Anno tricesimo secundo

Georgii II. Regis.

An Act to explain and amend an Act made in the Twenty ninth Year of His present Majesty's Reign, intituled, *An Act for the Encouragement of Seamen, and the more speedy and effectual Manning His Majesty's Navy*; and for the better Prevention of Piracies and Robberies by Crews of Private Ships of War.



WHEREAS repeated Complaints have of late been made of divers outragious Acts of Piracy and Robbery, committed on Board great Numbers of Ships, more particularly by the Crews of small Ships, Vessels, or Boats, being, or pretending to be, English Privateers: And whereas it is of the utmost Importance to the Honour of this Nation, to detect and bring to Justice Persons who (in Violation of the Laws of Nations in general, and of this Kingdom in particular) have been, or shall be, guilty of such Piracies and Robberies: And whereas by a Clause in an Act of Parliament passed in the Twenty ninth Year of the Reign of His present Majesty, intituled, An Act for the Encouragement of Seamen, and the more speedy and effectual Manning His Majesty's Navy, it is, amongst other Things, enacted, That the Lord High Admiral of Great Britain, or the Commissioners for executing the Office of Lord High Admiral of Great Britain for the

Preamble.

Clause in Act 29 *Geo.* II.

the time being, or any Three or more of them, or any Person or Persons by him or them impowered and appointed, shall, at the Request of any Owner or Owners of any Ship or Vessel, giving such Bail and Security as have been usually taken upon granting Commissions or Letters of Marque (except only for the Payment of the Tenths of the Value of Prizes which shall be taken, to the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral for the time being) cause to be issued forth, in the usual Manner, One or more Commission or Commissions to any Person or Persons whom such Owner or Owners shall nominate to be Commander, or, in case of Death, successively Commanders of such Ship or Vessel, for the attacking, surprizing, seizing, and taking, by and with such Ship or Vessel, or with the Crew thereof, any Place or Fortress upon the Land, or any Ship or Vessel, Goods, Ammunition, Arms, Stores of War, or Merchandize, belonging to, or possessed by, any of His Majesty's Enemies, in any Sea, Creek, Haven, or River: And whereas it is apprehended that most of the Acts of Piracy and Robbery complained of as aforesaid, have arisen from the Obligation on the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, at such Request as aforesaid, to grant such Commissions to the Commanders of all Ships or Vessels, of what Burthen soever, without Distinction: To Remedy which Inconveniency; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of June, in the Year of our Lord One thousand seven hundred and fifty nine, so much of the said recited Clause in the above-mentioned Act of Parliament, passed in the Twenty ninth Year of the Reign of His present Majesty, as directs the Lord High Admiral of Great Britain, or the Commissioners for executing the Office of Lord High Admiral of Great Britain for the time being, or any Three or more of them, or any Person or Persons by him or them impowered and appointed, at the Request of any Owner or Owners of any Ship or Vessel giving such Bail and Security as therein is mentioned, to cause to be issued forth, in the usual Manner, One or more Commission or Commissions to any Person or Persons whom such Owner or Owners shall nominate to be Commander, or, in case of Death, successively Commanders of such Ship or Vessel, for the Purposes in the said recited Clause mentioned, shall be, and the same is hereby declared

So much of the recited Clause, as directs the Admiralty, upon Application, and Security given, to grant Commissions to Privateers, repealed.

clared and enacted to be absolutely repealed and made void.

Admiralty to grant Commissions, upon Owners, &c. giving such Bail and Security as is herein after-mentioned.

