Anno quarto & quinto

Annæ Reginæ.

An Act for the Encouragement and Encreaſe of Seamen, and for the better and ſpeedier Manning Her Majeſties Fleet.

FOR the better Providing of Seamen and Able-bodied Landmen for the Service of Her Majeſties Navy, Be it Enacted by the Queens moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in Parliament Aſſembled, and by the Authority of the ſame, That all and every the Juſtices of the Peace within the ſeveral Counties, Ridings and Places of this Realm, and the Dominion of Wales, and Town of Berwick upon Tweed, and all the Mayors, Bailiffs, and other Chief-Magiſtrates of the reſpective Cities, Boroughs, and Towns Corporate within the ſame, and every of them, ſhall, and they and every of them reſpectively is and are by this Act Authorized and Required from time to time, until the Firſt Day of March, One thouſand ſeven hundred and ſix, to make and cauſe to be made diligent Search for all ſuch Seamen and Seafaring-Men, as lye hid, withdraw, or conceal themſelves, and ſhall cauſe all ſuch Seamen and Seafaring-Men, as aforeſaid, which ſhall be found or diſcovered to be taken up, ſecured and delivered over for Her Majeſties Service at Sea, as this Act directs.

And for the more effectual Doing thereof, It is hereby Enacted, That any Two or more of the Juſtices of the Peace of the ſeveral Counties and Ridings aforeſaid, within their reſpective Diviſions, and the Mayor, Bailiff, Head-Officer or Officers of every City or Town-Corporate, having Juſtices of the Peace, together with One or more Juſtices of the Peace of the ſame City or Town-Corporate reſpectively, or in default of ſuch Juſtices, then with One or more Juſtices of the Peace of the County wherein the ſaid City or Town is ſituate, within their ſeveral Juriſdictions, at any time or times before, and until the ſaid Firſt Day of March, One thouſand ſeven hundred and ſix (upon any Application or Applications to them reſpectively to be made by ſuch Perſon or Perſons who ſhall be Authorized by Her Majeſty, under Her Royal Sign Manual, or by the Lord High-Admiral of England, or by any Three or more of the Commiſſioners for Executing the Office of Lord High-Admiral of England for the time being, to Receive and Conduct ſuch Seamen) ſhall Iſſue their Warrants to all and every the High-Conſtables, Petty-Conſtables, Headboroughs and Tythingmen, or other Officers and Inhabitants, or any of

them, within their respective Jurisdictions, or to the High-Constables, for Issuing their Precepts to the Petty-Constables, and other Officers aforesaid (who have hereby Power to call to their Assistance such and so many of the other Inhabitants, as may be needful to enable them to perform this Service, to make a general Privy Search, or so many general Privy Searches, as may most Conduce to Her Majesties Service, within every Hundred, Division, City, Corporation, and in every Parish, Village, Hamlet and Place therein; every such Search to be made in such Night as shall be specified in the said Warrants respectively, for the finding out, taking and securing all such Seamen and Seafaring-Men, as aforesaid, and for bringing them before the said Justices of the Peace or Magistrates, at such time and place as shall be prefixed in the said Warrants, within Five Days at the farthest, after the making forth of such Warrants respectively; and the said High-Constables, Petty-Constables, Headboroughs, Tythingmen, Officers, and others, who shall be charged with the Execution of the said Warrants or Precepts, shall Carefully and Diligently Perform their Duties therein, according to the Tenor thereof, and of this Act, at all times before and until the said First Day of March, One thousand seven hundred and six, under such Pains and Punishments as are herein after expressed.

And it is hereby Enacted, That the said Justices of the Peace and Magistrates respectively, shall assemble and meet together at the time or times, and place or places to be prefixed in the said Warrants, and they, together with such other Justices of Peace of the same Hundred, Division, City, Place or Precinct, as shall then be present, or the major part of them then present, shall examine the Persons which shall be so brought before them, and if they find them to be such Seamen or Seafaring-Men, as aforesaid, shall cause them forthwith to be delivered over to the Person or Persons appointed to Receive and Conduct them, as aforesaid, to be conveyed into Her Majesties Service at Sea.

And it is hereby Declared, That in the making of such general Search or Searches, as aforesaid, within the time before limited, it shall and may be Lawful to and for the said Officers appointed to make the same, or any of them, to enter into any House, Out-house, or other Place, where such Officer or Officers shall suspect any such Seamen to be concealed, and if Entrance be not readily admitted, then to open the Doors to make such Search.

