

ARTICLE VIII.—Exceptions from the Provisions of Article VII.

Are excepted from Article VII.

§ Those who left the Service during the War.

§ 1. Those who left the service during the war, and not on account of the "Saavedra" Contract being proposed. These will be entitled to claim "pay" only to the period and date of their leaving the service.

§ Those who were, themselves, the Cause of Delay.

§ 2. Those, of whom it can be satisfactorily shown, that they, themselves, were the wilful cause of delay, more especially by refusing, or delaying to give, such accounts of public money disbursed by them, as, notwithstanding the circumstances of the service, it ought still to have been within their means to render, and which they were legally and fairly liable to render, according to the rules and regulations of military service; or, by refusing or delaying to give such information as they might be able to give, and which might be reasonably expected and justly required from them:—Provided, always, that it be shown, that such information was formally demanded by competent authority, and that it was within the scope of the duty of such claimants to furnish it.

§ Those who made no formal Application for Settlement.

§ 3. Those who made no formal application for settlement to the Portuguese Government, or to the authorities constituted to receive such application, and to adjudicate upon the claims.

§ The Heirs, or Representatives of those who died.

§ 4. The heirs, or representatives of those who died during the service; who are entitled to claim pay to the date of the disease of the party whose heir or representative they are.

ARTICLE IX.—Conditions for those who continued to serve after November 1835.

Those who continued in the Portuguese service after November 1835, will be considered as entitled only to the pay and allowances of the Portuguese army, unless they can prove that they continued beyond such period under any specific agreement with the Portuguese Government, establishing other terms.

ARTICLE X.—Claims for Prize Money.

Claims will be received for share of prizes made by the squadron, or by any of the ships of Her Most Faithful Majesty.

ARTICLE XI.—For Pensions, &c.

Claims will be received for compensation or pension for wounds received in action; and, if the Commission find the claim well founded, the parties will be examined before the British Army or Navy Medical Board; and the decision of the British Authorities will determine the amount to which each shall be entitled, according to the regulations of the British

service. Before such Medical Board shall be granted by the Commission, satisfactory proof must be given of the wound or wounds having been received in action in the service of Her Most Faithful Majesty; and a certificate to that effect from a medical officer of the ship, or regiment, and of the commanding officer, will be required wherever such documents are attainable.

ARTICLE XII.—Claims for Arrears of Pensions.

Claims for arrears of pensions already granted by Her Most Faithful Majesty's Government will be received, provided such pensions shall be decided to be in conformity with the British regulations. This shall apply, alike, to the wounded, and to the widows or heirs of those deceased.

ARTICLE XIII.—Compensation for Delay.

A compensation of 5 per cent. per annum on the amount found due is awarded for delay to claimants, (by the "Minute of Instructions," Article VI.) to commence from the day on which such claimant ceased to receive pay from the Portuguese Government.

ARTICLE XIV.—Exception to Article XIII. in reference to Provisions of Article VII.

Whereas the Commission, by the decision recorded in Article VII. of these "Rules," has awarded to all claimants, who were detained after their dismissal, before a settlement was offered to them by the Portuguese Authorities—a daily rate of pay for such intervening period; the Commission—(also keeping in view that the 5 per cent. allowed in Article VI. of the "Minute of Instruction," is therein defined to be a "Compensation for delay")—has decided that no claim can be admitted for the 5 per cent. compensation for such intervening period; namely, that elapsing between the time when the claimant left the service, and the time when a settlement was tendered. Neither, after the date of the tender of a settlement, will 5 per cent. be allowed upon the amount of daily pay which thus, by an act of the Commission, is added to the amount of arrears which may be found to have been otherwise due when such settlement was tendered.

ARTICLE XV.—Exceptions to Articles XIII. and XIV.

Are excepted, from the rate of compensation specified in Articles XIII. and XIV., those claimants whose cases are defined by Sections 2 and 4 of Article VIII.

ARTICLE XVI.—British Regulations for 1831-34 in force.

The claims founded upon British regulations shall be calculated according to the regulations in force for the British land and sea forces, in the years 1831, 1832, 1833, 1834.