And be it further enacted by the Authority aforesaid, That the Lord High Admiral of Great Britain, or the Commissioners for executing the Office of Lord High Admiral of Great Britain for the time being, or any Three or more of them, or any Person or Persons by him or them impowered and appointed, shall, from and after the said First Day of June, One thousand seven hundred and fifty nine, at the Request of any Owner or Owners of any Ship or Vessel, giving such Bail and Security as is herein after-mentioned and expressed, cause to be issued forth One or more Commission or Commissions to any Person or Persons whom such Owner or Owners shall nominate to be Commander, or, in case of Death, successively Commanders of such Ship or Vessel, for the attacking, surprizing, seizing, and taking, by and with such Ship or Vessel or with the Crew thereof, any Place or Fortress upon the Land, or any Ship or Vessel, Goods, Ammunition, Arms, Stores of War, or Merchandize, belonging to, or possessed by, any of His Majesty's Enemies, upon the Land, or in any Sea, Creek, Haven, or River; and that such Ship or Ships, Vessel or Vessels, or any Goods, Ammunition, Arms, Stores of War, and Merchandizes whatsoever, with all their Furniture, Tackle, and Apparel, so to be taken, by or with such private Owner or Owners Ship or Vessel, according to such last-mentioned Commission or Commissions (being first adjudged lawful Prize in any of His Majesty's Courts of Admiralty) shall wholly and entirely belong to, and be divided between and among, the Owner and Owners of such Ship or Vessel, and the several Persons which shall be on Board the same, and be aiding and assisting to the taking thereof, in such Shares and Proportions as shall be agreed on with the Owner or Owners of such Ship or Vessel as shall be the Captor thereof, their Agents or Factors, as the proper Goods and Chattles of such Owner or Owners, and the Persons that shall be intitled thereto by virtue of such Agreements among themselves; and that neither His Majesty, His Heirs, or Successors, or any Admiral, Vice Admiral, Governor, or other Person, commissioned by, or claiming under, His Majesty, His Heirs, or Successors, or any Person or Persons whatsoever, other than the Owner or Owners of such Ship or Vessel, being the Captor of such Prize Ship or Vessel, Goods, Ammunition, Arms, Stores of War, and Merchandizes, and the Persons claiming under him or them, shall be intitled to any Part or Share thereof (except as to the Customs and Duties mentioned in the said

Prizes to belong solely to, and be divided among, the Owners and Captors, as shall be agreed between them;

reserving only the Customs and Duties payable by Act 29 *Geo.* II.

Act of the Twenty ninth Year of his Majesty's Reign) any Custom, Statute, or other Law to the contrary notwithstanding.

No Commission to be granted to Vessels, in *Europe*, under 100 Tons Burthen, 10 Guns, and 40 Men;

Provided nevertheless, and it is hereby further enacted, That no such Commission as aforesaid shall be issued forth or granted to any Person or Persons by virtue of this Act, unless the Ship or Vessel for which the same shall be granted, in Europe, shall be of the Burthen of One hundred Tons, and carry Ten Carriage Guns, being Three Pounders, and Forty Men at the least; or unless the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, or any Three or more of them, or any Person or Persons by him or them impowered and appointed, shall, in their Discretion, think fit to grant the same to any Ship or Vessel of inferior Force or Burthen, the Owner or Owners of such Ship or Vessel giving such Bail and Security as is herein after mentioned and expressed.

unless the Admiralty shall think fit; the Owners giving Bail and Security as herein after mentioned.

Admiralty may revoke any former or future Commissions;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Lord High Admiral of Great Britain, or the Commissioners for executing the Office of Lord High Admiral of Great Britain for the time being, or any Three or more of them, at any Time or Times hereafter, to revoke and make void, by any Order or Orders in Writing under his or their Hand or Hands, any Commission or Commissions which hath, have been, or shall be, issued forth to any Person or Persons who hath, have been, or shall be, nominated Commander or Commanders of any Ship or Vessel, either by virtue of the said Act of the Twenty ninth Year of the Reign of his present Majesty, or this present Act.

of which Notice is to be forthwith sent to the Ship's Owners, Agents, or Sureties.

