till the twenty fourth of June 1727, and afterwards at 4l. per cent. All persons entitled to any shares in the South Sea company at the time of transferring, shall have a proportional share in the stock transferred to the bank, &c. The same for shares transferred to the East India company, &c. Unsigned shares in the South Sea company may be transferred in the books of the company, or devised by will, as formerly. Members of the bank may transfer or devise their increased stock, as formerly. And also the members of the East India company. All privileges, &c. founded upon former acts or charters, continued, &c.

After 24 June 1727. on repayment to the South Sea company of their capital stock, &c. their annuities to cease.

XXIII. Provided always, and it is hereby enacted by the authority aforesaid, That at any time after the feast of the nativity of Saint *John Baptist* which shall be in the year of our Lord one thousand seven hundred and twenty seven, upon repayment by parliament to the said corporation, commonly called the *South-Sea* company, of the sum of the capital stock, or of that part of the capital stock which shall then belong to that corporation according to this act, without any deduction, defalcation or abatement whatsoever to be made out of the same sum, or any part thereof; and upon payment of all arrears which shall be then due at the respective rates aforesaid, or either of them, for or upon their then annuities or yearly funds payable in respect

fect thereof; and upon payment of all arrears of the said yearly sums, or of such proportions thereof as shall be payable to them for charges of management; all which arrears (if any such be) shall be computed and paid to the quarterly feast day then next preceding, and from thence shall be computed and paid by the day, till the time of such full payment of their capital sum; then the same annuities or yearly funds, and the yearly sums to be allowed to them for charges of management as aforesaid, and every of them, shall from thenceforth cease and determine; any thing herein contained to the contrary notwithstanding.

After 24 June 1727, on repayment to the bank of the whole sum transferred from the South Sea company, &c. the yearly funds, &c. to cease. The same clause for the East India company.

XXVI. *And in regard it is intended, That at any time or times after the said feast of the nativity of Saint John Baptist one thousand seven hundred and twenty seven the principal or sum total of the capital stock, or so much thereof as shall then belong to the said South-Sea company, may be satisfied to them by any payments (not being less than five hundred thousand pounds of lawful money of Great Britain at a time) and that as the same principal monies shall be paid off, the annuities or yearly funds of the said South-Sea company payable in respect thereof, shall from time to time proportionably sink and be abated:* be it therefore further provided and enacted by the authority aforesaid, That at any time or times after the said feast of the nativity of Saint John Baptist one thousand seven hundred and twenty seven, upon repayment by parliament to the said South-Sea company of any sum or sums of money (not being less than five hundred thousand pounds at a time) in part of the principal monies of the said capital stock which shall then belong to the said South-Sea company; and upon payment of all arrears then due to them at the respective rates aforesaid, for or upon their said annuities or yearly funds, or so much of those arrears as shall bear a proportion to their principal sums, from time to time, remaining unsatisfied, being computed by the day, until the time of every such payment of part of the principal respectively; and upon payment of all arrears then due for or upon the said yearly sums, or their part of the said yearly sums for charges of management; then from and after every such payment so made to the said South-Sea company, so much of their said annuities or yearly funds, as shall bear proportion to the monies so paid in part of the said principal, shall cease, determine, and be abated; any thing in this or any former act or acts of parliament contained, or other matter or thing whatsoever to the contrary notwithstanding.

After 24 June 1727, on repayment to the South-Sea company of any sum not less than 500,000l. at a time, a proportional part of their annuities shall cease.

And on repayment to the bank of any sum not less than 250,000l. at a time, a proportional part of their annuities to cease. The like clause for the East-India company. After such redemption the duties applicable thereto shall be understood to be redeemed by parliament. Bank to continue a corporation till all the shares transferred to them by the South-Sea company be redeemed. After the ingraftments, shares not exceeding 100l.

in the whole, may be transferred without stamp or other charges for such transfers.

East India
company may
take up monies
on their com-
mon seal, &c.
not exceeding
the sum due
from the pub-
lick to them.

