ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. CIX.

An Act to amend an Act, made in the Thirty-third Year of the Reign of His preſent Majeſty, intituled, *An Act for the Encouragement of Seamen, and for the better and more effectually Manning His Majeſty's Navy*; and for making further Proviſion for thoſe Purpoſes. [19th *July* 1797.]

Preamble. Order in Council of *Sept.* 15, 1795, and

WHEREAS His Majeſty, by Order in Council, dated the Fifteenth Day of *September* One thouſand ſeven hundred and ninety-five, was pleaſed to order that General Repriſals be granted againſt the Ships, Goods, and Subjects, of the *United Provinces*, ſo that as well His Majeſty's Fleets and Ships, as alſo all other Ships and Veſſels that ſhould be commiſſionated by Letters of Marque, or General Repriſals, or otherwiſe, by His Majeſty's Commiſſioners for executing the Office of Lord High Admiral of *Great Britain*, ſhould and lawfully might ſeize all Ships, Veſſels, and Goods, belonging to the *United Provinces*, or their Subjects, or others inhabiting within any of the Territories of the aforeſaid *United Provinces*, and bring the ſame to Judgement in any of the Courts of Admiralty within His Majeſty's Dominions: And whereas His Majeſty, by another Order in Council, dated the Ninth Day of *November* of *Nov.* 9, 1796, recited.

vember One thouſand ſeven hundred and ninety-ſix, was pleaſed to order that General Reprizals be granted againſt the Ships, Goods, and Subjects, of the King of *Spain*, ſo that as well His Majeſty's Fleets and Ships, as alſo all other Ships and Veſſels that ſhould be commiſſionated by Letters of Marque, or General Reprizals, or otherwiſe, by His Majeſty's Commiſſioners for executing the Office of Lord High Admiral of *Great Britain*, ſhould and might lawfully ſeize all Ships, Veſſels, and Goods, belonging to the King of *Spain*, or his Subjects, or others inhabiting within the Territories of the King of *Spain*, and bring the ſame to Judgement in any of the Courts of Admiralty within His Majeſty's Dominions: Now, for the Encouragement of the Officers and Seamen of His Majeſty's Ships of War, and the Officers and Seamen of all other *Britiſh* Ships and Veſſels having Commiſſions and Letters of Marque; and for inducing all *Britiſh* Seamen, who may be in any Foreign Service, to return into this Kingdom, and become ſerviceable to His Majeſty; and for the more effectual ſecuring and extending the Trade of His Majeſty's Subjects; 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 the Flag Officers, Commanders, and other Officers, Seamen, Marines, and Soldiers, on Board every Ship and Veſſel of War in His Majeſty's Pay, ſhall have the ſole Intereſt and Property of and in all and every Ship, Veſſel, Goods, and Merchandizes, belonging to the *United Provinces*, or their Subjects, or others inhabiting within any of the Territories of the *United Provinces*, which they have taken ſince the Fifteenth Day of *September* One thouſand ſeven hundred and ninety-five, or ſhall hereafter take during the Continuance of Hoſtilities againſt the *United Provinces*, and alſo ſhall have the ſole Intereſt and Property of and in all and every Ship, Veſſel, Goods, and Merchandizes, belonging to the King of *Spain*, or his Subjects, or others inhabiting within any of the Territories of the King of *Spain*, which they have taken ſince the Ninth Day of *November* One thouſand ſeven hundred and ninety-ſix, or ſhall hereafter take during the Continuance of Hoſtilities againſt *Spain*, after the ſame reſpectively ſhall have been finally adjudged lawful Prize to His Majeſty in any of His Majeſty's Courts of Admiralty in *Great Britain*, or in His Majeſty's Plantations in *America*, or elſewhere, which ſhall be duly authorized to take Cognizance of ſuch Captures, to be divided in ſuch Proportions, and after ſuch Manner, as His Majeſty hath, by His ſeveral Proclamations of the Twenty-fifth Day of *November* One thouſand ſeven hundred and ninety-five, and the Twenty-fifth Day of *January* One thouſand ſeven hundred and ninety-ſeven, with regard thereto reſpectively, already ordered and directed, or as His Majeſty, His Heirs and Succeſſors, ſhall think fit to order and direct, by Proclamation or Proclamations to be iſſued for thoſe Purpoſes.

Officers and Men of His Majeſty's Fleet to have all Ships and Cargoes belonging to the *United Provinces* or *Spain*, taken ſince the Dates of the reſpective Orders in Council, divided agreeably to Proclamations of *Nov.* 25, 1795, and *Jan.* 25, 1797, or any future Proclamation;

II. And be it further enacted by the Authority aforeſaid, That the Flag Officers, Commanders, and other Officers, Seamen, Marines, and Soldiers, on Board every Ship and Veſſel of War in His Majeſty's Pay, being armed, officered, and employed, in His Majeſty's Service, who have, ſince the Dates of the above mentioned reſpective Orders in Council, taken, or who, during the Continuance of Hoſtilities againſt the ſaid *United Provinces* and *Spain* reſpectively, ſhall take, any Fortreſs upon the Land, or any Arms, Ammunition, Stores of War, Goods, Merchandize,

and alſo the Arms, *etc.* taken in any Fortreſs, or Veſſels in any Creek, *etc.* belonging thereto.

dize, and Treaſure, belonging to the State, or to any publick Trading Company of the Enemies of the Crown of *Great Britain*, upon the Land, or any Ship or Veſſel, or Merchandizes laden on Board the ſame, in any Creek, River, Haven, or Road, belonging to and defended by ſuch Fortreſs upon the Land, ſhall have the ſole Intereſt and Property of and in all and every ſuch Arms, Ammunition, Stores of War, Goods, Merchandizes, and Treaſure, Ships and Veſſels, and Merchandizes laden on Board the ſame, after final Adjudication thereof as lawful Prize to His Majeſty, in any of His Majeſty's Courts of Admiralty, duly authorized as aforeſaid, (which Courts are hereby required to proceed thereon as in other Caſes of Prize), to be diſtributed by His Majeſty in ſuch Proportions and Manner as herein-before is mentioned.