Provided nevertheless, That the Secretary of the Admiralty for the time being shall, with all convenient Speed, after any and every such Commission shall be so revoked, cause Notice thereof in Writing to be forthwith sent to the Owner or Owners, or Agent or Agents, or Surety or Sureties, or some One of them, of the Ship or Vessel named or described in such Order of Revocation: And in

Times limited for Order of Revocation to take Place, *viz.*

If the Vessel be in the Channel;

case such Ship or Vessel shall be in the Chanel, the said Order of Revocation shall be effectual to supersede and annul the said Commission, at the Expiration of Twenty Days from and after such Notice given as aforesaid, or sooner, if Notice shall be actually given in Writing by the Secretary of the Admiralty to the Captain or Commander thereof; and in case such Ship or Vessel shall be in the

or Northern Seas;

Northern Seas, at the Expiration of Thirty Days; and

If to the South of *Cape Finisterre*, or in the *Mediterranean*;

in case such Ship or Vessel shall be to the Southward of Cape Finisterre, or in the Mediterranean, at the Expiration

of Six Weeks; and in case such Ship or Vessel shall be in North America, or the West Indies, at the Expiration of Three Months; and in case such Ship or Vessel shall be in the East Indies, at the Expiration of Six Months: And any Commander or Commanders, Owner or Owners, Agent or Agents, Surety or Sureties, of any such Ship or Vessel, whereof such Commission or Commissions issued or to be issued forth as aforesaid shall be so revoked, may complain thereof to his Majesty in Council, within Thirty Days next after the Secretary of the Admiralty for the time being shall cause Notice thereof to be given as aforesaid; and the Determination of his Majesty in Council, touching every such Complaint, shall be final.

in *North America*, the *West Indies*, or *East Indies*.

Complaint may be made to the King in Council of such Revocation.

The Council's Determination to be final;

Provided always, That in case any such Order of Revocation shall be superseded, such Commission shall be deemed and taken to have continued in Force; and all Prizes taken by virtue thereof shall belong to, and be the Property of, such Owners and Captors, in such Manner as the same would have been in case such Order of Revocation had not been made.

and if the Order shall be superseded, the Commission to stand good.

Provided also, That no Person shall be liable to be punished for doing, before he shall have received personal Notice of such Order of Revocation, any Matter or Thing which he might have lawfully done under the Authority of such Commission, in case such Order of Revocation had not been made.

None liable to Punishment before personal Notice received of such Order of Revocation.

And be it further enacted by the Authority aforesaid, That before the granting or issuing of any Commission in pursuance of this Act, such Bail and Security shall be taken as have been usual upon the granting or issuing of Commissions for Private Ships of War; and that, previous to the taking of such Bail and Security, the Persons who propose to be bound, and give such Security, shall severally make Oath before the Judge of the High Court of Admiralty of England, or his Surrogate, or other Person or Persons by such Judge, or Surrogate, lawfully commissioned, that, at the Time of their being sworn, they are respectively worth more Money than the Sum for which they are then to be bound, over and above all their just Debts: And moreover, the Marshal of the said High Court of Admiralty for the time being, or his Deputy, or the Person or Persons so commissioned as aforesaid, is or are hereby required and directed to make diligent Enquiry into, and satisfy himself or themselves of, the Sufficiency of such Bail and Security, and make a Report thereof to the said Judge, or his Surrogate, before any such Commission shall be granted or issued.

Usual Bail and Security to be taken;

the Parties making Oath of their Qualification;

and the Marshal satisfying himself as to the Sufficiency thereof.