XXXII. And it is hereby enacted by the authority aforesaid, That it shall and may be lawful to and for the said united company of merchants of *England* trading to the *East Indies*, and their successors, and they are hereby enabled from time to time, or at any time or times to their own good-liking, to borrow or take up money upon any contracts, bonds, bills or obligations under their common seal for carrying on their trade, or for lending or advancing money by way of bottomry, as is herein after prescribed, so as by the monies already borrowed by them, and by the monies which they shall hereafter borrow pursuant to this act, the whole sum which they shall owe at any one time do not exceed the sum due at that time from the publick to the said company, or the sum of five millions of pounds sterling in the whole.

East-India
company may
not borrow
money on cre-
dit of their
capital stock,
nor for a
greater sum
than shall be
employed in
their trade, &c.

XXXIII. And it is hereby provided and enacted by the authority aforesaid, That it shall not be lawful to or for the same united company, or their successors, to borrow, owe or give security for any sum or sums of money, on credit of their capital stock or yearly fund, or upon any increase thereof to be made in pursuance of this act, or any part thereof; and that it shall not be lawful to or for the same united company, or their successors, to borrow, owe or give security for any other or greater sum or sums of money, than such as shall be really and *bona fide* expended and laid out in and for the buying of goods, bullion or commodities to be exported for the proper account of the same company, or shall be otherwise employed in their trade, or shall be really and *bona fide* advanced or lent on the bottom of any ship or vessel, ships or vessels, or on goods or merchandizes on board any ship or vessel, ships or vessels, of the same united company, or that is, are or shall be employed in the service of the same united company, to any captains or commanders, agent, sailors, servants or other person or persons, which shall at any time or times be employed in the service of the same united company; all which sum or sums of money so to be borrowed for the purposes aforesaid, or any of them, shall be borrowed only on their common seal, and shall not be made payable or be *bona fide* agreed to be paid on demand, or at any time less than six months from the time of borrowing thereof; and that it shall not be lawful for the said united company of merchants of *England* trading to the *East-Indies*, or their successors, to discount any bills of exchange, or other bills or notes whatsoever, or to keep any books or cash of or for any person or persons, bodies politick or corporate whatsoever, other than only the proper monies and cash of the same united company; any thing in this act contained to the contrary notwithstanding.

and may not
discount bills,
or keep cash
for others.

6 Geo. 1. c. 4. XXXIV. And whereas in and by the said act of the sixth year of his Majesty's reign it was enacted, That the said corporation of the governor and company of merchants of Great Britain, commonly called the South-Sea company, should pay into the receipt of his Majesty's exche-

exchequer the sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, by such proportions and at such times as are thereby appointed for the payment thereof, and such further sums to be computed after the rate of four years and an half's purchase, and such further sums to be computed after the rate of one year's purchase, as are therein mentioned, by quarterly payments at such feast-days as were thereby limited for the payment thereof; and in case any failure in payment should be made of the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, or of the said sums to be paid after the rate of four years and an half's purchase, or after the rate of one year's purchase, or any of them, or any part thereof, a remedy is by the said act provided for recovery of the money, whereof such failure in payment should be made, with damages after the rate of five pounds per centum per annum, and the same corporation, and their stock and fund, were thereby made subject and liable thereunto: and it was thereby provided, enacted and declared, That the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, and the said several sums to be paid after the said rates of four years and an half's purchase, and one year's purchase, and every of them, and every part thereof, as fast as the same should be paid into the same receipt, should be applied in manner following, (that is to say) That out of the first monies arising of or for the said several sums so to be paid into the said receipt, every or any of them, such publick debts and incumbrances, carrying interest or annuities after the rate of five pounds per centum per annum, or more, incurred before the twenty fifth of December one thousand seven hundred and sixteen, founded upon any former act or acts of parliament in that behalf (not being part of the capital stock or fund of the said South-Sea company) as were then redeemable, or might be redeemed at any time or times on or before the twenty fifth of December one thousand seven hundred and twenty two, should be redeemed and paid off in the first place; and that after the same should be redeemed and paid off, or money sufficient should be reserved in the exchequer for redeeming and paying off the same, according to the true meaning of that act, then all the rest, residue and remainder of the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, and of the said sums to be computed after the said several rates of four years and an half's purchase, and one year's purchase, and of every of them, and of every part thereof, and as the same residues and remainders, from time to time, should grow due from the said South-Sea company, and as the same should or ought to be paid into the said receipt of exchequer, should be applied for or towards paying off so much of the capital stock and increased capital stock of the same South-Sea company, as should then carry annuities after the rate of five pounds per centum per annum; and that upon every such payment or reserving money as aforesaid, to make such payment to the said South-Sea company, a proportional part of their annuities or yearly fund, or of their annuities or yearly fund to be increased by that act, for which that rate is or should be payable,

South-Sea
company to
pay into the
exchequer
4,156,306l. 4s.
1d. and fur-
ther sums to
be computed
at 4 years and
an half's pur-
chase, and 1
year's pur-
chase.