Where the Navy and Army act jointly againſt a Fortreſs, their Proportions of Prizes to be as His Majeſty ſhall direct.

III. Provided always nevertheleſs, That in all conjunct Expeditions of the Navy and Army againſt any ſuch Fortreſs upon the Land, directed by Inſtructions from His Majeſty, the Flag and General Officers and Commanders, and other Officers, Seamen, Marines, and Soldiers, acting in ſuch conjunct Expedition, ſhall have ſuch proportionable Intereſt and Property as His Majeſty, under His Sign Manual, ſhall think fit to order and direct, in all and every the Arms, Ammunition, Stores of War, Goods, Merchandizes, and Treaſure, belonging to the State, or to any publick Trading Company of the Enemies of the Crown of *Great Britain*, which have been or ſhall be found in any ſuch Fortreſs, or upon the Land, and alſo in all and every Ship and Ships, Veſſel and Veſſels, with their Arms, Ammunition, Tackle, Apparel, and Furniture, and all and every the Merchandizes and other Effects on Board, which ſhall be captured in any Road, Haven, River, or Creek, belonging to and defended by ſuch Fortreſs, after final Adjudication thereof as lawful Prize.

Veſſels, *etc.* taken by Letters of Marque to be divided between the Owners and Captors as they ſhall agree.

IV. And be it further enacted by the Authority aforeſaid, That all and every Ship or Ships, Veſſel or Veſſels, Arms, Ammunition, Stores of War, Goods and Merchandizes whatſoever, with all their Furniture, Tackle, and Apparel, belonging to the *United Provinces* and the King of *Spain*, or their reſpective Subjects, or others inhabiting within any of their reſpective Territories, which have been taken ſince the ſaid Fifteenth Day of *September* One thouſand ſeven hundred and ninety-five, and the ſaid Ninth Day of *November* One thouſand ſeven hundred and ninety-ſix reſpectively, or which ſhall be taken during the Continuance of Hoſtilities againſt *Holland* and *Spain* reſpectively, by or with the Ship or Veſſel of any private Owner or Owners according to or under the Authority of any Commiſſion or Letter of Marque, granted or to be granted in purſuance of this Act by the Lord High Admiral, or the Commiſſioners for executing the Office of Lord High Admiral of *Great Britain* for the Time being, or any Four or more of them, or any Perſon or Perſons by him or them empowered and appointed, (being firſt finally adjudged lawful Prize in any of His Majeſty's Courts of Admiralty in *Great Britain*, or in His Majeſty's Plantations in *America* or elſewhere, which ſhall be duly authorized as aforeſaid), ſhall wholly and entirely belong to, and be divided between and among the Owner and Owners of ſuch Private Ship or Veſſel, and the ſeveral Perſons who ſhall have been on Board the ſame, and aiding and aſſiſting to the taking thereof, in ſuch Shares and

Proportions, Manner and Form, as ſhall be agreed on with ſuch Owner or Owners, his or their Agents or Factors, as the proper Goods and Chattels of ſuch Owner or Owners and the Perſons who ſhall be ſo entitled 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, Arms, Ammunition, Stores of War, Goods, and Merchandizes, and the Perſons claiming under ſuch Agreements, ſhall be entitled to any Part or Share thereof; any Law, Uſage, or Cuſtom, to the contrary thereof in anywiſe notwithſtanding.

Regulations of 33 *Geo.* III, Cap. 66, reſpecting Veſſels, *etc.* belonging to *France*, to extend to this Act, except where hereby altered.