And

Persons applying for Commissions, to make Application in Writing,

And be it further enacted by the Authority aforesaid, That from and after the First Day of June, One thousand seven hundred and fifty nine, all and every Person and Persons who shall apply to the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the time being, in order to obtain any Commission to be granted or issued forth in pursuance of this Act, shall make every such Application in Writing, and therein set forth a particular, true, and exact Description of the Ship or Vessel for which such Commission is requested, specifying the Burthen of such Ship or Vessel, and the Number and Nature of the Guns on Board the same, to what Place belonging, and the Name or Names of the Principal Owner or Owners of such Ship or Vessel, and the Number of Men intended to be put on Board the same (all which Particulars shall be inserted in every Commission to be granted or issued in pursuance of this Act) and that every Commander of a Private Ship or Vessel of War, for which a Commission shall be granted or issued in pursuance of this Act, shall produce such Commission to the Collector, Customer, or Searcher, for the time being, of his Majesty's Customs, residing at, or belonging to, the Port from whence such Ship or Vessel shall be first fitted out, or to the lawful Deputy or Deputies of such Collector, Customer, or Searcher; and the said Collector, Customer, or Searcher, or his or their lawful Deputy or Deputies, shall, as soon thereafter as conveniently may be, without Fee or Reward, inspect and examine such Ship or Vessel, so as to ascertain the Burthen thereof, and the Number of Men, and Number and Nature of the Guns on Board the same: And if such Ship or Vessel shall thereupon be found to be of such Burthen, and be manned and armed according to the Tenor of the Description inserted in such Commission as aforesaid, or be of a greater Burthen or Force than shall be mentioned in such Commission, then such Collector, Customer, or Searcher, or his or their lawful Deputy or Deputies, shall, and he or they is and are hereby required immediately upon the Request of the Commander of such Ship or Vessel, to give a Certificate thereof in Writing under his or their Hand or Hands gratis, to such Commander; which Certificate shall be deemed a necessary Clearance, before such Private Ship or Vessel shall be permitted to sail from that Port; and if the Commander of any Ship or Vessel for which any Commission shall have been granted or issued in pursuance of this Act, shall depart with such Ship or Vessel from such Port of Clearance, before he hath received such

and set forth a Description of the Vessel, &c.

the Particulars thereof to be inserted in the Commission;

which Commission is to be produced to the Collector or other Officer of the Port,

who is to examine the Ship, and see how far she agrees, in all Respects, with the said Description;

and if she agrees thereto, or be of a greater Force or Burthen,

is to grant a Certificate, which shall be a Clearance to such Vessel.

Penalty of departing without such Clearance.

7

such Certificate, or shall depart from any such Port, or proceed upon a Cruize, with a Force inferior to the Force specified in such Commission, or required by this Act; in every such Case, the Commission for such Ship or Vessel shall from thenceforth be absolutely null and void; and the Commander so offending, being convicted thereof before any Court of Admiralty, shall be imprisoned without Bail or Mainprize, for such Space as the said Court shall direct, not exceeding One Year for any One Offence; or with a Force inferior to that specified in the Commission.

And be it further enacted by the Authority aforesaid, That if any Collector, Customer, or Searcher of his Majesty's Customs, or his or their lawful Deputy or Deputies, shall grant a Certificate for any Ship or Vessel which shall not be of the Burthen and Force specified in the Commission granted to the Commander or Commanders thereof, or of greater Burthen and Force than shall be mentioned in such Commission, he shall, for such Offence, forfeit his said Office, and be for ever after incapable of holding any Office in the Customs, and shall also forfeit the Sum of One hundred Pounds, to be recovered by any Person or Persons who will sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, in which no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and One Moiety of the said Penalty of One hundred Pounds, when recovered, shall be paid to the Informer or Informers, and the other Moiety to the Treasurer for the time being to the Corporation for the Relief and Support of sick, maimed, and disabled Seamen, and of the Widows and Children of such as shall be killed, slain, or drowned, in the Merchants Service, for the Use of such Corporation; or where such Forfeitures shall be incurred in any of the Out-ports in which a Corporation is established, or shall hereafter be established, for the Purposes aforesaid, then the Moiety of such Penalty shall be paid to the Trustees for the Use of the Corporation so established. Collector, &c. granting a false Certificate, to forfeit his Office, and 100 *l.* Recovery and Application thereof.

Provided always, That the Number of Tons so to be certified, be ascertained according to the Rules laid down by an Act passed in the Eighth Year of the Reign of her late Majesty Queen Ann, intituled, An Act for making a convenient Dock or Bason at *Liverpool*, for the Security of all Ships trading to or from the said Port of *Liverpool*. Tonage to be ascertained according to the Rules prescribed by Act 8 *Annæ*.