Discharged by
7 Geo. 1. Stat. 2.
9 Geo. 1. c. 6.

Times of pay-
ment,

And their stock
and funds are
made liable to
the payment.

On default of
payment the
exchequer
may stop their
weekly pay-
ments, &c.

*should cease and determine, as by the same act (relation being there-
unto had) may more fully appear: now it is by this present act*
provided, declared and enacted by the authority aforesaid, That
the said corporation of the *South-Sea* company shall pay, and
be obliged, by force and virtue of this act (as well before as af-
ter the making any assignment or assignments, in pursuance of
this act, to the said governor and company of the bank of *Eng-
land*, and the said *East-India* company, or either of them) to pay
into the receipt of his Majesty's exchequer the said sum of four
millions one hundred fifty six thousand three hundred and six
pounds four shillings and eleven pence, and the said sums after
the rates of four years and an half's purchase, and one year's
purchase; and that the same shall be payable by such propor-
tions, and at or by such respective days or times of payment, as
in and by this present act are limited and appointed for the pay-
ment thereof, and not otherwise; that is to say, one full and
equal fourth part of the respective sums so payable shall be paid
on or before the feast of the annunciation of the Blessed Virgin
Mary which shall be in the year of our Lord one thousand seven
hundred and twenty two; one other full and equal fourth part
thereof on or before the feast of the nativity of Saint *John Bap-
tist* which shall be in the year of our Lord one thousand seven
hundred and twenty two; one other full and equal fourth part
thereof on or before the feast of Saint *Michael the Archangel*
which shall be in the year of our Lord one thousand seven hundred
and twenty two; and the remaining full and equal fourth part
of the said respective sums so payable on or before the feast of
the birth of our Lord Christ which shall be in the said year of
our Lord one thousand seven hundred and twenty two; in full
payment and satisfaction as well of the said sum of four millions
one hundred fifty six thousand three hundred and six pounds
four shillings and eleven pence, as of the said several sums to
be paid after the said rates of four years and an half's purchase,
and one year's purchase respectively; and that the said *South-Sea*
company, and their stock and funds (except such part thereof as
shall be assigned to the said governor and company of the bank
of *England* and *East-India* company, or either of them, pursuant
to this act) are and shall be subject and liable to the payment of
the said several sums at or before the said respective days and
times by this act appointed for the payment thereof, without
any deduction, defalcation or abatement whatsoever; any thing
in the said former act contained to the contrary notwithstanding.

XXXV. And be it further enacted by the authority aforesaid,
That in case default shall be made by the said *South-Sea* com-
pany in the payment of all or any part or parcel, parts or par-
cels of the said several sums of four millions one hundred fifty
six thousand three hundred and six pounds four shillings and ele-
ven pence, and of the said sums to be paid after the rate of four
years and an half's purchase and one year's purchase, or any of
them, at the respective days or times by this act limited for the
payment thereof; then the commissioners of the treasury, or any
three

three or more of them, or the high treasurer for the time being, or the officers of the exchequer for the time being, shall, and they respectively are hereby authorized, enjoined and required to cause the money whereof such default in payment shall be made, with interest for the same, after the rate of five pounds *per centum per annum* (such interest to be computed upon the monies whereof such failure in payment shall be made, from the respective days and times on which the same ought to have been so paid, until satisfaction of the principal) to be stopt out of the monies which, weekly or otherwise, shall be payable to the said corporation of the *South-Sea* company at the exchequer for or upon their annuities or yearly funds (except such parts thereof as shall be assigned or transferred to the said other corporations, or either of them, as aforesaid) and to cause the principal and interest so stopt to be applied as is herein after directed in that behalf.

