

ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

CAP. CLX.

An Act for the Encouragement of Seamen, and for the better and more effectually Manning His Majesty's Navy; for regulating the Payment of Prize Money, and for making Provision for the Salaries of the Judges of the Vice-Admiralty Courts in the Island of *Malta* and in the *Bermuda* and *Bahama* Islands. [12th *August* 1803.]

WHEREAS divers injurious Proceedings have lately been had in *France*, in Derogation of the Honour of His Majesty's Crown, and of the just Rights of His Subjects: And whereas His Majesty by His Order in Council, dated the Sixteenth Day of *May* One thousand eight hundred and three, was pleased to order that general Reprisals be granted against the Ships, Goods, and Subjects of *France*, so that as well His Majesty's Fleet and Ships, as also all other Ships and Vessels that should be commissioned 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*, shall and lawfully may seize all Ships, Vessels, and Goods, belonging to *France*, or to any Persons being Subjects of *France*, or inhabiting within any of the Territories of *France*, and bring the same to Judgment: And whereas His Majesty by His

Order in Council, dated the Sixteenth Day of *June* One thouſand eight hundred and three, was pleaſed to order that general Repriſals ſhould in like Manner and to the like Effect be granted againſt the Ships, Goods, and Veſſels of the *Batavian* Republick, the Ally and Aſſociate of *France*, in its Enterprizes againſt the Independence and Safety of His Majeſty's Dominions: And whereas His Majeſty hath by His Royal Munificence been graciouſly pleaſed by His Proclamation, dated the Seventh Day of *July* One thouſand eight hundred and three, to declare His Intention to give the Benefit of all Prizes taken during the preſent War, to the Captors thereof, being in His Majeſty's Service or duly commiſſioned: Now, for the Encouragement of the Officers and Seamen of His Majeſty's Ships of War, and of hired armed Veſſels in the Service of His Majeſty, and of the Owners, and Officers, and Seamen of all other *Britiſh* Ships, having Commiſſions or 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 effectually 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 whole Intereſt and Property of and in all and every Ship, Veſſel, Goods, and Merchandize which they have taken ſince the Sixteenth Day of *May* One thouſand eight hundred and three, or Sixteenth Day of *June* reſpectively, or ſhall hereafter take during the Continuance of the preſent War, after the ſame ſhall have been adjudged lawful Prize to His Majeſty, in any of His Majeſty's Courts of Admiralty or Vice-Admiralty, in any of His Majeſty's Dominions, which ſhall be duly authorized to take Cognizance of ſuch Captures, to be divided in ſuch Proportions and after ſuch Manner as His Majeſty, by His Proclamation of the Seventh Day of *July* One thouſand eight hundred and three, hath already ordered and enacted, 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; and the Commanders, Officers, Seamen, and Marines, and Soldiers, on board His Majeſty's hired armed Ships, ſhall have ſuch Intereſt in all Ships and Goods which they have taken ſince the Sixteenth Day of *May* One thouſand eight hundred and three, or Sixteenth Day of *June* reſpectively, or ſhall hereafter take during the preſent War, and to be divided and diſtributed in ſuch Manner as His Majeſty hath been pleaſed to order and direct by the ſaid Proclamation of the Seventh Day of *July* One thouſand eight hundred and three, or as His Majeſty, His Heirs and Succeſſors, may order and direct by any Proclamation or Proclamations hereafter to be iſſued.

Ships and Veſſels taken to be divided as Prize, agreeable to His Majeſty's Proclamation, dated *July* 7, 1803.

II. And be it further 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, being armed, officered, and employed in His Majeſty's Service, who ſhall take any Fortreſs upon the Land, or any Arms, Ammunition, Stores of War, Goods, Merchandize, and Treaſure, belonging to the State, or to any publick trading

Arms and Ammunition, &c. taken in any Fortreſs, and on board Veſſels in Creeks de-

trading Company, of the Enemies of the Crown of *Great Britain*, upon the Land, or any Ship or Veſſel, or Merchandize laden on board the ſame, in any Creek, River, Haven, or Road belonging to and defended by the ſaid Fortreſs upon the Land, ſhall have the ſole Intereſt and Property of and in all and every ſuch Ship or Ships, Veſſel or Veſſels, Arms, Ammunition, Stores of War, Goods, Merchandize, and Treaſure, after final Adjudication thereof as lawful Prize in any of His Majeſty's Courts of Admiralty or Vice 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: Provided always nevertheleſs, that in all conjunct Expeditions of the Navy and Army againſt any ſuch Fortreſs, upon the Land, in which His Majeſty ſhall have been pleaſed to give any Inſtructions or Directions for the Diviſion and Diſtribution of Property taken thereat, the Flag and General Officers, and Commanders, and other Officers, Seamen, Marines, and Soldiers, acting on 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, Merchandize, and Treaſure, belonging to the State or to any publick trading Company of the Enemies of the Crown of *Great Britain*, which ſhall be found in any ſuch Fortreſs; 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 Merchandize 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.

fended thereby, to be divided as Prize.