V. And whereas, by an Act made and paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, intituled, *An Act for the Encouragement of Seamen, and for the better and more effectually Manning His Majeſty's Navy*, ſeveral Proviſions and Regulations were eſtabliſhed for the better carrying on the ſalutary Purpoſes by the ſaid Act intended in the Proſecution of Hoſtilities againſt *France*; be it enacted by the Authority aforeſaid, That all the Proviſions and Regulations contained in the ſaid recited Act relating to the Ships and Veſſels, Ammunition, Stores of War, Goods, Merchandize, and Treaſure, belonging to *France*, or to any Subjects, or Publick Trading Company of *France*, which ſhall be taken by the Ships or Veſſels of War in His Majeſty's Pay, or by conjunct Expeditions of the Navy and Army, or relating to the Grant of Commiſſions, or Letters of Marque, to the Owners of private Ships and Veſſels, the Perſons acting, and the Captures made, under the Authority of ſuch Commiſſions or Letters of Marque, and relating to the Payment of Bounty Money for taking, ſinking, burning, or otherwiſe deſtroying the Ships of War or Privateers belonging to the Enemy; and all other Clauſes, Proviſoes, Reſtrictions, Pains, Penalties, Forfeitures, Matters, and Things whatſoever contained in the ſaid recited Act, (except ſo far as the ſame ſhall be altered or amended by this preſent Act), ſhall extend, and be deemed, adjudged, and conſtrued to extend, and are hereby declared to extend to all and every Ship and Veſſel, Arms, Ammunition, Stores of War, Goods, Merchandize, and Treaſure, belonging to the *United Provinces* and the King of *Spain* reſpectively, or to any of their reſpective Subjects or Publick Trading Companies, or to others inhabiting within any of their reſpective Territories, which have been taken ſince the ſaid Fifteenth Day of *September* One thouſand ſeven hundred and ninety-five, and the Ninth Day of *November* One thouſand ſeven hundred and ninety-ſix reſpectively, or which, during the Continuance of Hoſtilities againſt the ſaid *United Provinces* and *Spain* reſpectively, ſhall be taken by any Ships or Veſſels of War in His Majeſty's Pay, or by conjunct Expeditions of the Navy and Army, and alſo to the Grant of Commiſſions or Letters of Marque for general Reprizals againſt the Ships, Goods, and Subjects of the ſaid *United Provinces* and King of *Spain* reſpectively, and to the Perſons acting, and the Captures made, under the Authority of ſuch Commiſſions or Letters of Marque; and alſo to the taking, ſinking, burning, or otherwiſe deſtroying the Ships of War and Privateers of the ſaid *United Provinces* and King of *Spain* reſpectively, and ſhall be in force during the Continuance of ſuch Hoſtilities laſt above mentioned, as fully, amply,

amply, and effectually, to all Intents and Purpoſes whatſoever, as if the ſaid Proviſions, Regulations, Clauſes, Proviſoes, Reſtrictions, Pains, Penalties, Forfeitures, Matters, and Things, had been particularly repeated and re-enacted in this Act.

Pre-emption of Prize Ships to be offered to the Navy Board, and of Guns, *etc.* to the Ordnance; and if refuſed, a Certificate to be granted to the Captors, which ſhall entitle the Veſſel to be conſidered as *Britiſh* built, and the Captors to diſpoſe of the Guns, *etc.*

VI. Provided always, and be it enacted by the Authority aforeſaid, That, from and after the paſſing of this Act, the Pre-emption or Refuſal of all Ships or Veſſels of War already taken, or which ſhall hereafter be taken, from any of His Majeſty's Enemies, during the preſent Hoſtilities, with their Tackle, Furniture, and Stores, ſhall be offered and tendered to the Principal Officers and Commiſſioners of His Majeſty's Navy for the Time being, for and on Behalf of His Majeſty; and that the Pre-emption or Refuſal of the Guns, Arms, and Ordnance Stores, found on Board ſuch Ships or Veſſels, ſhall be offered and tendered to the Maſter General and principal Officers of His Majeſty's Ordnance for the Time being, for and on Behalf of His Majeſty; and in caſe the ſaid Principal Officers and Commiſſioners of His Majeſty's Navy, and Maſter General and Principal Officers of His Majeſty's Ordnance reſpectively, ſhall think fit to purchaſe ſuch Ships or Veſſels, Guns, Arms, and Ordnance Stores, or any of them, the ſame ſhall be paid for (on proper Title being made thereto) by Bills or Debentures, in the Courſe of the Navy and Ordnance reſpectively, according to ſuch Valuation as they the ſaid Principal Officers and Commiſſioners of the Navy, and Maſter General and Principal Officers of the Ordnance reſpectively, ſhall adjudge to be fair and reaſonable: But if within Six Weeks after ſuch reſpective Tenders, in caſe ſuch Ship or Veſſel ſhall be brought into any Port of this Kingdom, and within a reaſonable Time after ſuch reſpective Tenders, in caſe ſuch Ship or Veſſel ſhall be carried into any other Part of His Majeſty's Dominions, the ſaid Principal Officers and Commiſſioners of the Navy, and Maſter General and Principal Officers of the Ordnance reſpectively, ſhall refuſe to purchaſe, contract, or bargain for, ſuch Ships or Veſſels, Guns, Arms, and Ordnance Stores, or any of them, then, and in ſuch Caſe, they the ſaid Principal Officers and Commiſſioners of the Navy, and Maſter General and Principal Officers of the Ordnance, or any Three or more of them reſpectively, ſhall give a Certificate of ſuch Tender and Refuſal under their Hands, to the Captor or Captors of ſuch Ship or Veſſel, Guns, Arms, and Ordnance Stores, or to their Agent or Agents, which Certificate, as to the Tender and Refuſal of ſuch Ship or Veſſel, ſhall be deemed a neceſſary Document, (over and beſides what is already required by Law), to entitle ſuch Ship or Veſſel to be conſidered as a *Britiſh*-built Ship or Veſſel, and ſhall be produced to the proper Officer of His Majeſty's Cuſtoms, before the Captor or Captors, or their Agents, ſhall obtain ſuch Certificate of the Regiſtry thereof, as is directed, with reſpect to Ships or Veſſels condemned as Prize, by an Act of Parliament, made in the Twenty-ſixth Year of the Reign of His preſent Majeſty, intituled, *An Act for the further Increaſe and Encouragement of Shipping and Navigation*; and which Certificate, as to ſuch Guns, Arms, and Ordnance Stores, ſhall be deemed a neceſſary Document to entitle ſuch Captors, or their Agents, to ſell and diſpoſe thereof to any other Perſon or Perſons; any Thing in the ſaid recited Act, made in the Twenty-ſixth and Thirty-third Years of the Reign of His preſent Majeſty, or in this preſent Act, to the contrary thereof in anywiſe notwithſtanding.