XXXVI. And be it further enacted by the authority aforesaid, That all the monies to be paid into the exchequer, as aforesaid, by the said *South-Sea* company, or to be stopt, as aforesaid, of or for the said sum of four millions one hundred fifty six thousand three hundred and six pounds, four shillings and eleven pence, and the said several sums to be computed after the said respective rates of four years and an half's purchase and one year's purchase, or for interest of the same, or any part thereof, and every of them, and every part thereof, as fast as the same shall be paid into the same receipt, pursuant to this act, shall be applied in manner following, (that is to say) That out of the first monies arising of or for the said several sums so to be paid or stopt, every or any of them, such publick debts and incumbrances, carrying interest or annuities after the rate of five pounds *per centum per annum*, or more, incurred before the twenty fifth day of *December* one thousand seven hundred and sixteen, founded upon any former act or acts of parliament in that behalf (not being part of the capital stock or fund of the said *South-Sea* company, or by them to be assigned or transferred, as aforesaid) as were redeemable on the said twenty fifth of *December* one thousand seven hundred and sixteen, or might be redeemed at any time or times, on or before the twenty fifth of *December* one thousand seven hundred twenty two, shall be redeemed and paid off in the first place; and that after the same shall be redeemed and paid off, or money sufficient shall be reserved in the exchequer for redeeming and paying off the same, according to the true meaning of this act, then all the rest, residue and remainder of the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, and of the said sums to be computed after the said several rates of four years and an half's purchase and one year's purchase, and of the monies payable for interest, as aforesaid, and of every of them, and of every part thereof, as the same residues and remainders, from time to time, shall grow due from the said *South-Sea* company, and as the same shall or ought to be paid

How the monies to be paid into the exchequer shall be applied.

into the said receipt of exchequer, shall from time to time be applied (so far as the same from time to time will extend) towards paying off and discharging so much and such parts of the capital stock which shall then belong to the said *South-Sea* company, and to the said governor and company of the bank of *England*, and to the said *East-India* company, and every or any of them respectively, as by the tenor and true meaning of this and the said former act were to carry annuities payable at the exchequer after the rate of five pounds *per centum per annum*, till the twenty fourth day of *June* one thousand seven hundred and twenty seven, and afterwards at the rate of four pounds *per centum per annum*, till redemption by parliament, and towards paying off and redeeming so much of the same annuities which shall then be payable at the exchequer in respect of the capital stock which shall be so paid off and discharged; which application of the monies last mentioned shall be made in proportion to the respective quantities of capital stock, which in pursuance of this or the said former acts shall then appear to belong to the said *South-Sea* company, and to the said bank of *England*, and to the said *East-India* company, and every of them respectively, and not otherwise; and the commissioners of the treasury, or any three or more of them, and the high treasurer for the time being, are hereby directed and authorized to cause all the monies arising of or for the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, and the said sums to be paid after the said rates of four years and an half's purchase, and one year's purchase, and of or for such interest, as aforesaid, and every of them, and every part thereof, to be applied in the manner and form by this present act prescribed touching or concerning the same, and not otherwise.

XXXVII. And it is hereby enacted, That upon every such payment, or reserving such money in the exchequer to make such payment to the said *South-Sea* company, and to the said governor and company of the bank of *England*, and the said *East-India* company, every or any of them respectively, a proportional part of the annuities or yearly funds then belonging to them, and every or any of them respectively, for which the said rate of five pounds *per centum per annum* is payable, as aforesaid, and for which so much of their capital stock shall be paid off, or for which money shall be so reserved, from time to time, shall cease and determine; any thing in this or any former act or acts of parliament contained, or other matter or thing whatsoever to the contrary notwithstanding.