And be it further enacted by the Authority aforesaid, That in case at any Time or Times after the First Day of June, One thousand seven hundred and fifty nine, any Commander or Commanders of any Private Ship or Privateers agreeing for the Ransom of Neutral Ships made Prizes,

Ships, or Vessel or Vessels, of War, duly commissioned by virtue of the said Act of the Twenty ninth Year of his Majesty's Reign, or this Act, shall agree with the Commander or Commanders, or other Person or Persons, of or belonging to any Neutral or other Ship or Ships, Vessel or Vessels (except those of His Majesty's declared Enemies) for the Ransom of any such Neutral or other Ship or Ships, Vessel or Vessels, or the respective Cargo or Cargoes thereof, or any Part thereof, after the same shall have been taken as Prize, and shall, in pursuance of any such Agreement or Agreements, actually quit, set at liberty, or discharge, any such Prize or Prizes, instead of bringing the same into some Port or Ports belonging to his Majesty's Dominions; that then all and every of the Commander and Commanders of such Private Ship or Ships, or Vessel or Vessels, of War, who shall so agree for any such Ransom (except as aforesaid) and shall quit, set at liberty, or discharge, any such Prize or Prizes in Manner aforesaid, shall be deemed, adjudged, and taken to be guilty of Piracy, Felony, and Robbery; and he, they, and every of them, being duly convicted thereof in the Manner herein before-mentioned, shall have and suffer such Pains of Death, Loss of Lands, Goods, and Chattles, as Pirates, Felons, and Robbers upon the Seas, ought to have and suffer according to the Laws now in being.

and discharging them without bringing them into Port,

deemed guilty of Piracy; and to suffer Death and Confiscation of Goods, &c.

Provided always, and be it further enacted, That it shall be lawful for the Commander of any Private Ship of War, upon the Capture of any Neutral Ship or Vessel which by any Law or Treaty shall be liable only to the Forfeiture of such Contraband Goods as shall be on Board thereof, to receive such Goods from such Ship or Vessel, in case the Commander thereof is willing to deliver the same; and the Commander of such Private Ship of War may thereupon quit, set at liberty, or discharge, such Neutral Ship or Vessel; any thing herein before contained to the contrary notwithstanding: And if any Person or Persons shall purloin or embezzle any such Contraband Goods before Condemnation thereof, every such Person shall be subject to such Pains and Forfeitures as are inflicted by Law upon Persons purloining or embezzling Goods out of any captured Ship.

Privateers may take Contraband Goods from on Board Neutral Ships, with Consent of the Commanders, and set the Vessels at Liberty.

Penalty of embezzling the same.

And be it further enacted by the Authority aforesaid, That from and after the First Day of June, One thousand seven hundred and fifty nine, all Books, Papers, and Writings, found in any Ship or Vessel taken as Prize, shall, without Delay, be brought into the Registry of the Court of Admiralty wherein such Ship or Vessel may

All Papers, &c. found on Board Prize Vessels, to be brought into the Registry of the Admiralty;

may be proceeded against, in Order to Condemnation; but that such only of the said Books, Papers, and Writings, shall be made use of and translated, as shall be agreed or insisted upon by the Proctors of the several Parties, Captors, or Claimants, or, in case of no Claim, by the Captor or Register, to be necessary for ascertaining the Property of such Ship or Vessel, and the Cargo thereof.

but such only as shall be thought necessary by the Proctors to be translated and made use of, &c.