His Majeſty to direct the apportioning of Prizes between the Navy and Army when acting in Conjunction.

III. Provided likewiſe, and be it enacted, That if no Inſtructions ſhall have been given by His Majeſty for the Diviſion of the Ships, Goods, and Merchandize to be captured in any Expedition againſt any Fortreſs on the Land, it ſhall be lawful for the reſpective Commanders in Chief of the Fleet and of the Army employed, to make Agreements in Writing for the Diviſion of the Ships, Goods, and Merchandize, ſo to be taken between the ſaid Fleet and Army, which Agreements being approved and confirmed by His Majeſty ſhall be binding on all Perſons; and the Share aſſigned to the Fleet by ſuch Agreement ſhall be diſtributed therein according to His Majeſty's Proclamation; and the Share aſſigned to the Army ſhall be diſtributed amongſt the Officers and Soldiers in Proportions correſpondent thereto: Provided nevertheleſs, that the Intereſt and Property hereby given to the Army employed on ſuch conjunct Expeditions ſhall not extend, or be deemed or conſtrued to extend, to entitle the ſaid Army to ſhare in the Diſtribution of any Ships or Veſſels, Goods, Merchandize, or Effects captured in the Voyage to or from ſuch Fortreſs: Provided alſo, that the Shares of Prize of all ſuch Officers and Seamen who ſhall be marked in the Books of any Ship or Veſſel in the Service of His Majeſty, His Heirs or Succeſſors, as having run therefrom, and alſo the Shares of all ſuch Officers and Seamen, Marines, Soldiers, and others, as well on board hired armed Ships as on board His Majeſty's Ships of War, which ſhall not be legally demanded within Three Years after the ſame ſhall have been paid to the Treaſurer of the Royal Hoſpital at *Greenwich*, by virtue of any Law then in force, ſhall be forfeited to and to the Uſe of the

But if no Inſtructions be given by His Majeſty, the Commanders in Chief may ſettle the Diviſion.

Shares to be diſtributed according to Proclamation.

Shares of Run Men, and Shares not claimed within Three Years after being paid to the Treaſurers of *Greenwich* Hoſpital, forfeited, &c.

the ſaid Royal Hoſpital, unleſs, with reſpect to ſuch Officers and Seamen as ſhall be marked Run, ſuch Mark ſhall be taken off by Order of the Commiſſioners for executing the Office of Lord High Admiral of *Great Britain*, or by Order of the Commiſſioners of His Majeſty's Navy, and unleſs with reſpect to the Shares of ſuch Officers, Seamen, Marines, Soldiers, and others, which ſhall not be claimed within the Time above limited in that Behalf, reaſonable Cauſe ſhall be ſhewn and allowed by the Governors of the ſaid Hoſpital for the Time being, or by the Judge of the High Court of Admiralty, why ſuch laſt-mentioned Shares were not claimed in due Time.

Commanders deſerting Convoys, or having Diſpatches, ſailing out of their Courſe, ſhall forfeit Share of Prizes.

IV. And be it further enacted, That if any Captain or other Commander of any of His Majeſty's Ships or Veſſels of War, or hired armed Veſſels in His Majeſty's Service, having Tranſports or Merchant Ships or Veſſels under Convoy, ſhall wilfully deſert or fail away from them in purſuit of and with the View of capturing any Ship or Veſſel of the Enemy (other than Ships or Veſſels armed and fitted for War only, and which ſhall be ſeen hovering about or bearing down upon ſuch Convoy), or having captured a Prize, ſhall wilfully deſert the Convoy for the Purpoſe of carrying his Prize into Port; or if the Commander of any Ship or Veſſel whatſoever, having His Majeſty's Diſpatches on board, ſhall ſail out of his proper Courſe in Purſuit and with the View of making Prize of any Ship or Veſſel of the Enemy, and ſhall be duly convicted thereof by Sentence of a Court Martial, ſuch Commander ſhall forfeit his Share of all and every ſuch Prize to His Majeſty, for the Uſe of *Greenwich* Hoſpital.

Penalty on Captains of Merchant Ships diſobeying Signals of the Commander of the Convoy.

V. And be it further enacted, That if the Captain 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 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.

Admiralty may iſſue Letters of Marque.