VII. And

Recital of 33 *Geo.* III. Cap. 66, reſpecting Letters of Marque.

VII. And whereas, by the ſaid recited Act, made in the Thirty-third Year of the Reign of His preſent Majeſty, it is enacted, that all and every Perſon or Perſons who ſhall apply to the Lord High Admiral, or Commiſſioners for executing the Office of Lord High Admiral of *Great Britain*, for the Time being, in order to obtain any Commiſſion or Letter of Marque, ſhall make every ſuch Application in Writing, and therein ſet forth an exact Deſcription of the Ship or Veſſel for which ſuch Commiſſion or Letter of Marque is requeſted, ſpecifying the Name and Burthen of ſuch Ship or Veſſel, and other Particulars therein mentioned; and that every Commander of a Private Ship or Veſſel of War, for which a Commiſſion or Letter of Marque ſhall be granted in purſuance of the ſaid Act, ſhall produce ſuch Commiſſion or Letter of Marque 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; which ſaid Collector, Cuſtomer, or Searcher, is thereby directed to examine ſuch Ship or Veſſel; and if the ſame ſhall be found to be of ſuch Built and Burthen, and to be manned and armed according to the Tenor of the Deſcription inſerted in ſuch Commiſſion or Letter of Marque, to give a Certificate thereof in Writing to ſuch Commander, which Certificate ſhall be deemed a neceſſary Clearance before ſuch Ship or Veſſel ſhall be permitted to ſail from that Port; and it is alſo by the ſaid recited Act provided, that the Burthen of ſuch Ship or Veſſel ſo to be certified ſhall be aſcertained by the Certificate of Regiſtry granted for ſuch Ship or Veſſel under and purſuant to the Directions of the before-mentioned Act, made in the Twenty-ſixth Year of the Reign of His preſent Majeſty, which Certificate ſhall be produced to the ſaid Lord High Admiral, or Commiſſioners for executing the ſaid Office of Lord High Admiral of *Great Britain*, before the iſſuing of any Commiſſion or Letter of Marque for ſuch Ship or Veſſel: And whereas it may be expedient in certain Caſes to diſpenſe with the Production to the Lord High Admiral, or Commiſſioners for executing the Office of Lord High Admiral of *Great Britain*, of the original Certificate of Regiſtry granted under the before-mentioned Act, made in the Twenty-ſixth Year of the Reign of His preſent Majeſty, previous to the iſſuing of a Commiſſion or Letter of Marque under the Proviſions of this Act; be it therefore enacted by the Authority aforeſaid,

Admiralty may grant Letters of Marque under this Act, for Veſſels having them under recited Act, upon Production of an authentic Copy of Certificates of Regiſtry, &c.

That if it ſhall appear to the Satisfaction of the Lord High Admiral, or the Commiſſioners for executing the Office of Lord High Admiral of *Great Britain* for the Time being, on the Application of any Perſon or Perſons for a Commiſſion or Letter of Marque to be granted for any Ship or Veſſel in purſuance of this Act, that a Commiſſion or Letter of Marque hath been already granted for ſuch Ship or Veſſel in purſuance of the ſaid former Act made in the Thirty-third Year of the Reign of His preſent Majeſty, and that ſuch Ship or Veſſel hath cleared out of Port conformably to the above recited Proviſions contained in the ſaid former Act, and that no Opportunity hath ſince occurred during the Time of ſuch Ship or Veſſel being in any Port of this Kingdom, for the Owners of ſuch Ship or Veſſel, or their Agents, to obtain a Commiſſion or Letter of Marque for ſuch Ship or Veſſel in purſuance of this Act, it ſhall and may be lawful to and for the ſaid Lord High Admiral, or Commiſſioners for executing the ſaid Office of Lord High Admiral of *Great Britain* for the Time being, to order a Commiſſion or Letter of Marque

Marque to be iſſued under the Proviſions of this Act, for any ſuch Ship or Veſſel, upon the Production to them of an authentick Copy of the before-mentioned Certificate of Regiſtry under the Hand of the Collector, Comptroller, or other proper Officer of the Cuſtoms, and that no Commander of any Ship or Veſſel, for which ſuch Commiſſion or Letter of Marque ſhall have been ſo iſſued as laſt-mentioned, ſhall, by reaſon of his Departure with his Ship or Veſſel from his Port of Clearance before ſuch Commiſſion or Letter of Marque hath been obtained, be ſubject or liable to any Penalty or Puniſhment whatſoever, nor ſhall ſuch Commiſſion or Letter of Marque by reaſon thereof be rendered null and void; any Thing in the ſaid former Act, made in the Thirty-third Year of the Reign of His preſent Majeſty, or in this Act, contained to the contrary thereof in anywiſe notwithſtanding.

The Commander of every Veſſel of Marque to keep a Journal, containing certain Particulars, and on his Arrival at any Port, to deliver up the ſame to the Chief Officer of the Cuſtoms, who ſhall have the Crew muſtered, &c. and tranſmit the Particulars, with the Journal, to the Admiralty.