And be it further enacted by the Authority aforesaid, That from and after the said First Day of June, One thousand seven hundred and fifty nine, no Judge, Register, or Deputy Register, Marshal, or Deputy Marshal, or any other Officer whatsoever, of or belonging to any Court of Admiralty or Vice Admiralty in Great Britain or Ireland, or in any of his Majesty's Colonies or Plantations in America, or elsewhere, nor any Person or Persons practising either as Advocate, Proctor, or otherwise, in any such Court or Courts, shall be concerned or interested, directly or indirectly, as Owner, Part Owner, Sharer, or Adventurer, in any Private Ship or Ships, or Vessel or Vessels, of War whatsoever, having any Commission or Commissions as aforesaid: And in case any such Judge, Register, Deputy Register, Marshal, Deputy Marshal, or other Officer, Advocate, or Proctor whatsoever, shall, notwithstanding this Act, be directly or indirectly concerned or interested as aforesaid; such Judge, Register, Deputy Register, or Marshal, Deputy Marshal, or other Officer respectively, shall, for such Offence (being thereof lawfully convicted, either upon an Information or an Indictment) absolutely forfeit his Office and Employment in and belonging to any such Court of Admiralty or Vice Admiralty, of what Kind or Nature soever such Office or Employment may happen to be, and shall also forfeit and pay to the Use of His Majesty, His Heirs, and Successors, the Sum of One hundred Pounds; and every such Advocate or Proctor respectively shall, for such last-mentioned Offence (being thereof lawfully convicted in Manner aforesaid) be from thenceforth absolutely disqualified, and rendered for ever incapable of practising either as an Advocate or Proctor in any of His Majesty's Courts of Admiralty or Vice Admiralty whatsoever.

No Officer of the Court of Admiralty, or Advocate, &c. of the Court, to be any ways interested in Privateers; on Forfeiture of his Employment, and 100 l. and Advocate, &c. to be disqualified from practising in the said Courts.

And be it further enacted by the Authority aforesaid, That from and after the First Day of June, One thousand seven hundred and fifty nine, no Register or Deputy Register, nor any Marshal or Deputy Marshal, of or belonging to any of His Majesty's said Courts of Amiralty or Vice Admiralty whatsoever, shall, either directly or indirectly, by himself or themselves, or by any Agent or Agents, or other Person or Persons whatsoever, act or be concerned in any

Registers and Marshals of the Court disqualified from acting as Advocates or Proctors,

any Manner, either as an Advocate or Proctor, in any Cause, Matter, or Business whatsoever, that shall be depending in any such Court or Courts of Admiralty or Vice Admiralty, to which such Register, Deputy Register, Marshal, or Deputy Marshal, shall then belong; and that every Register, Deputy Register, Marshal, or Deputy Marshal, who shall be guilty of such Offence (being thereof lawfully convicted, either upon an Information or Indictment) shall from thenceforth absolutely forfeit his respective Office and Employment of Register, Deputy Register, Marshal, or Deputy Marshal, in and belonging to the same Court.

on Forfeiture of their respective Offices.

Commissions heretofore granted to Vessels of inferior Force and Burthen, than this Act allows,

except such as shall be confirmed by the Admiralty;

are revoked, and declared void.

And be it further enacted by the Authority aforesaid, That all and every Commission and Commissions which have been issued forth or granted in pursuance of the aforesaid Act of Parliament made and passed in the Twenty ninth Year of his present Majesty's Reign, to the Commander or Commanders of any Private Ship or Ships, or Vessel or Vessels, of War, in Europe, such Ship or Ships, Vessel or Vessels, not being respectively of the Burthen of One hundred Tons, and carrying each Ten Carriage Guns, being Three Pounders, and Forty Men at the least (except such Ships or Vessels of an inferior Burthen or Force whose Commissions shall be respectively confirmed by any Order in Writing under the Hand or Hands of the Lord High Admiral of Great Britain, or the Commissioners for executing the Office of Lord High Admiral of Great Britain, or any Three or more of them, or any Person or Persons by him or them impowered and appointed) shall, from and after the First Day of July, One thousand seven hundred and fifty nine, be null and void; and the same, and every of them, is and are hereby accordingly enacted and declared to be absolutely revoked and made null and void, to all Intents and Purposes whatsoever.

Confirmation of Commissions to be granted without Fee.

Provided always, That every such Confirmation of any Commission as aforesaid, shall be made and granted without Fee or Reward.