VI. And be it further 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 Time being, or any Three or more of them, or any Perſon or Perſons by him or them empowered and appointed, ſhall, at the Requeſt of any Owner or Owners, whom they ſhall deem fitly qualified, of any Ship or Veſſel regiſtered purſuant to the Directions of an Act, paſſed 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*, or of an Act, paſſed in the Thirty-fourth Year of the Reign of His preſent Majeſty, intituled, *An Act for the further Encouragement of* Britiſh *Mariners, and for other Purpoſes therein mentioned*, (ſuch Owner or Owners giving ſuch Bail or Security as hereafter is mentioned or expreſſed,) cauſe to be iſſued in the uſual Manner One or more Commiſſion or Commiſſions,

or Letter or Letters of Marque and Repriſal, to any Perſon or Perſons whom ſuch Owner or Owners ſhall nominate to be Commander, or in caſe of Death, ſucceſſively Commanders of ſuch Ships or Veſſels, for the attacking, ſurpriſing, 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, Arms, Ammunition, Stores of War, Goods or Merchandize, belonging to or poſſeſſed by any of His Majeſty's Enemies, in any Sea, Creek, Haven, or River, and that ſuch Ship or Ships, Veſſel or Veſſels, Arms, Ammunition, Stores of War, Goods and Merchandize 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 Commiſſion and Commiſſions, or Letter or Letters of Marque, after final Adjudication as lawful Prize in the High Court of Admiralty, or in any other Court of Admiralty in His Majeſty's Dominions, which ſhall be duly authorized thereto as aforeſaid, ſhall wholly and entirely belong to and be divided between and among the Owner or Owners of ſuch Ship or Veſſel, and the ſeveral Perſons who ſhall be on board the ſame, and be aiding and aſſiſting in 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 Chattels of ſuch Owner or Owners, and the Perſons who ſhall be entitled thereto, by virtue of ſuch Agreements among themſelves; and that neither His Majeſty, His Heirs or Succeſſors, nor any Admiral, Vice-Admiral, Governor, or other Perſon, commiſſioned by or claiming, under His Majeſty, His Heirs or Succeſſors, nor any other Perſon or Perſons whomſoever, 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 Merchandize; and the Perſon claiming under ſuch Agreements, ſhall be entitled to any Part or Share thereof, except as to the Cuſtoms and Duties hereafter mentioned, any Law, Uſage, or Cuſtom to the contrary thereof in anywiſe notwithſtanding: Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to entitle any Perſon or Perſons to any Intereſt in ſuch Ships or Veſſels, Goods or Merchandize, as may be captured by any private Ships or Veſſels of War belonging to or hired by or in the Service of His Majeſty's Commiſſioners of Cuſtoms or Exciſe; but that the ſame Ships or Veſſels, Goods and Merchandize ſo captured, ſhall belong to His Majeſty, and be applied and diſpoſed of in ſuch Manner as His Majeſty, under His Sign Manual, ſhall order and direct after legal Adjudication thereof.

Six Privateers, not exceeding Fifty Tons each, may be included in one Adjudication.

VII. And, for the Encouragement of the Capture of ſuch armed Ships belonging to the Enemy, be it further enacted, That it ſhall and may be lawful to and for the Captors to include in One Adjudication any Number not exceeding Six of ſuch ſmall armed Ships having a Commiſſion, or Letter of Marque from the Enemy, not exceeding Fifty Tons each, and which ſhall have been taken within the Space of Three Months preceding the Application to the Court of Admiralty for ſuch Adjudication.

Private Ships having Commiſſion for

VIII. Provided always, That nothing in this Act contained ſhall entitle any private Ship or Veſſel having a Commiſſion for War, and

War, while put under Convoy, not entitled to ſhare Prizes.

which ſhall receive General Orders and Inſtructions from, and put herſelf under the Convoy of any of His Majeſty's Ships or Veſſels to ſhare in any Prize or Prizes taken by ſuch Ships or Veſſels of His Majeſty, or by ſuch private Ship or Veſſel having a Commiſſion for War, or Letter of Marque, whilſt the ſaid Commiſſioned Ship or Veſſel ſhall remain under the Care and Protection of ſuch Convoy, unleſs ſuch private Ship or Veſſel ſhall have received Orders from the Commander of the convoying Ship to chaſe, or otherwiſe act hoſtilely againſt the Enemy, and ſhall have been actually aiding and aſſiſting in ſuch Capture.

Prizes to be liable to Duties.