And be it Enacted by the Authority aforesaid, That at the said Day or Days of Meeting of the said Justices and Magistrates respectively, the High-Constables of the respective Hundreds or Divisions, and all and every the Petty-Constables, Headboroughs and Tythingmen of every Township and Place, shall appear before the said Justices and Magistrates respectively, and give account of the Execution of the respective Warrants and Precepts to them directed, as aforesaid, and of their Doings in the Performance of Her Majesties Service in the Premisses; and the said Justices of the Peace and Magistrates respectively, or the major part of them present, have hereby Power to examine them, or any of them, or any others, upon Oath, concerning the same, and to impose a Fine not exceeding Five Pounds, upon any of them respectively, for not appearing, or for any Neglect, Connivance, or other Offence in the Premisses, and to levy such

Fine by Diſtreſs and Sale of the Offenders Goods, for the uſe of the Poor of the Pariſh where ſuch Offence ſhall be committed.

Provided always, That nothing in this Act contained ſhall extend to the Sending into the Sea-Service, any Seafaring-Man, who hath not actually been imployed at Sea ſince her Majeſties happy Acceſſion to the Crown.

And be it Enacted by the Authority aforeſaid, That every Seaman or Seafaring-Man, who ſhall be taken and delivered, as aforeſaid, ſhall have his Pay commence from the time of ſuch Delivery, and alſo from the ſame time, ſhall be deemed a Seaman or Mariner in Her Majeſties Service, as much as if he had received Wages or been Muſtered, and if ſuch Seaman or Seafaring-Man ſhall wilfully Deſert or Run away from his Conductor, ſuch Deſertion or Running away, ſhall be judged Felony, without Benefit of Clergy; and the Juſtices of every County, Riding, Diviſion, City, Town or Place, or any of them, where any ſuch Seaman ſhall be taken, ſhall have full Power, by Virtue of this Act, to commit ſuch Offender to the Common Goal, in order to be Tryed and Puniſhed for the ſaid Offence.

And it is hereby further Enacted, That upon the Delivery of every ſuch Seaman or Seafaring-Man, as aforeſaid, to the reſpective Perſons that ſhall be appointed to Receive and Conduct them, as aforeſaid, ſuch Perſons ſo appointed, ſhall, out of the Money given for the Service of the Navy, to be put into their Hands for this Purpoſe, pay for every ſuch Seaman or Seafaring-Man the Sum of Twenty Shillings, as a Reward to the Conſtable, or other Officer, who diſcovered, took and ſecured the ſaid Seaman, and for Defraying his Charges in the ſaid Service; and if more Perſons than One ſhall be concerned in the Diſcovery, Taking or Securing of the ſaid Seaman, then the ſaid Reward ſhall be diſtributed amongſt them at the Diſcretion of the ſaid Juſtices or Chief-Magiſtrates reſpectively; which ſaid Conſtables or Perſons receiving the ſaid Rewards, ſhall give Receipts for the ſame to the ſaid Conductors, which ſhall be allowed upon their Accounts; and the ſaid Conductors ſhall likewiſe give Receipts under their Hands to the ſaid Conſtables, or other Officers reſpectively, for every Seaman ſo delivered; And it is hereby Declared, That Conduct-money for Conveying and Subſiſting the ſaid Seamen, till they are on Board ſome of Her Majeſties Ships or Veſſels in Sea-Pay, ſhall be furniſhed and allowed according to the preſent Uſage of the Navy.

And be it Enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever ſhall preſume to Harbour or Conceal any Seaman or Seafaring-Man, liable to be taken upon this Act, or ſhall wilfully do any Act or Thing whereby the Execution of this Act in the Searching for, Taking, Securing or Conducting ſuch Seamen, as aforeſaid, ſhall be Hindred or Fruſtrated, or ſhall Entice any Seaman to Run away from his Conductor, ſuch Offenders, for every ſuch Offence, ſhall forfeit Five Pounds to the Uſe of the Poor of the Pariſh where ſuch Offence ſhall be Committed; And all and every the Offences laſt mentioned, ſhall and may be enquired of, heard, and finally determined by any Two or more of Her Majeſties Juſtices of the Peace, dwelling in or near the Place where ſuch Offence ſhall be Committed, who have hereby Power to cauſe the ſaid Penalty to be Levied by Diſtreſs and Sale of the Offenders Goods and Chattels, rendring the Over-

plus, if any be, and if the Offender have no such Goods or Chattels sufficient to answer the said Penalty, then to Commit him or her to the County Goal, there to remain for the space of Three Months, without Bail or Mainprize.