6 Geo. 1. c. 4. Recital of the acts about exchequer bills of the sixth of King George. XXXVIII. And whereas by virtue of the aforesaid act of the sixth year of his Majesty's reign, certain bills, commonly called exchequer-bills, then standing out, which were therein estimated to amount to eight hundred ninety six thousand six hundred sixty two pounds and ten shillings, or thereabouts, in principal money, were appointed to be called or brought in, and to be changed for new bills, to be made forth in the method which was thereby prescribed, and in pursuance of the same act several new bills have been made forth for several sums of money,

money, whereof the principal hath not exceeded the said sum of eight hundred ninety six thousand six hundred sixty two pounds and ten shillings, adding therunto the interest that was due upon the old bills, as by the said act was directed; and by the same act the said South-Sea company, and their successors, or their court of directors on their behalf, were enjoined, during the term of seven years, reckoned from the feast of the nativity of Saint John Baptist one thousand seven hundred and twenty, to furnish ready money for exchanging and circulating the new exchequer-bills which should be made forth by virtue of that act; and in case any other act should be made for making forth any further sum or sums in exchequer-bills to be current at any time or times within or during the said term of seven years, as is therein mentioned, then the said South-Sea company, and their successors, were by the said first mentioned act (in part before recited) enjoined and required (during so much of the said term of seven years as the bills to be made forth by such other act should have a joint currency with the bills to be made forth by the said first mentioned act) to furnish a proportional part or parts of such ready money as should be sufficient for exchanging and circulating all the bills so current, which proportional parts were to be ascertained and determined as by the same act is prescribed. And whereas by virtue of another act of the sixth year of his Majesty's reign, intituled, An act for making forth new exchequer-bills, not exceeding one million, at a certain interest, and for lending the same to the South-Sea company at an higher interest, upon security of repaying the same and such high interest into the exchequer, for uses to which the fund for lessening the publick debts, called the sinking fund, is applicable, and for circulating and exchanging upon demand, the said bills at or near the exchequer, several other new exchequer-bills, amounting to one million in principal monies, were made forth for the purpose in that act mentioned; and by the same last mentioned act the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, are enjoined and required (so long as the exchequer-bills, made forth by virtue of that act, should have a joint currency, or be current at the same times with the bills to be made forth by virtue of the said first mentioned act) to furnish out of the monies of the fund or security herein after mentioned, or out of loans to be made thereupon, a proportional part of the ready money which should be sufficient for exchanging and circulating all the bills which should be jointly current; which proportional part so to be furnished on behalf of the publick, was thereby prescribed to be so much as, together with a proportional part, which, from time to time, should or ought to be furnished by the said South-Sea company, should be sufficient to support the currency of all the said bills; and by the act last mentioned, the sum of three hundred twenty eight thousand six hundred seventy three pounds four shillings and ten pence halfpenny, then remaining in the exchequer, and in the same act particularly specified, and the monies which (from and after the application of a certain sum of five hundred and twenty thousand pounds therein also particularly specified) should arise of or for the surplusses, excesses and overplusses, commonly called the sinking fund, there-
in

6 Geo. 1. c. 10.

in also mentioned, are declared and enacted to be a fund or security for furnishing such proportions of ready money as are last before mentioned for or towards exchanging and circulating all the said exchequer-bills, during their joint currency. And whereas in and by the act last in part before recited, the commissioners of his Majesty's treasury were impowered to issue or cause to be issued by way of loan or advance the said bills not exceeding one million to the South-Sea company, the same corporation giving security upon their annuity or yearly fund for repayment of the principal sum so lent, with interest, within such time as by that act was limited; and the commissioners of the treasury, and high treasurer for the time being, are by that act directed and required to take especial care that upon repayment of the principal monies so to be lent, the same, with the interest or increase accruing thereupon, should be received and applied in the first place to the paying off and discharging the said exchequer-bills for one million; and that the surplus thereof, after paying off and discharging the same bills, should be placed at the receipt of exchequer, to and for the same uses to which the monies of the surplusses, excesses and overplusses, commonly called the sinking fund, are applicable; and that the said South-Sea company shall make just account of the principal so borrowed, and the interest and increase thereof, and of the repayment of the same principal, with the said interest or increase thereof, into the exchequer in manner, as aforesaid; and in default of paying the said monies, with the said interest or increase thereof, then the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, were thereby authorized and required to cause the monies so lent to be stopt out of the monies which weekly or otherwise should be payable to the South-Sea company at the exchequer, for or upon their annuities or yearly fund, together with so much more as the interest of the said monies so unpaid shall amount unto, and to cause the principal and interest so stopt, to be applied and placed in the exchequer, as aforesaid; as by the said several acts (herein before in part recited) relation being thereunto severally had, doth more fully appear. And whereas the said sum of five hundred and twenty thousand pounds, since the making of the act last before in part recited, is compleatly satisfied, or sufficient money is reserved in the exchequer for that purpose, and pursuant to the same act, the said exchequer-bills amounting to one million, were on the seventh day of June one thousand seven hundred and twenty (as by a certificate signed by the auditor of the receipt of the exchequer doth appear) issued by way of loan or advance to the said South-Sea company, upon a security under their common seal by an instrument or writing, bearing date the fourth day of June one thousand seven hundred and twenty, for repayment of the same in good and lawful money of Great Britain into the exchequer at Westminster at the end of one year, to be reckoned from the time of issuing the said bills, with interest after the rate of four pounds per centum per annum, as by the same instrument or writing, relation being thereunto had, may also appear: now to the end that all the exchequer-bills for the said sum of one million, and the interest thereof, may effectually be discharged out of the monies to be repaid by the same company, with the interest thereof as aforesaid, at or