VIII. And whereas the Commanders of Ships and Veſſels, having Commiſſions or Letters of Marque, are directed and enjoined by their Commiſſions, and the printed Inſtructions accompanying the ſame, to tranſmit Accounts of their Proceedings, and the Captures by them made, and of other Particulars therein mentioned, from Time to Time, to the Commiſſioners for executing the Office of Lord High Admiral of *Great Britain* for the Time being, or their Secretary, and to keep a Correſpondence with them by all Opportunities that ſhall preſent: And whereas ſuch Directions and Injunctions have been very much, if not totally, diſregarded on the Part of Commanders of Ships and Veſſels having Commiſſions and Letters of Marque; for Remedy whereof, be it enacted by the Authority aforeſaid, That the Captain, Maſter, Commander, or Commanding Officer for the Time being, of every Ship or Veſſel having a Commiſſion or Letter of Marque for Reprizals againſt any of His Majeſty's Enemies during the preſent Hoſtilities, ſhall, during every Voyage or Cruize to be taken by ſuch Ship or Veſſel after the paſſing of this Act, keep a regular Journal, containing a true and exact Account of his Daily Tranſactions and Proceedings with ſuch Ship or Veſſel, and the Crew thereof, the Ports or Places he ſhall put into, or caſt Anchor at, the Time of his Stay there, and the Cauſe thereof, the Prizes he ſhall take, the Nature and probable Value of ſuch Prizes, the Times and Places when and where taken, and how and in what Manner he ſhall diſpoſe of the ſame, the Ships or Veſſels he ſhall fall in with, the Times and Places when and where he ſhall meet with them, and his Obſervations and Remarks thereon; alſo of whatever elſe ſhall occur to him, or any of his Officers or Mariners, or to be diſcovered or found out by Examination or Conference with any Mariners or Paſſengers of or in any other Ships or Veſſels, or by any other Ways or Means whatſoever touching or concerning the Fleets, Veſſels, and Forces of the Enemy, their Ports and Places of Station and Deſtination, Strength, Numbers, Intents, and Deſigns; and ſuch Captain, Maſter, Commander, or Commanding Officer for the Time being, ſhall immediately on his Arrival in any Port of this Kingdom, or of any other His Majeſty's Dominions, from or during the Continuance of any Voyage or Cruize undertaken after the paſſing of this Act, produce his Commiſſion for ſuch Ship or Veſſel, and deliver up ſuch Journal ſo kept as aforeſaid, ſigned with his proper Name and Hand Writing, to the Collector, Comptroller, or other Chief Officers of the Cuſtoms, at or neareſt to ſuch Port, the Truth of which Journal ſhall be verified by the Oath of

ſuch Captain, Maſter, Commander, or Commanding Officer for the Time being, before ſuch Collector, Comptroller, or other Chief Officer; (which Oath the ſaid Collector, Comptroller, or other Chief Officer, is hereby authorized and required to adminiſter); and ſuch Collector, Comptroller, or other Chief Officer, ſhall immediately, on the ſaid Arrival of ſuch Ship or Veſſel, order the Tide Surveyor, or other Water Guard Officer, to go on Board ſuch Ship or Veſſel, and muſter and take an Account of her Officers and Men, and alſo of the Number and Nature of the Guns, and whatever elſe ſhall occur to him, on ſuch Examination, material to be known by the Commiſſioners for executing the Office of Lord High Admiral of *Great Britain* for the Time being; the Particulars of all which, ſuch Collector, Comptroller, or other Chief Officer, ſhall forthwith tranſmit to the ſaid Commiſſioners, or their Secretary for the Time being, together with ſuch Journal ſo as aforeſaid delivered up for the Information of the ſaid Commiſſioners; and that no Ship or Veſſel, having ſuch Commiſſion or Letter of Marque, ſhall be permitted to ſail out of Port again after ſuch her Arrival until ſuch Journal ſhall have been delivered up as aforeſaid, and until ſuch Captain, Maſter, Commander, or Commanding Officer, ſhall have obtained a Certificate under the Hand of ſuch Collector, Comptroller, or other Chief Officer of the Cuſtoms, that ſuch Ship or Veſſel is manned and armed according to the Tenor and Deſcription inſcribed in ſuch Commiſſion or Letter of Marque as aforeſaid, which Certificate ſuch Collector, Comptroller, or other Officer of the Cuſtoms, is hereby authorized and required to give *gratis*, in caſe ſuch Ship or Veſſel ſhall be found to be manned and armed conformably to ſuch Deſcription as above mentioned, and on the Delivery of which Certificate, the former Certificate of the like Nature which ſhall have been granted in reſpect of ſuch Ship or Veſſel, ſhall be given up to the ſaid Collector, Comptroller, or other Chief Officer of the Cuſtoms; and if any Collector, Comptroller, or other Officer of the Cuſtoms, ſhall wilfully and knowingly grant any falſe or fraudulent Certificate for any ſuch Ship or Veſſel, he ſhall, for ſuch Offence, forfeit his ſaid Office, and be for ever incapable of holding any Office under Government, and ſhall alſo forfeit the Sum of One hundred Pounds, to be recovered, with full Coſts of Suit, 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, in which no Eſſoin, Protection, or 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 of the Corporation for the Support of the ſick, maimed, and diſabled Seamen, and of the Widows and Children of ſuch as ſhall be killed, ſlain, or drowned, in the Service of the Merchants, for the Uſe of ſuch Corporation, or where ſuch Forfeiture ſhall be incurred in any of the Out Ports in which a Corporation is eſtabliſhed for the Purpoſes aforeſaid, then One Moiety of ſuch Penalty ſhall be paid to the Truſtees for the Uſe of the Corporation ſo to be eſtabliſhed.

No Letter of Marque to leave the Port till the Journal ſhall have been delivered, and a Certificate obtained that it is manned and armed agreeably to the Commiſſion.

Officers giving falſe Certificates, to forfeit their Office, and 100 *l.*

Application of the Forfeiture.