And for the Encouragement of all Seamen, who are or shall be in Her Majesties Service at Sea, it is hereby Declared and Enacted by the Authority aforesaid, That every Seaman who from and after the Five and twentieth Day of March, One thousand seven hundred and six, shall be Turned over from one Ship to another in Her Majesties Service, or Turned ashore, as not being fit for Her Majesties Service, shall be paid his Wages which shall appear to be due to him in the Ship from which he was Turned over, before such Ship to which he shall be Turned over do go to Sea, either in Money or by a Ticket, which shall Entitle him or his Assigns to Payment within one Month after the said Ticket shall be presented to the Commissioners of the Navy at their Office.

And for the better Encrease of Seamen, and Supplying the Want of them, it is hereby further Enacted by the Authority aforesaid, That all and every the Powers, Authorities, Directions, Clauses, Matters and Things contained or to be contained in any Act of this Session of Parliament for Recruiting Her Majesties Land-Forces and Marines, for the Year One thousand seven hundred and six, shall and may be Executed, Practised and put in Ure, for Supplying Her Majesties Navy with Able-bodied Landmen, being such Persons as are liable to be Raised for Land-Service by such other Act; and Her Majesties Service in Raising such Able-bodied Landmen, shall and may be Performed and Carried on by such Justices, Magistrates, and other Persons, and in such Manner and Form (the Reading of any Articles of War excepted) and under such Rules and Restrictions as are or shall be prescribed by such Act for the Land-Service.

Provided always, That such Able-bodied Landmen shall be delivered to such Conductors, as aforesaid, who shall Secure and Deliver them on Board some of Her Majesties Ships or Vessels in Sea-Pay, and shall out of Money given for the Navy, and to be put into their Hands for this Purpose, pay for every such Able-bodied Landman that shall be Impressed, the like Rewards or Encouragements as are to be paid for the Men to be Listed by such other Act for the Land-Service; Any thing therein contained to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That no Mariner or other Person who is or shall be Entred in Her Majesties Sea-Service, and hath been Mustered on Board any of Her Majesties Ships or Vessels of War, and doth continue Entred in Pay on any of the said Ships Books, shall, during this present War, be Arrested, or Detained in Prison, or taken out of the said Service by any Process whatsoever, in any Civil Action, Suit or Cause, wherein the Debt or Damages shall not appear (by an Affidavit to be Filed in the Court out of which such Process shall issue, before the taking out such Process) to exceed the Sum of Twenty Pounds.

Provided always, That upon Notice given in Writing of any Action or Actions to such Person or Persons (Entred in Her Majesties Sea-Service, and Exempted from being Arrested and Detained in Prison for any Debt or Damages which shall not exceed

the Sum of Twenty Pounds, as aforesaid) or left at his or their last Place of Residence, and Oath thereof made in the Court where the Suit shall be Commenced for such Debt or Damages, in Default of such Person or Persons Entring a Common Appearance for the Space of Ten Days after such Notice given or left, it shall and may be lawful for the Plaintiff or Plaintiffs to File a Common Appearance for such Person or Persons, in any Action to be so brought for or upon the Account of any such Debt or Damages, so as to Entitle such Plaintiff or Plaintiffs to proceed therein to Judgment, and to have any Execution thereupon, other than against the Body or Bodies of him or them so Entred, as aforesaid; This Act, or any thing herein, or any former Law or Statute to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the Justices of the Peace and Magistrates of every respective County, Riding, Division, Liberty, City or Place, before whom any Persons shall be Impressed for the Sea-Service, in pursuance of this Act, do and shall, at every General Quarter-Sessions for such County, Riding, Division, Liberty, City or Place, exhibit an Account, under their Hands and Seals, of the Names of the several Persons by them so Impressed, at any time preceding such respective General Quarter-Sessions, together with the Names of the Hundred, Parish or Place from whence, and the Parish-Officers or other Officers, by whom, and times when such Persons were brought and Impressed, and of the Names of the Conductors to whom such Persons were Delivered; and that such Accounts shall be kept by the Clerk of the Peace or Town-Clerk of such County, Riding, Division, Liberty, City or Place, among the Records thereof; To which Accounts all Persons may have Resort, at reasonable times, without any Fee or Charge; and the Clerk of the Peace or Town-Clerk for every such County, Riding, Division, Liberty, City or Place, is hereby Required, from time to time, within Twenty Days after such Quarter-Sessions, to Transmit true Copies thereof, attested by himself to the Secretary of the Lord High-Admiral of England, or of the Commissioners for Executing the Office of the Lord High-Admiral of England.