before

before the time herein after limited in that behalf, whereby the joint currency may cease, and the publick may be eased of the burthen and charge of contributing thereunto; and to the end the said excesses, surplusses and overplus monies, called the sinking fund, and other the publick monies aforesaid, after their being freed from the incumbrance of the exchequer-bills last mentioned, may be at liberty to be applied towards lessening or reducing the publick debts and incumbrances, according to the true intent and meaning of this present act; it is hereby provided, enacted and declared by the authority aforesaid, That the said corporation, called the *South-Sea* company, or their successors, at their own costs and charges, on or before the seventh day of *June* which shall be in the year of our Lord one thousand seven hundred twenty two (although any assignment or assignments before that time shall or shall not have been made to the said other companies, or either of them, in pursuance of this act, as aforesaid) shall well and truly repay or cause to be repaid into the said receipt of exchequer the said sum of one million, together with interest then due for the same; and that upon such repayment the monies so repaid, with the interest or increase accruing thereupon, shall be applied in the first place to the paying off and discharging the said exchequer-bills amounting to one million, with such interest as shall be due thereupon; and that the surplus thereof, after paying off and discharging the bills last mentioned, shall be placed and applied to the same uses to which the monies of the said sinking fund are to be applied; and that an account of the monies so borrowed and repaid, and of the interest thereof, shall be made, as by the said former act was prescribed; and in default of repaying the said sum of one million, with the interest or increase thereof, according to this act, then the annuity and annuities which shall be then payable at the receipt of the exchequer to the said *South-Sea* company (except so much thereof as in the mean time shall or may have been assigned or transferred to the said other companies, or either of them, as aforesaid) shall and may be stopt by the commissioners of the treasury, or any three of them, or by the high treasurer for the time being, or by the officers of the exchequer for the time being; and the said exchequer-bills amounting to one million shall and may be called in and cancelled by and with the monies so stopt, in the manner prescribed by the said former act in that behalf.

South-Sea company shall repay into the exchequer by 7 June 1722. 1000,000 l. with interest,

to be applied to paying off the exchequer bills, &c.

In default their annuities may be stopt.

XXXIX. And be it further enacted by the authority aforesaid, That after discharging the said exchequer-bills amounting to one million, with all the interest which shall be due thereupon, and after paying off such publick debts and incumbrances carrying interest or annuities after the rate of five pounds *per centum per annum*, or any higher interest or annuity founded upon any former act or acts of parliament in that behalf, as may be redeemed before the said feast of the nativity of Saint *John Baptist* one thousand seven hundred and twenty seven, or reserving money sufficient in the exchequer for those purposes; then

After discharging those bills, &c.

Then all the sinking fund, &c. shall be applied towards paying off part of the capital stock of the three companies, &c.