Rules to be obſerved by Captains of Letters of Marque on meeting Ships

IX. And be it further enacted by the Authority aforeſaid, That in caſe any ſuch Ship or Veſſel ſo having a Commiſſion or Letter of Marque, ſhall, in the Courſe of her Voyage or Cruize, meet or fall in with any of His Majeſty's Ships or Veſſels of War, or Ships or Veſſels in

in the Service of His Majeſty's Revenue of Cuſtoms or Exciſe, the Captain, Maſter, Commander, or Commanding Officer of ſuch Ship or Veſſel having ſuch Commiſſion or Letter of Marque, ſhall and is hereby required to produce to the Captain or other Officer commanding ſuch Ship or Veſſel of War, or Revenue Ship or Veſſel, the ſaid Journal, ſo to be kept as aforeſaid, and alſo his Commiſſion for ſuch Ship or Veſſel, and the Certificate given by the Collector, Comptroller, or other Chief Officer of the Cuſtoms, at the Port from whence ſhe ſhall have laſt ſailed, of her being manned and armed agreeably to the Deſcription above mentioned; and ſuch Captain or Officer commanding ſuch Ship or Veſſel of War, or Revenue Ship or Veſſel, ſhall and is hereby required to make a Memorandum in ſuch Journal of the Day on which it was ſo produced to him, and ſhall ſubſcribe his Name to ſuch Memorandum; and in caſe ſuch Ship or Veſſel, on Board which ſuch Journal is required to be kept as aforeſaid, ſhall put into a Foreign Port where there is a *Britiſh* Conſul, or other Chief *Britiſh* Officer, the Captain, Maſter, Commander, or Commanding Officer of ſuch Ship or Veſſel ſo having a Commiſſion or Letter of Marque, ſhall and is hereby required to produce ſuch Journal, and alſo his Commiſſion, and the Certificate above mentioned, to ſuch *Britiſh* Conſul, or other Chief *Britiſh* Officer, who ſhall and is hereby required alſo to make a Memorandum in ſuch Journal of the Day on which it was ſo produced to him, and ſhall, in like Manner, ſubſcribe the ſame; and ſuch Captain or Officer commanding ſuch Ship or Veſſel of War, or Revenue Ship or Veſſel, and ſuch *Britiſh* Conſul, or other Chief *Britiſh* Officer at ſuch Foreign Port reſpectively, ſhall and may, by themſelves, or any Perſon or Perſons authorized or deputed by them, go on Board ſuch Ship or Veſſel ſo having a Commiſſion or Letter of Marque, and muſter the Officers and Crew thereof, and examine the Guns, Arms, and Ammunition, on Board the ſame, and if the ſame ſhall not correſpond with the Commiſſion and Certificate above mentioned reſpectively, ſuch Captain or Officer, or *Britiſh* Conſul, or other Chief *Britiſh* Officer, ſhall forthwith ſo communicate the ſame to the Secretary for the Time being to the ſaid Commiſſioners for executing the Office of Lord High Admiral of *Great Britain*, for the Information of the ſaid Commiſſioners.

of War or of the Revenue.

Captains of the King's Veſſels to make a Memorandum of Production of Journals therein; as ſhall likewiſe *Britiſh* Conſuls at Foreign Ports.

Such Captains and *Britiſh* Conſuls at Foreign Ports, to muſter the Crew, &c. of Letters of Marque.

X. And be it further enacted by the Authority aforeſaid, That if the Captain, Maſter, Commander, or Commanding Officer of any ſuch Ship or Veſſel ſo having a Commiſſion or Letter of Marque as aforeſaid, ſhall neglect or omit to keep ſuch Journal in Manner aforeſaid, or ſhall wilfully make, or cauſe or procure to be made, any falſe or fraudulent Entries therein, or wilfully neglect to make, or ſubduct, expunge, obliterate, or eraſe when made, any material Tranſaction or Occurrence relative to the Proceedings of ſuch Ship or Veſſel wherein His Majeſty's Intereſt is in any Manner concerned, or ſhall refuſe to produce to the Captain or other Officer commanding any Ship or Veſſel of War, or Revenue Ship or Veſſel, which he ſhall meet or fall in with in the Courſe of his Voyage or Cruize, or to the *Britiſh* Conſul, or Chief *Britiſh* Officer at ſuch Foreign Port, ſuch Journal ſo to be kept as aforeſaid, or the Commiſſion for ſuch Ship or Veſſel, or the Certificate of the Collector, Comptroller, or other Chief Officer of the Cuſtoms at the Port from whence he ſhall have laſt ſailed as aforeſaid, or ſhall refuſe to permit ſuch Captain or Officer commanding ſuch Ship or Veſſel of War, or Revenue Ship or Veſſel, or ſuch *Britiſh* Conſul,

Penalty on Captains for not keeping a Journal, making falſe Entries, or falſe Oath, or not obſerving any of the foregoing Rules.