And whereas by an Act made in the Second Year of Her Majesties Reign, Intituled, An Act for the Encrease of Seamen, and better Encouragement of Navigation, and the Security of the Coal-Trade, Provision is made for putting out of Parish Children Apprentices to Masters of Trading Ships and Vessels at the Age of Ten Years: It is hereby Enacted, That no such Master shall be Obliged to take any such Apprentice under the Age of Thirteen Years, or who shall not appear to be fitly Qualified both as to Health and Strength of Body for that Service; And any Widow of the Master of such Ship or Vessel, or the Executor or Administrator of such Master, who shall have been Obliged to take such Parish Boys Apprentice to them, shall have the same Power of Assigning over such Apprentices to any other Masters of Ships or Vessels, who have not their Compliment of Apprentices Required by the said recited Act, to be Entertained by them, as is given by the said Act to such Persons as have taken Children Apprentices, in pursuance of the Statute made in the Forty third Year of Queen Elizabeth.

And whereas all such Persons, who in Pursuance of the said Act, have voluntarily Bound, or hereafter shall so Bind themselves Apprentices to such Masters or Owners, as therein is Expressed,

are

are exempted from Her Majesties Service, for the Term of Three Years, from the Date of their respective Indentures: And whereas such Exemptions from Her Majesties Sea-Service for the Term of Three Years, which was intended for the Encouragment of Landmen, to Bind themselves Apprentices to the Sea-Service, hath been manifestly Abused for the Exempting and Protecting of Seamen from the said Service, who having Bound themselves Apprentices, have Claimed such Exemption, and Demanded Protections accordingly, to the great Hindrance and Prejudice of Her Majesties Sea-Service; Be it therefore further Enacted and Declared, That no Person or Persons of the Age of Eighteen Years, shall have any Exemption or Protection from Her Majesties Sea-Service, who shall have been in any Sea-Service before the time they Bound themselves Apprentices; Any Law or Statute to the contrary thereof in any wise notwithstanding.

And whereas by an Act of Parliament made in the Second Year of the Reign of King Philip and Queen Mary, Intituled, An Act touching Watermen and Bargemen upon the River of *Thames*, It was Enacted, That if any Person or Persons, which from and after the time therein mentioned, should Use and Exercise the Occupation of Rowing betwixt Gravesend and Windsor, which in the time of the Execution of any Commission of Pressing, that should be had for the Service of the King and Queens Majesty in their Affairs, should Willingly, Voluntarily, and Obstinately Withdraw, Hide, or Convey him or themselves in the same time of Pressing, into secret Places and Out-Corners, and after, when such time of Pressing is over-passed, should return and come again to the River of Thames to Row betwixt Gravesend and Windsor aforesaid, and that duly proved by two indifferent Witnesses before the Lord Mayor, and Court of Aldermen, or Justices of Peace, and Two of the Rulers of the Company of Watermen, that then he or they so doing and offending, should suffer Imprisonment for the space of Two Weeks, and be Banished any more to Row from thenceforth upon the said River of Thames, by the Space of One whole Year and a Day then next following: And whereas by an Act made in the Eleventh Year of his late Majesty King William the Third, Intituled, An Act for Explanation and better Execution of former Acts made touching Watermen and Wherrymen Rowing on the River of *Thames*, and for the better Ordering and Governing the said Watermen, Wherrymen and Lightermen upon the said River, between *Gravesend* and *Windsor*, Persons who Keep or Work, or shall be imployed in Rowing, or Navigating any Lighter or Lighters, or other great Craft (except as in the said Act is excepted) shall be Registred in the Company of Watermen: And whereas in this time of War, divers Watermen, Bargemen, Lightermen and Wherrymen, belonging to the said River, do Abscond and not Enter themselves into Her Majesties Service; and it being highly Necessary that a convenient Number of such Watermen, Bargemen, Lightermen and Wherrymen, should from time to time be Obliged to serve on Board Her Majesties Fleet; Be it Enacted by the Authority aforesaid, That in case such a Number of them as the Lord High-Admiral, or any Three or more of the Commissioners for Executing the Office of Lord High-Admiral of England for the time being, shall from time to time give Notice to the said Company of Watermen, there shall be Occasion for to serve Her Majesty, Her Heirs and Successors, (being duly Summoned by leaving Notice in Writing at the