Where the Commissions of inferior Vessels are vacated by Revocation,

His Majesty to appoint Persons to adjust the Claims of the Owners for Damages;

And, to the end that the Owners of such Ships or Vessels, not being under Fifty, or above One hundred, Tons, whose Commissions are by this Act made void, which, since the Twenty seventh Day of May, One thousand seven hundred and fifty six, have constantly served as Private Ships of War to the Time of such Revocation, may not be injured thereby; it is hereby further enacted, That it shall and may be lawful for his Majesty, under his Royal Sign Manual, to appoint such Person or Persons as his Majesty shall think fit to receive and adjust the Claims of such Owners, for any Loss or Damage they

may respectively sustain by reason of the Revocation of any of the said Commissions hereby made void; and the Sums which shall by such Person or Persons, so appointed by His Majesty, be certified to be due on such Claims, shall be paid out of the next Aids to be granted in Parliament.

and the Sums certified by them, to be paid out of the next Supplies.

And, for the more speedy bringing of Offenders to Justice, and to prevent the Inconveniencies occasioned by want of frequently holding a Session of Admiralty for the Trial of Offences committed on the High Seas; be it further enacted by the Authority aforesaid, That from and after the First Day of June, One thousand seven hundred and fifty nine, a Session of Oyer and Terminer and Gaol Delivery, for the Trial of Offences committed upon the High Seas within the Jurisdiction of the Admiralty of England, shall be held Twice at the least in every Year; that is to say, In the several Months of March and October in each Year, at Justice Hall in the Old Bailey, London; except at such Times as the Sessions of Oyer and Terminer and Gaol Delivery for the City of London and County of Middlesex shall be appointed to be there held; or in such other Place, within that Part of Great Britain called England, as the Lord High Admiral of Great Britain, or the Commissioners for executing the Office of Lord High Admiral of Great Britain for the time being, or any Three or more of them, shall, by any Letter, or Order in Writing, under their Hands, directed to the Judge of the High Court of Admiralty in England for the time being, appoint.

A Session of the Court of Admiralty to be held in *March* and *October* yearly.

And be it further enacted by the Authority aforesaid, That from and after the First Day of June, One thousand seven hundred and fifty nine, it shall and may be lawful, not only to and for any One or more of the Commissioners for the time being, named in the Commission of Oyer and Terminer for the trying of Offences committed within the Jurisdiction of the Admiralty of England, but also to and for any One or more of the Justices of the Peace for the time being of any County, Riding, Division, or Place, within that Part of Great Britain called England, and they are hereby respectively authorized and impowered, from time to time, to take any Information or Informations of any Witness or Witnesses in Writing upon Oath, touching any Piracy, Felony, or Robbery, done or committed, or charged to have been done or committed, in or upon the Sea, or in any Haven, River, Creek, or Place, where the Admiral or Admirals hath or have Power, Authority, or Jurisdiction; and thereupon (if such Commissioner or Commissioners, or Justice

Commissioners of the Court, and Justices of the Peace, impowered to take Informations of Piracy, &c.

and, if they see Cause, to apprehend and commit the Offenders;

or Justices of the Peace respectively, shall see Cause, by any Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the Person or Persons accused in such Information or Informations to be apprehended and committed to the Gaol of the County or Place wherein the same Information or Informations shall be taken, there to remain until discharged by due Course of Law.

and to oblige the Prosecutors and Evidences to enter into Recognizances, to appear and prosecute;

And it is hereby further enacted, That such of the said Commissioners, or Justices of the Peace, who shall cause any such Person or Persons to be committed as is last-mentioned, shall, and he or they is or are hereby respectively required, at the same Time, to oblige all and every such other Person or Persons whom such Commissioner or Commissioners, or Justice or Justices of the Peace, shall judge necessary to prosecute and give Evidence against the Person or Persons who shall be so committed as aforesaid, to enter into One or more Recognizance or Recognizances to His Majesty, in a sufficient Penalty, for his, her, or their appearing at the then next Session of Oyer and Terminer, and Gaol Delivery, to be held for the Jurisdiction of the Admiralty of England, there to prosecute and give Evidence against the Person or Persons who shall be committed as aforesaid: And if any Person shall refuse to enter into such Recognizance to prosecute or give Evidence, as shall be required, he, she, or they, so refusing, shall be committed by any such Commissioner or Commissioners, Justice or Justices, to the Goal of the County or Place in which the Person so refusing shall be, until the next Sessions of Admiralty shall be held, or such Person shall enter into such Recognizance as shall be required as aforesaid;

and on Refusal, to commit them.