IX. Provided always, and be it declared and enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to exempt any Ships, Goods, Wares, or Merchandize, which ſhall be taken as Prize and brought or imported into this Kingdom, or any of His Majeſty's Dominions, from the Payment of any Cuſtoms or Duties, or from being ſubject to the Reſtrictions and Regulations to which the ſame are now or ſhall hereafter be liable by virtue of the Laws and Statutes of this Realm: Provided nevertheleſs, that it ſhall be lawful for the Lords Commiſſioners of His Majeſty's Treaſury, or for the Commiſſioners of the Cuſtoms, in ſuch Caſes wherein Goods unfit for the Markets of this Kingdom have been brought as Prize into the Ports thereof, and have been ſold from Neceſſity under an Order of the High Court of Admiralty, to remit the Whole or any Part of the ſaid Duties, upon a Certificate from the Judge of the ſaid Court that the Goods, not being intended for the Markets of this Kingdom, have been ſold from Neceſſity under its Order, and that the Proceeds of ſuch Sale, after Payment of Duties, will be inſufficient to ſatisfy juſt and reaſonable Claims.

Security to be taken before granting Letters of Marque.

X. And be it further enacted, That before the granting or iſſuing of any Commiſſion, or Letter of Marque, in purſuance of this Act, ſuch Bail and Security ſhall be taken as hath been uſual in ſuch Caſes; and that previous thereto 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 Judge of any other Court of Admiralty, which ſhall be authorized as aforeſaid, in any other of His Majeſty's Dominions, or his or their Surrogates, or other Perſon or Perſons lawfully commiſſioned by them, that they the ſaid Perſons who ſhall become Sureties, are at the Time of their being ſworn reſpectively worth more than the Sum for which they are to be bound, over and above all their juſt Debts; and moreover, the Marſhal for the Time being of the ſaid High Court of Admiralty, and of any of the ſaid other Courts, or his Deputy, or the Perſon or Perſons ſo commiſſioned as aforeſaid, ſhall make diligent Enquiry, and certify him or themſelves of the Sufficiency of ſuch Bail and Security, and make thereupon a Report to ſuch Judge or his Surrogate, before any ſuch Commiſſion or Letter of Marque ſhall be granted.

Applications for Letters of Marque to be made to the Admiralty in

XI. And be it further enacted, That all and every Perſon or Perſons who ſhall apply to the ſaid Lord High Admiral of *Great Britain*, or Commiſſioners for executing the Office of Lord High Admiral of *Great Britain* for the Time being, or any Perſon or Perſons by him or them empowered

empowered and appointed, in order to obtain any Commiſſion or Letter of Marque, 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 or Letter of Marque is requeſted, ſpecifying the Name and Burthen of ſuch Ship or Veſſel, what Sort of Built ſhe is, and the Number and Nature of the Guns on board the ſame, to what Place belonging, and the Name or Names of the 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 or Letter of Marque to be granted in purſuance of this Act); 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 this 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; 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 Built and Burthen thereof, and the Number of Men, and the Number and Nature of the Guns on board the ſame, and if ſuch Ship or Veſſel ſhall thereupon be found to be of ſuch Built and Burthen, and be manned and armed according to the Tenor of the Deſcription inſerted in ſuch Commiſſion or Letter of Marque as aforeſaid, or be of a greater Burthen or Force than ſhall be mentioned in ſuch Commiſſion or Letter of Marque, then and not otherwiſe ſuch Collector, Cuſtomer, or Searcher, or his or their lawful Deputy or Deputies ſhall, and he and they 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 Ship or Veſſel ſhall be permitted to ſail from that Port; and if the Commander of any Ship or Veſſel, for which any Commiſſion or Letter of Marque ſhall have been granted in purſuance of this Act, ſhall depart with ſuch Ship or Veſſel from ſuch Port of Clearance before he hath received 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 Letter of Marque, every ſuch Commiſſion or Letter of Marque ſhall from thenceforth be abſolutely null and void, and the Commander ſo offending ſhall forfeit and pay the Sum of One thouſand Pounds, to be recovered with full Coſts of Suit by any Perſon or Perſons who will ſue for the ſame, by Actions of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record in *Great Britain*, wherein no Eſſoign, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed, and ſhall alſo be impriſoned for ſuch Space of Time as ſuch Court ſhall direct, not exceeding One Year for any One Offence.

Writing, and to contain certain Particulars.

Penalty on Commanders of Veſſels having Letters of Marque departing without a Certificate, or proceeding on a Cruize, with a Force inferior to that ſpecified in their Commiſſion.