all the monies of the said sum of three hundred twenty eight thousand six hundred seventy three pounds four shillings and ten pence halfpenny, and of the said surplusses, excesses and overplus monies, commonly called the sinking fund, which then shall or ought to remain in the receipt of the exchequer, and all the said overplus (if any be) of the said interest-monies, which shall be paid by the said *South-Sea* company for the said million lent as aforesaid, shall immediately, or as soon as the monies then resting of the said sinking fund can be computed, shall be applied (so far as the same will extend) towards paying off and discharging so much and such parts of the capital stock, which shall then belong to the said *South-Sea* company, and to the said governor and company of the bank of *England*, and to the said *East-India* company, and to every or any of them respectively, as by the tenor and true meaning of this and the said former act in that behalf are to carry annuities payable at the exchequer, after the rate of five pounds *per centum per annum*, till the twentieth of *June* one thousand seven hundred and twenty-seven, and afterwards at the rate of four pounds *per centum per annum*, till redemption by parliament, and towards paying off and redeeming so much of the same annuities which shall then be payable at the exchequer, in respect of the capital stock which shall be so paid off and discharged; which application of the monies last mentioned shall be made in proportion to the respective quantities of capital stock, which in pursuance of this and the said former acts shall then appear to belong to the said *South-Sea* company, and to the said bank of *England*, and to the said *East-India* company, and every of them respectively, and not otherwise.

All the monies of the sinking fund before 24 June 1720, shall be applied by even sums of 100,000 l. for discharging part of the capital stock of the said companies,

XL. And it is hereby further enacted by the authority aforesaid, That all the monies of the said surplusses, excesses and overplus monies, commonly called the sinking fund, which after the application of so much thereof as is in and by this act before directed to be applied or reserved as aforesaid, shall arise and be brought into the exchequer, at any time or times before the said feast of the nativity of Saint *John* the Baptist which shall be in the year of our Lord one thousand seven hundred and twenty seven, shall and may be applied, at the end of every year, so far as the same will from time to time extend, by even sums of one hundred thousand pounds at a time, for or towards paying off and discharging part of the said capital stocks of the said *South-Sea* company, and of the bank of *England*, and of the said *East-India* company respectively, in proportion to the respective quantities of the said stock which shall then belong to those corporations respectively; and upon every payment to be made in pursuance of this act to the said *South-Sea* company, and to the governor and company of the bank of *England*, and to the said *East-India* company, and every or any of them respectively, of any part of their said capital stock, a proportional part of their annuities or yearly funds, payable at the said rate of five pounds *per centum per annum*, for so much of the said capital stock as shall be so paid

and thereupon a proportional part of their annuities shall cease.

paid off from time to time, shall cease and determine: and the said commissioners of the treasury, or any three of them, and the high treasurer for the time being, are hereby directed and authorized to cause the monies of the said sum of three hundred twenty eight thousand six hundred seventy three pounds four shillings and ten pence halfpenny, and of the said surplusses, excesses and overplusses, called the sinking fund, and the said overplus of the said interest-monies, to be applied for or towards paying off the said publick debts and incumbrances, and for or towards paying off the said capital stock of the said *South-Sea* company, and (in case of such assignment or assignments as aforesaid) of the said capital stock of the said other companies, and reducing a proportional part of their annuities or yearly funds, as this act directs; any former law or statute, or any other matter or thing whatsoever, to the contrary notwithstanding.

XLI. Provided always, and it is hereby enacted, That if at any time or times hereafter provision shall be made by authority of parliament, in the lawful coins of this realm, placed in the exchequer, for paying off and discharging the said exchequer-bills for the said sum of one million, the bills themselves which shall be so paid off, or for which such coined monies shall be reserved in the exchequer, as is prescribed in the act (last in part before recited) shall be discharged therewith and cancelled, as is thereby directed: and if before the first day of *March* one thousand seven hundred and twenty one, or before the end of the session of parliament then next ensuing, coined monies shall not be raised and brought into the exchequer for discharging the bills last mentioned; then all or any of the monies which shall then remain in the exchequer, of the said sum of three hundred twenty eight thousand six hundred seventy three pounds four shillings and ten pence halfpenny (if any such be) and all the monies which from and after such session of parliament shall quarterly arise of or for the said surplusses and overplus monies, called the sinking fund, or otherwise, as is mentioned in the act last in part before recited, shall be applied for or towards discharging the said exchequer-bills amounting to one million, till they shall be all compleatly paid off and cancelled in the manner and form by the same act prescribed and intended; this present act, or any thing therein contained to the contrary notwithstanding.

Proviso for paying off and discharging the exchequer-bills.

6 Geo. 1. c. 10.

CAP. VI.

An act for punishing mutiny and desertion, and for the better payment of the army and their quarters. E X P.

CAP.