ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. CXXI.

An Act to explain and amend an Act, made in the Twentieth Year of the Reign of His preſent Majeſty, intituled, *An Act to amend an Act, made in the laſt Seſſion of Parliament, intituled, 'An 'Act for the Encouragement of Seamen, and the 'more ſpeedy and effectual Manning His Majeſty's 'Navy;' and for making further Proviſions for thoſe Purpoſes*; and alſo an Act, made in the Twenty-firſt 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*; and for the better Encouragement of Seamen for His Majeſty's Navy. [26th *June* 1795.]

Preamble. 29 *Geo.* III, Cap. 67,



WHEREAS by an Act of Parliament, paſſed in the Nineteenth 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*, the Flag Officers, Commanders, and other Officers, Seamen, Marines, and Soldiers, on Board every Ship and Veſſel of War in His Majeſty's Pay, are entitled to the ſole Intereſt and Property of and in all and every Ship, Veſſel, Goods, and Merchandizes, which they had taken ſince the Twenty-ninth Day of *July* One thouſand ſeven hundred and ſeventy-eight, or ſhould thereafter take during the Continuance of Hoſtilities againſt *France*, (being firſt adjudged lawful Prize), to be divided in ſuch Proportions and Manner as in His Majeſty's Proclamation therein mentioned was directed, or as His Majeſty, His Heirs and Succeſſors, ſhould direct, by Proclamation or Proclamations thereafter to be iſſued, and divers Proviſions, Directions, and Regulations, were thereby enacted for the better carrying the Purpoſes of the ſaid Act into Execution: And whereas in and by another Act, made and paſſed in the Twentieth Year of His preſent Majeſty's Reign, intituled, *An Act to amend an Act, made in the laſt Seſſion of Parliament, intituled, 'An Act for the 'Encouragement of Seamen, and the more ſpeedy and effectual Manning 'His Majeſty's Navy;' and for making further Proviſions for thoſe Purpoſes*; and in and by another Act, made and paſſed in the Twenty-firſt 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*, certain Proviſions were made for the Diſtribution and Payment of Prize and Bounty Money, to ariſe from *Spaniſh* and *Dutch* Ships and Veſſels to be captured by ſuch Ships and Veſſels as ſhould be commiſſioned by Letters of Marque, but no ſufficient Proviſions or Regulations were contained in the Two laſt mentioned Acts reſpecting ſuch *Spaniſh* and *Dutch* Ships and Veſſels as ſhould be captured by His Majeſty's Ships and Veſſels of War, in like Manner as hath been uſually done in other Caſes of the like Kind in former Acts of Parliament: Be it therefore 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 all the Proviſions and Regulations in the ſaid Two laſt mentioned Acts ſhall be deemed and taken to extend to all ſuch *Spaniſh* and *Dutch* Prizes as were made by any of His Majeſty's Ships and Veſſels of War, during the Hoſtilities mentioned in the ſaid Two laſt mentioned Acts reſpectively, as fully, amply, and effectually, to all Intents and Purpoſes whatſoever, as if ſuch Proviſions and Regulations had been therein and thereby expreſsly applied to ſuch *Spaniſh* and *Dutch* Prizes ſo captured by any of His Majeſty's Ships and Veſſels of War as aforeſaid, and that no Lapſe of Time ſhall incur or be pleadable in Bar of the Demands which may hereafter be made by the Commiſſioners and Governors of the Royal Hoſpital for Seamen at *Greenwich*, in the County of *Kent*, under and by virtue of the ſaid Acts as hereby amended, but from the paſſing of this Act of Parliament.

20 *Geo.* III, Cap. 23, and

21 *Geo.* III, Cap. 25, recited.

Proviſions of the Two laſt recited Acts to extend to *Spaniſh* and *Dutch* Prizes made during the Hoſtilities therein mentioned.

II. Provided

Oath of having paid Monies claimed by the Governors of *Greenwich* Hoſpital, previous to paſſing this Act, to be Proof.

II. Provided always, and be it further enacted, That in caſe any Demand ſhall be made by the ſaid Commiſſioners and Governors againſt any Perſons or Perſon for or in reſpect of any Money which ſhall be claimed by the ſaid Commiſſioners and Governors as veſted in them by virtue of this Act, and any Queſtion ſhall ariſe whether any Sums or Sum of Money demanded in ſuch Suit have or has been paid previous to the paſſing of this Act to any Perſons or Perſon entitled or claiming to be entitled to receive the ſame, it ſhall be lawful for the Perſons or Perſon, againſt whom any ſuch Demand ſhall be made, to diſcharge themſelves, himſelf, or herſelf, thereof, by their, his, or her Oath, declaring that ſuch Sums or Sum of Money had been ſo paid to the Knowledge or Belief of ſuch Perſons or Perſon without producing other Proof of actual Payment thereof.

Agents for Prize Money under recited Acts having paid over Monies before *May* 1, 1795, not liable to Demands of *Greenwich* Hoſpital.

III. Provided alſo, and be it further enacted, That if any Perſon appointed an Agent for any Prize Money under the ſaid recited Acts reſpectively, or the Repreſentatives of any ſuch Perſon, ſhall appear to have fairly and *bona fide* paid over, before the Firſt Day of *May* One thouſand ſeven hundred and ninety-five, any Money in his, her, or their Hands, ariſing from ſuch Prize Money, to any other Perſons or Perſon duly appointed to be Agents or Agent, jointly or ſeverally, for the ſame Prize Money, ſuch Perſons or Perſon who ſhall have ſo paid over ſuch Money, his, her, or their, Executors or Adminiſtrators, ſhall not by virtue of this Act be made liable to any Demands of the ſaid Commiſſioners and Governors in reſpect of any Money ſo paid over as aforeſaid.

Where Injury would ariſe from Demands not having been ſooner made, it may be given in Evidence.

IV. Provided alſo, and be it further enacted, That if any Injury would ariſe to any Perſons or Perſon againſt whom any Demand ſhall be made by virtue of this Act, if ſuch Demand ſhould be enforced in the Whole or in Part by reaſon of the Length of Time elapſed ſince the paſſing of the ſaid recited Acts, which Injury might not have ariſen if ſuch Demands had been ſooner made, it ſhall be lawful for ſuch Perſons or Perſon to give in Evidence in any Suit any Matters tending to ſhew ſuch Injury, and ſo much only ſhall be recovered againſt ſuch Perſons or Perſon as in Juſtice and Equity, under all the Circumſtances of the Caſe, ought to be recovered.

Demands may be compromiſed, or referred to Arbitration.

V. Provided alſo, and be it further enacted, That if any Perſons or Perſon againſt whom any Demand ſhall be made by virtue of this Act ſhall be deſirous of compromiſing the ſame with the ſaid Commiſſioners and Governors, or of referring the Conſideration thereof to Arbitration, it ſhall be lawful for the ſaid Commiſſioners and Governors to compromiſe the ſame, in ſuch Manner as they ſhall deem reaſonable, all Circumſtances conſidered, or to refer the Conſideration thereof to Arbitration, and to authorize the Arbitrator or Arbitrators to be named for that Purpoſe, to make all ſuch Allowances as may be reaſonable in reſpect of the Length

of Time which has elapſed ſince the paſſing of the ſaid recited Acts, and all Circumſtances attending the Affairs of the ſeveral Perſons againſt whom or againſt whoſe Repreſentatives ſuch Demands may be made.

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FINIS.