place of their usual Abode by the Company) within Ten Days after such Summons, shall not appear before the Rulers of the said Watermens Company, to be sent on Board Her Majesties Fleet, such Person or Persons so Summoned, and being duly Convicted before the Lord Mayor and Court of Aldermen of the City of London, or Two Justices of the Peace of the said City, and Two of the said Rulers, that then he or they so doing and Offending, shall suffer Imprisonment during the space of One Month, and be disabled from Rowing, or Working upon the said River of Thames, and of Enjoying any the Advantages or Privileges of the said Company for the space of Two Years.

And for the further Encouragement of all such Persons, either Seamen, or Able-bodied Landmen, as shall desire Voluntarily to render themselves on Board Her Majesties Fleet; Be it further Enacted by the Authority aforesaid, That all and every Person or Persons, who being Insolvent, or unable to pay his, her or their Debt or Debts, and are actually Prisoner or Prisoners for the same, on the Sixteenth Day of February, One thousand seven hundred and five, upon any Action or Actions for Debt or Damages, or upon Mesne Process for Debt or Damage, or who may have Judgment or Judgments entred against them, or are Charged in Execution, or that are Imprisoned by any other Process whatsoever, for any Debt, Sum or Sums of Money whatsoever, Contracted before the said Sixteenth Day of February, One thousand seven hundred and five, which Debt or Debts, the said Prisoner or Prisoners are utterly unable to pay, and who shall before the First Day of May, One thousand seven hundred and six, before Three or more of Her Majesties Justices of the Peace (whereof one to be of the Quorum) within their respective Jurisdictions, where such Prisoner or Prisoners shall be Imprisoned, take the Oath following, viz.

I *A. B.* do Solemnly Swear, That I have not any Estate Real or Personal, in Possession, Reversion or Remainder, or in Trust, to the value of Five Pounds in the whole, or sufficient to pay the Debt or Damage for which I am Imprisoned; and that I have not Directly or Indirectly Sold, Leased, or otherwise Disposed of, or Intrusted all or any Part of my Estate, thereby to Secure the same, to Receive or Expect any Profit or Advantage thereof, or to Defraud or Deceive any Creditor or Creditors whatsoever, to whom I stand Indebted:

So help me God.

Or who not being able to take the said Oath, by reason of his having some Estate, Goods, Debts or Effects, which the said Prisoner or Prisoners, has or may have left, which not being sufficient to pay his or their Debts, the said Prisoner or Prisoners is willing to Yield, Surrender, and Give up to the Use of all his Creditors, equally to be Divided amongst them, and shall actually Yield, Surrender, and Give up the same accordingly, to Two Persons or more, such as the Majority of his or their Creditors shall appoint, by Writing under their Hands, to Receive the same, and shall after such Surrender, and before the said First Day of May, take (before any Three or more of Her Majesties Justices of the Peace, within their respective Jurisdictions, where such Prisoner or Prisoners shall be Imprisoned) an Oath to the Effect following, viz.

I *A. B.* do Solemnly Swear, that the Goods, Debts, and Effects which I have Delivered, Aſſigned, and made over to and in Truſt for the Uſe of my Creditors, is the whole Eſtate, whether Real or Perſonal, which I have, or have any Title to in the World; and that I have not any Eſtate, Goods or Effects of any kind whatſoever, left, either in Poſſeſſion, Reverſion or Remainder (the neceſſary Wearing Apparel for my ſelf, Wife, and Children, only excepted) and that I have not Directly or Indirectly Sold, Leaſed, or otherwiſe Conveyed, Diſpoſed of, or Intruſted, all or any Part of my Eſtate, thereby to Secure the ſame, to Receive or Expect any Profit or Advantage thereof:

So help me God.