Conſul, or Chief *Britiſh* Officer at ſuch Foreign Port, or the Perſon or Perſons by them reſpectively authorized for that Purpoſe, to come on Board ſuch Ship or Veſſel for the Purpoſe of muſtering her Officers and Crew, and examining her Guns, Arms, and Ammunition, or ſhall, after his Arrival in any Port as aforeſaid, ſail out again without having delivered, upon Oath, ſuch Journal ſo kept and ſigned as aforeſaid, and without having produced his Commiſſion for ſuch Ship or Veſſel, and obtained ſuch Certificate from the Collector, Comptroller, or Chief Officer of the Cuſtoms, as before mentioned, and alſo delivered up to him the Certificate which ſhall have been before granted in reſpect of ſuch Ship or Veſſel; then, and in either of the ſaid Caſes, the Commiſſion or Commiſſions, and Letter or Letters of Marque, granted for ſuch Ship or Veſſel, ſhall be null and void to all Intents and Purpoſes whatſoever, and ſuch Captain, Maſter, Commander, or Commanding Officer, ſhall forfeit, for every ſuch Offence, the Sum of Five hundred Pounds, One Moiety thereof to the Uſe of the Royal Hoſpital at *Greenwich*, and the other Moiety, together with full Coſts of Suit, to the Uſe of ſuch Perſon as ſhall diſcover and ſue for the ſame, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, wherein no Eſſoin, Protection, Privilege, or Wager of Law, or more than One Imparlance, ſhall be allowed; and moreover, in caſe any Captain, Maſter, Commander, or Commanding Officer, ſhall take a falſe Oath on delivering up ſuch Journal as aforeſaid, he ſhall, on Conviction thereof, incur and ſuffer the like Pains and Penalties as are by Law inflicted upon Perſons committing wilful and corrupt Perjury; and in caſe any of the Offences above mentioned ſhall be committed out of this Realm, the ſame may be alledged to have been committed, and may be laid, inquired of, tried, and determined, in any County in *England*, in the ſame Manner, to all Intents and Purpoſes, as if the ſame had been actually done or committed within the Body of ſuch County.

Penalty on Commanders of Merchants Ships under Convoy for not obeying Signals, &c.

XI. And be it further enacted by the Authority aforeſaid, That if the Captain, Maſter, acting Owner, or other Perſon having the Command of any Merchant Ship under Convoy, ſhall wilfully diſobey Signals or Inſtructions, or any other lawful Commands of the Commander of the Convoy, or ſhall deſert the Convoy without Notice given, and Leave obtained for that Purpoſe, he ſhall be liable to be articled againſt in the Court of Inſtance in the High Court of Admiralty, at the Suit of the King in His Office of Admiralty, for Diſobedience to the Orders of the Convoy, and, upon Conviction thereof, ſhall be fined, at the Diſcretion of the ſaid Court, in any Sum not exceeding Five hundred Pounds, and ſhall ſuffer ſuch Impriſonment, not exceeding One Year, as the ſaid Court ſhall adjudge.

19 *Geo.* III, C. 67.

XII. And whereas by an Act, made and 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*, it is enacted, that the Flag Officers, Commanders, and other Officers, Seamen, Marines, and Soldiers, on Board every Ship and Veſſel of War in His Majeſty's Pay, ſhould have 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

hundred and ſeventy eight, or ſhould thereafter take, during the Continuance of Hoſtilities againſt *France*, (being firſt finally adjudged lawful Prize), to be divided in ſuch Proportions, and after ſuch 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 it is by the ſaid Act directed, that after the Sale or Sales of any Prize or Prizes taken by any of His Majeſty's Ships of War, publick Notification ſhould be given by the Agents appointed for the Receipt and Diſtribution of Prize and Bounty Money as therein mentioned, for the Payment of the ſeveral Shares to the Captors, in the Manner therein particularly ſet forth; after which Notification, if any Man's Share ſhould remain in the Hands of the Agents appointed as aforeſaid, either belonging to ſuch Men as ſhould be run from His Majeſty's Service, or which ſhould not be demanded within Three Years, then ſuch Share or Shares ſo remaining in the Agents Hands, or belonging to ſuch Men as ſhould run from His Majeſty's Service, ſhould go and be paid to the Uſe of *Greenwich Hoſpital:* And whereas by an Act, paſſed 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 Navy, and for* '*making further Proviſions for thoſe Purpoſes*;' and by another Act, made in the Twenty-firſt Year of the Reign of His ſaid preſent Majeſty, intituled, *An Act for the Encouragement of Seamen, and the more ſpeedy and effectual Manning His Majeſty's Navy*, it was enacted, that the Flag Officers, Commanders, and other Officers, Seamen, Marines, and Soldiers, on Board every Ship and Veſſel of War in His Majeſty's Pay, ſhould have the ſole Intereſt and Property of and in all and every Ship, Veſſel, Goods, and Merchandizes, which they had taken ſince the reſpective Days in the ſaid Acts reſpectively mentioned, or ſhould thereafter take during the Continuance of Hoſtilities againſt *Spain* and the *United Provinces* reſpectively, (being adjudged lawful Prize), to be divided in ſuch Proportions, and after ſuch Manner, as His Majeſty had, by His ſeveral Proclamations in the ſaid Acts reſpectively mentioned, directed, or as His Majeſty, His Heirs and Succeſſors, ſhould think fit to order and direct by Proclamation or Proclamations thereafter to be iſſued for thoſe Purpoſes: And whereas by another Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty, intituled, *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*; after reciting the Firſt-mentioned Act of the Nineteenth Year of the Reign of His preſent Majeſty, and that by the Two laſt mentioned Acts of the Twentieth and Twenty-firſt Years of the Reign of His ſaid Majeſty, 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 that no ſufficient Proviſions or Regulations were

20 *Geo.* III, Cap. 23,

21 *Geo.* III. Cap. 15, and

35 *Geo.* III, Cap. 122, recited.