XII. And be it further enacted, 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 or Letter of Marque granted to the Commander or Commanders thereof, or ſhall certify

Penalty on Officers of the Cuſtoms granting falſe Certificates for Ships not

of the Burthen and Force ſpecified in the Commiſſion.

certify to a greater Burthen or Force than ſhe really is, he ſhall for ſuch Offence forfeit his ſaid Office, and be for ever incapable of holding any Office under Government whatſoever; and ſhall alſo forfeit the Sum of One hundred Pounds, to be recovered with full Coſts of Suit, for 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 *Great Britain*, in which no Eſſoign, 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 One Moiety to the Treaſurer for the Time being of the Corporation for the Relief and 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 or ſhall hereafter be 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: Provided always, 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 ſaid recited Acts, made in the Twenty-ſixth and Thirty-fourth Years of the Reign of His preſent Majeſty, or an authenticated Copy thereof, in caſe the Ship ſhall be at Sea, which Certificate or authenticated Copy 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: Provided nevertheleſs, that it ſhall not be neceſſary in the Caſe of Ships belonging to, or hired by, or in the Service of His Majeſty's Commiſſioners of Cuſtoms or Exciſe, to produce ſuch Certificates or authenticated Copies, in order to the obtaining a Commiſſion or Letter of Marque.

Application of Forfeiture.

Veſſels to which Letters of Marque are granted, to be deemed licenſed.

XIII. Provided alſo, and be it further enacted, That all and every Ship and Veſſel for which ſuch Commiſſion or Letter of Marque ſhall be granted as aforeſaid, and for and during the Time that ſuch Commiſſion or Letter of Marque ſhall remain in force under the Authority of this Act, and no longer, ſhall be deemed and taken to be a Ship or Veſſel licenſed purſuant to an Act of Parliament, made and paſſed in the Twenty-fourth Year of the Reign of His preſent Majeſty, intituled *An Act for the more effectual Prevention of Smuggling in this Kingdom*, although the Owner or Owners of ſuch Ship or Veſſel ſhall not have been furniſhed with the Licence required by the ſaid recited Act.

Letters of Marque to be forfeited for Offences committed againſt the Revenue Laws.

XIV. Provided alſo, and be it further enacted, That in caſe the Owner or Owners, Commander, Maſter, or other Perſon, having or taking the Charge or Command of any Ship or Veſſel for which ſuch Commiſſion or Letter of Marque ſhall be iſſued as aforeſaid, ſhall be guilty of any Offence contrary to any Act or Acts of Parliament now in force, or hereafter to be made for the Protection of His Majeſty's Revenues of Cuſtoms or Exciſe, or for the Prevention of Smuggling in this Kingdom, ſuch Owner or Owners, Commander, Maſter, and other Perſons, ſhall forfeit the Commiſſion or Letter of Marque ſo iſſued for ſuch Ship or Veſſel, over and beſides all other Penalties and

and Forfeitures which he or they shall have incurred by reason of such Offence.

XV. And be it further enacted, 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, or Letter or Letters of Marque, 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 in pursuance of His Majesty's Order in Council, or this present Act: Provided nevertheless, that the Secretary of the Admiralty for the Time being shall, with all convenient Speed, after any and every such Commission or Letter of Marque shall be so revoked, cause Notice thereof in Writing to be forthwith sent to the Owner or Owners of the Ship or Vessel named or described in such Order of Revocation, or to his or their Agent or Agents, Surety or Sureties, or some or One of them; and in case such Ship or Vessel shall be in the Channel, the said Order of Revocation shall be effectual to supersede and annul the said Commission or Letter of Marque, 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 Northern Seas, at the Expiration of Thirty Days; and 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 from and after such respective Notices shall be given as aforesaid; and any Commander or Commanders, Owner or Owners, Agent or Agents, Surety or Sureties of any such Ship or Vessel whereof such Commission or Letter of Marque, 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: Provided always, that in case any such Order of Revocation shall be superseded, such Commission or Letter of Marque 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: Provided also, that no Person shall be liable (before he shall have received personal Notice of such Order of Revocation) to be punished for doing any Matter or Thing which he might have lawfully done under the Authority of such Commission or Letter of Marque, in case such Order of Revocation had not been made.

Admiralty may revoke Letters of Marque.

Notice of such Revocation to be given.

XVI. And whereas in all private Ships or Vessels of War, or Merchant Ships or Vessels, for which Commissions or Letters of Marque shall

Offences committed on board Pri-

Privateers to be tried and punished as Offences committed in the Fleet.