Such Priſoner and Priſoners, ſo ſoon as they ſhall have taken either of the ſaid Oaths in manner aforeſaid, being an Able-bodied Seaman or Landman, ſhall immediately Enter him or themſelves into Her Majeſties Service in the Royal Navy, to Serve therein during the preſent War, and the Juſtices before whom ſuch Oath was taken, ſhall forthwith make a Certificate thereof, and by their Order or Warrant annexed thereto, ſhall Diſcharge ſuch Priſoner out of Priſon, and ſuch Priſoner thereby ſhall be actually Free and Diſcharged from all Debts, Damages, Action and Actions, Suits, Judgments, Executions and Proceſs whatſoever, for or by reaſon of any Debt or Damages, Sum or Sums of Money, Owing or Contracted before the ſaid Day of his Diſcharge, as aforeſaid: And ſuch Juſtices by their ſaid Order of Diſcharge ſhall direct the Sheriff, Gaoler, or other Officer or Perſon in whoſe Cuſtody ſuch Priſoner or Priſoners, ſo Entred into Her Majeſties Service, as aforeſaid, ſhall happen to be, forthwith to Deliver ſuch Priſoner or Priſoners into the Cuſtody of ſuch Officer or Officers of Her Majeſties Navy, as ſhall be Impowered by the Lord High-Admiral, or Commiſſioners of the Admiralty for the time being, to Receive the ſame; And the ſaid Certificate and Order of the ſaid Juſtices, or a Duplicate thereof, together with a Receipt thereupon from ſuch Officer of the Navy, ſhall be a full Diſcharge to ſuch Sheriff, Gaoler or other Officer, of and for ſuch Priſoner or Priſoners ſo Diſcharged and Delivered, as aforeſaid.

Provided alſo, That if the Creditors of any poor Priſoner who is willing to ſurrender all his Goods, Debts or Effects, as aforeſaid, ſhall refuſe or omit, after due Notice in Writing given to the major part of them, or left at their uſual Places of Abode, to Nominate and Appoint Truſtees to Receive ſuch Goods, Debts and Effects, and ſuch Aſſignments, Deeds, Writings, Powers or Procuſations, as the ſaid Priſoner ought to make for their more effectual Receiving ſuch Goods, Debts and Effects, That then the ſaid Priſoner or Priſoners ſhall and may Appoint any Two of their Creditors, who are willing to Receive the ſaid Truſt, and may make the ſaid Surrender of his or their Goods, Debts and Effects to them, in the Name and for the Uſe of all the Creditors.

And be it further Enacted, That for the more ſpeedy and effectual Diſcharge of ſuch Priſoner or Priſoners, as deſire to be diſcharged by this Act, the ſaid Juſtices of the Peace are hereby Impowered to ſend their Warrant to the Goaler or Keeper of ſuch Priſon, where the ſaid Perſon or Perſons to be Diſcharged are Impriſoned,

ed, to bring the said Prisoner, with a Copy of his Causes before them, or any other Her Majesties Justices of the Peace in the same County, Riding, Division, City or Town, where the said Prison is Scituate, which Warrant the said Goaler, Keeper or Keepers of the said Prison is hereby required to obey without any Fee, Demand or Reward for the said Prisoner or Prisoners, (other than needful Expence or Expences in Travelling or Conveying the said Prisoner or Prisoners, which Expence shall be referred to, and is hereby referred to the said Justice of the Peace to adjust and appoint.)

And be it further Enacted, That upon Taking the said Oaths, or either of them, by any Prisoner, as aforesaid, (which Oath the said Justices of the Peace, are hereby Impowered to Administer) the same Justices may also Examine upon Oath the Prisoner, or any other Person, about the Poverty of the Prisoner, or about the Truth of his Surrender, and upon Proof of any Fraud, may refuse to Discharge the said Prisoner or Prisoners; But on default of such Proof, the said Justice may Discharge the said Prisoner or Prisoners, as aforesaid.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, who shall be Discharged by virtue of this Act, shall at any time after the said Discharge, be again Arrested, Sued, Attacht, or in any manner Molested or Disturbed for any Debt or Damage, contracted or done before the said Sixteenth Day of February, One thousand seven hundred and five, the said Person so Arrested or Molested, shall not be held to Bail, or Detained in Custody, but may File Common Bail, Plead the General Issue, and give this Act in Evidence, and upon Trial shall recover Treble Damages.