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; it was therefore enacted, that all the Proviſions and Regulations in the ſaid Two laſt mentioned Acts ſhould 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 therein mentioned, and that no Lapſe of Time ſhould incur or be pleadable in bar of the Demands which might thereafter be made by the Commiſſioners and Governors of the Royal Hoſpital for Seamen at *Greenwich*, under and by virtue of the ſaid Acts as thereby amended, but from the paſſing of that Act: And whereas, during the Continuance of the Hoſtilities mentioned in the Three ſeveral Firſt above recited Acts, divers Ships and Veſſels, Goods, Merchandizes, Treaſure, and Effects, of great Value, were captured by the conjoint Operation of His Majeſty's Sea and Land Forces, and after final Condemnation as Prize, the Proceeds thereof were paid to the Agents for the Captors, to be diſtributed in ſuch Proportions as were eſtabliſhed in the Navy for the Diſtribution of Prizes, or as His Majeſty ſhould think proper to direct: And whereas Doubts have ariſen whether the Shares belonging to ſuch Men as ſhould be run from His Majeſty's Sea Service, or which ſhould not be demanded within Three Years, of and in ſuch Proportions of the Proceeds laſt mentioned as were allotted to the Sea Forces employed in different Captures, ſhould go and be paid to the Uſe of *Greenwich Hoſpital*, in the ſame Manner as the like Shares of the Proceeds of Prizes taken by His Majeſty's Sea Forces alone are, by the ſaid Firſt recited Act, made in the Nineteenth Year of the Reign of His preſent Majeſty, and by the ſaid Two ſubſequent Acts of the Twentieth and Twenty-firſt Years of His ſaid Majeſty's Reign, as amended by the ſaid laſt recited Act, made in the Thirty-fifth Year of His ſaid Majeſty's Reign, directed to be paid: To obviate which Doubts, be it enacted by the Authority aforeſaid, That the Shares belonging to ſuch Men as ſhall be run from His Majeſty's Sea Service of and in all ſuch Parts and Proportions of the Proceeds of the Ships, Veſſels, Treaſure, Goods, Wares, Merchandizes, and Effects, taken during the Hoſtilities mentioned in the ſaid Three firſt above recited Acts, by the conjoint Operation of His Majeſty's Sea and Land Forces, as ſhall have been decreed, granted, or allotted, to His Majeſty's Sea Forces, employed in making Capture thereof, and alſo all ſuch Shares of and in the ſaid Parts and Proportions of the ſaid Proceeds as have not been, or ſhall not be, demanded within Three Years from the Times of the reſpective Notification of Diſtribution thereof, ſhall go and be paid to the Treaſurer of the ſaid Hoſpital at *Greenwich*, for the Uſe of the ſaid Hoſpital; and that all and ſingular the Proviſions and Regulations, Clauſes, Proviſoes, Reſtrictions, Pains, Penalties, Forfeitures, Matters, and Things whatſoever, contained in the ſaid recited Act of the Nineteenth Year of the Reign of His preſent Majeſty, relating to the Notification of Payment and Diſtribution of the Proceeds of Prizes taken by His Majeſty's Ships of War, and to the making up the Accounts thereof, and alſo to the Payment of the Shares of run Men and unclaimed Shares of ſuch Proceeds to and to the Uſe of the ſaid Hoſpital at *Greenwich*, ſhall extend, and be deemed and conſtrued to extend, to all ſuch Parts and Proportions of the Proceeds of Prizes taken during the Hoſtilities laſt above mentioned by the conjoint Operation of His Majeſty's Sea and Land Forces, as ſhall have been ſo decreed, granted, or allotted, to His Majeſty's Sea Forces, as aforeſaid; any Thing in the

Shares of Prizes taken during the Hoſtilities, mentioned in the Three Firſt recited Acts, jointly by the Sea and Land Forces, belonging to Sailors who have run, and Shares not demanded within Three Years from Notification of Diſtribution, to be paid for the Uſe of *Greenwich Hoſpital*, &c.

ſaid

ſaid recited Acts, or any of them, contained to the contrary thereof in anywiſe notwithſtanding.

Limitation of Actions.

XIII. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any Matter or Thing by him or them done or executed by virtue of or in purſuance of this Act, ſuch Action or Suit ſhall be commenced within Two Years next after the Matter or Thing done, and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereon, and that the ſame was done in purſuance of and by Authority of this Act; and if afterwards a Verdict ſhall paſs for the Defendant or Defendants, or the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his or their Action or Proſecution, or Judgement ſhall be given againſt him or them upon Demurrer or otherwiſe, then ſuch Defendant or Defendants ſhall have Treble Coſts awarded to him or them againſt ſuch Plaintiff or Plaintiffs.

General Iſſue.

Treble Coſts.

Continuance of Act.

XIV. And be it further enacted by the Authority aforeſaid, That this Act ſhall continue in Force during the preſent Hoſtilities with *France*, the *United Provinces*, and *Spain* reſpectively, (as far as the Matters and Things herein contained relate to or concern the ſaid Hoſtilities reſpectively), and no longer; ſave and except all ſuch Matters and Things as ſhall be depending in Judgement in the High Court of Admiralty, or other Courts of Admiralty in His Majeſty's Dominions Abroad, or Court of Appeal, or in any Court of Record in *Great Britain*, or the Plantations, in conſequence of the Capture or Captures made during the preſent Hoſtilities, or of any Offence committed contrary to this Act, in reſpect whereof this Act ſhall continue in full Force until ſuch Matters, and every Thing dependent thereupon, ſhall be finally adjudged and determined.

FINIS.