shall be taken out, and likewise hired armed Vessels taken into His Majesty's Service, it is expedient, for the better Discipline and Government of such Ships and Vessels, that all Persons who enter themselves on board the same should be under proper Regulations, and pay Obedience to the lawful Commands of the Captains and Chief Commanders of the said Ships and Vessels; be it therefore enacted, That all Offences committed by any Officer or Seaman on board any Vessel having taken a Commission or Letter of Marque during the present Hostilities with *France*, or on board any hired armed Vessel in His Majesty's Service, shall be tried and punished in such Manner as the like Offences are tried and punished when committed by any Person belonging to His Majesty's Fleet: Provided always, that all Offenders who shall be accused of such Crimes as are cognizable by a Court Martial shall be confined on board such Privateer, or Merchant Ship, or Vessel carrying Letters of Marque, in which such Offence shall be committed, until they shall arrive at some Port in *Great Britain* or *Ireland*, or can meet with such a Number of His Majesty's Ships of War abroad as are sufficient to make a Court Martial; and upon Application made by the Commander of such Ship or Vessel carrying Letters of Marque, or hired armed Vessels in His Majesty's Service, to the Lord High Admiral of *Great Britain*, or Commissioners for executing the Office of Lord High Admiral of *Great Britain* for the Time being, or to the Commander in Chief, or Senior Officer of His Majesty's said Ships of War abroad, the said Lord High Admiral or Commissioners for executing the Office of Lord High Admiral of *Great Britain* for the Time being, or any Three or more of them, or such Commander in Chief, or Senior Officer abroad, are hereby authorized and required, in the usual Manner, to call a Court Martial for trying and punishing the said Offences.

Commanders of Ships to be liable, while in His Majesty's Colonies, to the Laws provided for the preventing the carrying off Persons, without the requisite Consent.

XVII. And whereas good and necessary Laws are in Force within several of His Majesty's Colonies and Plantations in *America*, for preventing the carrying off from the said Colonies or Plantations any Servant or Slave without the Consent of the Owner, or the carrying off from thence any other Person or Persons whomsoever, until such Person shall have taken out his Ticket from the Secretary's Office within such respective Colony or Plantation, in such Manner, and under such Penalties and Forfeitures, as in and by the said several Laws is declared and provided; be it therefore enacted, That all Commanders of private Ships of War, or Merchant Ships having Letters of Marque, shall, upon their going into any of the Ports or Harbours in the said Colonies or Plantations, be subject, and they are hereby declared to be subject to the several Directions, Provisions, Penalties, and Forfeitures, in and by such Laws made and provided; any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

Regulations respecting the Condemnation of Prizes.

XVIII. And, for the more speedy proceeding to Condemnation, or other Determination of any Prize Ship or Vessel, Goods or Merchandize, already taken or hereafter to be taken as aforesaid, and for lessening the Expences which have been usual in such Cases; be it further enacted, That the Judge of the High Court of Admiralty of *England*, and of any other Court of Admiralty which shall be authorized thereto, or such Person or Persons who shall be by them commissioned for that

Purpose,

Purpoſe, within Five Days after Requeſt made to him or them for that Purpoſe, ſhall finiſh the uſual Preparatory Examination of the Perſons commonly examined in ſuch Caſes, in order to prove the Capture to be lawful Prize, or to enquire whether the ſame be lawful Prize or not, and that the proper Monition uſual in ſuch Caſes ſhall be iſſued by the Perſon or Perſons proper to iſſue the ſame, and ſhall be executed by the Perſon or Perſons proper to execute the ſame, within the Space of Three Days after Requeſt in that Behalf made; and in caſe no Claim of ſuch captured Ship, Veſſel, or Goods, ſhall be duly entered in the uſual Form, and atteſted upon Oath, giving Twenty Days Notice after the Execution of ſuch Monition, or if there be ſuch Claim, and the Claimant or Claimants ſhall not within Five Days from the Time of entering ſuch Claim give Security in the Sum of Sixty Pounds Sterling, to pay Coſts to the Captor or Captors in caſe the Judge ſhall decree Coſts to be due, that then the Judge of ſuch Court of Admiralty ſhall, upon producing to him the ſaid Examinations or Copies thereof, and producing to him, upon Oath, all the Papers and Writings which ſhall have been found, taken in, or with ſuch Capture, or on board any other captured Ship or Veſſel regarding the ſame, or upon Oath made that no Papers or Writings were found, proceed with all convenient Speed to Sentence, either to diſcharge or acquit ſuch Capture, or to condemn the ſame to be good and lawful Prize, according as ſhall appear to him upon Peruſal of ſuch Preparatory Examinations; and all the Papers and Writings found, taken in, or with ſuch Capture, or on board any other captured Veſſel regarding the ſame, if any ſuch ſhall be found, or to allow further time for a Claim to be entered or Security given; and in caſe any ſuch Claim ſhall be duly entered, and Security given thereupon, according to the Tenor and true Meaning of this Act, and there ſhall appear no Occaſion to enter into any other Examination, that then the Judge ſhall, within Ten Days if poſſible, after ſuch Claim made and Security given, proceed to Sentence as aforeſaid touching ſuch Capture; but in caſe, upon entering ſuch Claim, and the Atteſtation thereupon, or the producing of ſuch Papers and Writings as aforeſaid, regarding ſuch captured Ship or Veſſel, or Goods, and upon the ſaid Preparatory Examinations, it ſhall appear doubtful to the ſaid Judge whether ſuch Capture be lawful Prize or not, and it ſhall appear to him to be neceſſary, according to the Circumſtances of the Caſe, for the clearing and determining ſuch Doubts, to have an Examination of Witneſſes, on Pleadings given in by the Parties and admitted by the Judge, or ſuch other lawful Mode of Enquiry as the ſaid Judge may think requiſite, that then the ſaid Judge ſhall forthwith cauſe ſuch Capture to be appraiſed by Perſons well ſkilled in the ſame, to be named by the Parties, and approved and appointed by the Court, and ſworn truly to appraiſe the ſame according to the beſt of their Skill and Knowledge, for which Purpoſe the ſaid Judge ſhall cauſe, if he ſhall think fit, the Goods found on board to be unladen, and an Inventory thereof being firſt taken, if the Judge ſhall think neceſſary, by the Marſhal of the Admiralty or his Deputy, ſhall cauſe them to be put into proper Warehouſes, with ſeparate Locks, of the Collector and Comptroller of the Cuſtoms; and where there is no Comptroller, then of the Naval Officer, and the Agents or Perſons employed by the Captors and Claimants, at the Charge of the Party deſiring the ſame; and ſhall, after ſuch Appraiſement, and within the Space