Provided, That if any Prisoner shall be Guilty of Wilful Perjury, to gain any Advantage by this Act, such Person being thereof lawfully Convicted, shall suffer as a Person Convicted of Wilful Perjury, according to the Statute of the Fifth Year of Queen Elizabeth, in that behalf made.

And be it further Enacted, That if any Officer of Her Majesties Navy, who shall be Appointed to receive or take any Prisoner or Prisoners into Her Majesties Service, shall in stead of the Persons so to be Entred, take, receive or accept of any Fee, Reward, or Sum of Money whatsoever, to Excuse such Person or Persons from being actually Entred in Her Majesties Service, and Delivered on Board the Fleet: The Officer so Offending, shall Forfeit all Wages or Pay due to such Officer, and be Discharged from Her Majesties Service, and shall also Forfeit for every Person so Excused the Sum of Fifty Pounds, One Moiety to the Queens Majesty, the other Moiety to him or them who shall Sue for the same, in any of Her Majesties Courts of Record at Westminster.

And be it further Enacted, That to prevent Frauds in the due Execution of this Act, a Register shall be Appointed to be kept in the Navy or Admiralty-Office, where the Names of every Person so Entred, shall be Entred, and the Ship they were to Serve in, that so upon the Musters of the said Ships Company, it may appear if such Person or Persons were actually Entred in Her Majesties Service, and Continue in the same.

And be it further Enacted, That Three or more Justices of the Peace, whereof One to be of the Quorum, may go to any Prison

and

and Prisons within their respective Counties, Ridings, Cities and Towns, and Examine what Prisoner or Prisoners are there Imprisoned for any Debt, or pretended Debt or Debts, not exceeding the Sum of Sixty Pounds in the whole, in Principal Money and Damages, to any One or more Person or Persons; And where the said Justices shall find that any such Prisoner or Prisoners, as is aforesaid, do decline Entring themselves into Her Majesties Service, being able and fit for the same, of which the said Justices are hereby Impowered to Determine, such Justices may Grant their Warrant, for the Sending such Person and Persons (being Seamen) on Board Her Majesties Fleet, and also to Send on Board Her Majesties Fleet, such other Prisoner and Prisoners aforesaid, not being Seamen; and the Goaler upon Warrant from such Three Justices, as aforesaid, shall forthwith deliver the said Prisoner or Prisoners into the Custody of such Officer or Officers of Her Majesties Navy, as shall be Impowered by the Lord High-Admiral, or Commissioners of the Admiralty for the time being, to receive the same.

Provided, no Person shall receive any Benefit by this Act, unless he shall continue in the said Service during the Continuance of this present War.

Provided nevertheless, That no Person shall be Discharged out of Prison, or have any Benefit or Advantage by Force or Virtue of this Act, who shall be really and bona fide indebted in more than the Sum of Sixty Pounds Principal Money for Debt or Damages, or shall stand Charged with any Debt to Her Majesty; Nor shall the same Extend to any Person or Persons in Execution, for any Fine on him or them Imposed, for any Offence by him or them Committed, or to Release or Discharge any Person or Persons, who have Committed any Felony or Robbery, and for which any Action hath been brought to recover Damages for the same, though the Damages be under Sixty Pounds Principal-Money.

Provided always, That the Discharge of any Prisoner or Prisoners by Virtue of this Act, shall not Discharge his or their Debt or Duty, nor any other Person or Persons jointly or severally Bound with him, or them, nor any other Security or Securities, but only the Person or Persons of such Prisoner or Prisoners; and that all Actions, Process, Suits and Demands, and all and every Judgment or Judgments against him or them, shall stand good to all Intents and Purposes against the Lands, Tenements, Hereditaments, Goods and Chattels of the said Prisoner or Prisoners so Discharged; and that it shall and may be Lawful to and for any Creditor or Creditors, his, her, or their Executors, Administrators or Assigns, to take out any new Execution or Executions, against the Lands, Tenements, Hereditaments, Goods and Chattels only of such Prisoner or Prisoners; And where no Judgment against such Prisoner or Prisoners hath been yet obtained, such Creditor or Creditors may Proceed to get and obtain a Common Appearance or Common Bail, by such Means, and in such Manner, as in and by this Act is Provided, where any Person is to be free from being Arrested, in case where the Debt or Damages shall not exceed the Sum of Twenty Pounds; Any Law, Usage or Custom, or any Thing in this Act to the contrary thereof in any wise notwithstanding.

FINIS.