Recognizances and Informations to be transmitted to the Register of the Court, to be laid before the Judge, and kept among the Records.

which Recognizance or Recognizances, together with the Information or Informations taken, touching the Offence or Offences wherewith the Person or Persons to be committed as aforesaid shall be charged, the said Commissioner or Commissioners, or Justice or Justices of the Peace, before whom the same shall be taken, shall, and they are hereby respectively required, to transmit, with all convenient Speed, to the Register for the time being of the High Court of Admiralty of England, to be by him forthwith laid before the Judge for the time being of the same Court, and afterwards to be kept among the Records of that Court.

And be it further enacted by the Authority aforesaid, That the Marshal of the Admiralty for the time being, and his Deputy or Deputies, and all Sheriffs, Bailiffs, Stewards, Constables, Headboroughs, Tythingmen, Keepers

Keepers of Gaols and Prisons, and all other Officers whatsoever, for keeping of the Peace (as well within Liberties as without) shall; and they, and every of them, are hereby respectively authorized and required, from time to time, diligently to execute, perform, and obey all such Precept and Precepts, Warrant and Warrants, and other Order and Orders, as shall at any Time or Times hereafter be made, directed, issued, or given to them, or any of them respectively, by any One or more of the said Commissioners named in the Commission of Oyer and Terminer, or Justices of the Peace, by virtue or in pursuance of this Act, touching any of the Matters or Things herein contained.

The Marshal, Sheriffs, and other Peace Officers, are to obey and execute all Precepts and Orders of the Commissioners and Justices.

And be it further enacted by the Authority aforesaid, That in case any Appeal shall be interposed from a Sentence given in any Admiralty Court, concerning any Goods and Effects which may hereafter be seized or taken as Prize, in pursuance of the aforesaid Act of Parliament of the Twenty ninth Year of his Majesty's Reign, or of this Act; that then, and in such Case, the Judge of such Court of Admiralty shall and may, at the Request, Costs, and Charges, either of the Captor or Claimant, or of the Claimant only, in Cases where the Privilege is reserved in Favour of the Claimant by any Treaty or Treaties subsisting between his Majesty and Foreign Powers, make an Order to have such Capture appraised, unless the Parties shall otherwise agree upon the Value thereof, and an Inventory taken, and then take Security for the full Value thereof, and thereupon cause such Capture to be delivered to the Party giving such Security, in like Manner as, by the said former Act, such Judge ought or could have done, before Sentence given, notwithstanding such Appeal: And if there shall be any Difficulty or Objection to the giving or taking of Security, the said Judge shall, at the Request of either of the Parties, order such Goods and Effects to be entered, landed, and sold by publick Auction, as Prize Goods now are, under the Care and Custody of the proper Officers of the Customs, and under the Direction and Inspection of such Persons as shall be appointed by the Claimants and Captors; and the Monies arising by such Sale shall be deposited in the Bank of England, or in some publick Securities, and in the Names of such Trustees as the Captors and Claimants shall jointly appoint, and the Court shall approve, for the Use and Benefit of the Parties who shall be adjudged to be intitled thereto: And if such Security shall be given by the Claimants, then it is hereby also enacted,

Where an Appeal shall be interposed from the Sentence of the Court, concerning Goods taken as Prize,

the Capture may be appraised, and upon Security given, be delivered to the Party;

and if there shall be any Difficulty or Objection to the giving or taking Security, the Judge may order the Goods to be landed, and sold by Auction,

and the Money to be deposited in the Bank, &c.

If Security be given by the Claimants, Judge to give the Capture a Paſs.

acted, That ſuch Judge ſhall give ſuch Capture a Paſs, to prevent it's being taken again by His Majeſty's Subjects in it's deſtined Voyage.

Act to be in Force during the preſent War with *France*.

Provided always, and be it further enacted by the Authority aforeſaid, That this Act ſhall continue in Force during the preſent War with France, and no longer.

FINIS.