Claim to be duly entered, and Security given.

Space of Fourteen Days after the making of the ſaid Claims, proceed to take good and ſufficient Security from the Claimants to pay the Captors the full Value thereof, according to ſuch Appraiſement, in caſe the ſame ſhall be adjudged lawful Prize, and ſhall alſo proceed to take good and ſufficient Security from the Captors, to pay ſuch Coſts as the Court ſhall think proper, in caſe ſuch Ship, Veſſel, or Goods, ſhall not be condemned as lawful Prize; and after ſuch Security duly given, the ſaid Judge ſhall make an Interlocutory Order for releaſing or delivering the ſame to ſuch Claimant or Claimants, or his or their Agents, and the ſame ſhall be actually releaſed and delivered accordingly.

If Claimant refuſe Security, the Captor ſhall give Security to pay him the Value, according to Appraiſement, in caſe the Capture ſhall not be adjudged lawful Prize.

XIX. And it is hereby further enacted, That if any Claimant or Claimants ſhall refuſe to give ſuch Security, the Judge ſhall cauſe the Captor or Captors, in like Manner, to give good and ſufficient Security to pay the ſaid Claimant or Claimants the full Value thereof according to the Appraiſement, in caſe any ſuch Capture or Captures ſhall be adjuged not to be lawful Prize, and the ſaid Judge ſhall thereupon proceed to make an Interlocutory Order for the releaſing and delivering the ſame to the ſaid Captor or Captors, or their Agents.

His Majeſty may appoint Salaries for the Judges of the Vice-Admiralty Courts in the Iſlands of *Bahama* and *Bermuda*, and at *Malta*, not exceeding 2000*l. per Annum*, &c.

XX. And be it further enacted, That, from and after the paſſing of this Act, it ſhall be lawful for His Majeſty, His Heirs and Succeſſors, by any Order in Council to fix and aſcertain proper and adequate Salaries for the Judges of Vice-Admiralty Courts, eſtabliſhed or to be eſtabliſhed in the *Bahama* and *Bermuda* Iſlands, and likewiſe at the Iſland of *Malta* in the *Mediterranean*, not exceeding the Sum of Two Thouſand Pounds *per Annum* for any of ſuch Judges; and ſuch Salaries ſhall be iſſued, payable, and paid out of the Conſolidated Fund of *Great Britain*, and further that ſuch Salaries ſhall be charged and chargeable, and paid and payable in like Manner in every Reſpect, and under and ſubject to ſuch Rules, Regulations, Proviſions, Penalties, and Forfeitures as are contained in an Act, paſſed in the Thirty-ninth Year of His preſent Majeſty's Reign, intituled, *An Act for the Augmentation of the Salaries of the Judges of the Courts in* Weſtminſter-Hall, *and alſo of the Lords of Seſſion, Lords Commiſſioners of Juſticiary, and Barons of the Exchequer in* Scotland; *and for enabling His Majeſty to grant Annuities to Perſons in certain Offices in the ſaid Courts of* Weſtminſter-Hall, *on their Reſignation of their reſpective Offices*; and that the Salaries now paid or payable to the Judges at *Jamaica*, *Barbadoes*, and *Halifax*, be paid and payable in like Manner.

His Majeſty may allow ſuch Judges, on their Reſignation 1000*l. per Annum*, in certain Caſes.

XXI. And be it further enacted, That it ſhall be lawful for His Majeſty, by any Letters Patent under the Great Seal of *Great Britain*, to give and grant to any ſuch Judge upon his Reſignation of any ſuch Office, an Annuity for the Term of his Life, not exceeding One Thouſand Pounds, to be iſſued, and payable and paid out of the Conſolidated Fund of *Great Britain*, and ſuch Annuity ſhall be charged and chargeable, and paid and payable in like Manner in every Reſpect, and under and ſubject to ſuch Rules, Regulations, Penalties, and Forfeitures as the Salaries of the ſaid Judges: Provided always, That no ſuch Annuity granted to any ſuch Judge ſhall be valid unleſs ſuch Judge ſhall have continued in One or more of the ſaid Offices for the Period of Six Years, or ſhall be afflicted with ſome permanent Infirmity

firmity disabling him from the Execution of his said Office, which shall be distinctly recited in the said Grant.

Profits of Judges shall not exceed 2000*l per Annum* beyond their Salaries. Account thereof to be transmitted to the Commissioners of the Navy.

XXII. And be it further enacted, That the Profits and Emoluments of the said Judges shall in no Case exceed the Sum of Two Thousand Pounds, to each or any or either of the said Judges in any One Year, and so in Proportion for any Part of a Year, over and above the Salary of such Judge by this Act granted; and every such Judge shall keep a just and true Account of the Fees and pecuniary Profits and Emoluments received by him as such Judge in each Year, ending on the First Day of *January* in each Year, and shall, as soon after the said First Day of *January* as the same can be done in every Year, transmit an Account thereof to the Commissioners of the Navy; and shall carry all Sum and Sums of Money exceeding the said Sum of Two Thousand Pounds to the Account of the succeeding Year, or pay the same or any Part thereof to such Person or Persons and in such Manner as to the said Commissioners of the Navy shall seem fit, and they shall for that Purpose direct.

Captures brought into His Majesty's Dominions abroad, to be under the Care of the Officers of the Customs.

XXIII. And be it further enacted, That all such Captures as aforesaid, which shall be brought into any of His Majesty's Dominions abroad, in order to be proceeded against to Condemnation in any of His Majesty's Courts of Vice-Admiralty, being thereto duly authorized, shall, without breaking Bulk, stay there, and be under the joint Care and Custody of the Collector and Comptroller of the Customs, and where there is no Comptroller, then of the Naval Officer of the Port or Place where the same shall be brought, and the Captors or Claimants thereof, or their Agent or Agents, subject to the Direction of such Court of Vice-Admiralty, until the same shall by final Sentence have been either cleared and discharged, or adjudged and condemned as lawful Prize, or that such Interlocutory Order as aforesaid shall have been made for the releasing or delivering the same; and upon the final Condemnation or Adjudication thereof as lawful Prize, shall be immediately delivered unto the Captors thereof or their Agents: Provided always, That nothing in this Act contained shall affect any of the Regulations contained in an Act passed in the Forty-first Year of His Majesty's Reign, intituled, *An Act for the better Regulation of His Majesty's Prize Courts in the* West Indies *and* America, *and for giving a more speedy and effectual Execution to the Decrees of the Lords Commissioners of Appeals*, but that all the Regulations of the said Act shall be carried into full Force and Effect.

Act not to affect 41 Geo. 3. c. 96.

Writings found on board Captures to be brought into the Registry of the Court of Admiralty.

XXIV. And be it further enacted, That 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 upon Oath, wherein such Ship or Vessel may be proceeded against, in order to Condemnation; but that only such 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 his Proctor or Agent, or Register, to be necessary for ascertaining the Property of such Ship or Vessel, and Cargo thereof.

Appeals may be made to Commiſſioners for hearing Prize Cauſes.

XXV. Provided nevertheleſs, and it is hereby further enacted, That if any Captor or Captors, Claimant or Claimants, ſhall not reſt ſatisfied with the Sentence or Interlocutory Decree, having the Force of a Definitive Sentence, given or pronounced in the High Court of Admiralty of *England*, or in any Court of Admiralty or Vice-Admiralty, in any of His Majeſty's Dominions, duly authorized to proceed in Prize Cauſes, it ſhall and may be lawful for the Party or Parties thereby aggrieved to appeal from the ſaid High Court of Admiralty, or from any of the ſaid Courts of Admiralty or Vice Admiralty, to the Commiſſioners appointed or to be appointed under the Great Seal of *Great Britain*, for receiving, hearing, and determining Appeals in Cauſes of Prize, ſuch Appeals to be interpoſed and received in the like Manner as Appeals to the Commiſſioners in Prize Cauſes have been uſually interpoſed and received from the ſaid High Court of Admiralty, and good Security to be likewiſe given by the Appellant or Appellants that he or they will effectually proſecute ſuch Appeal, and alſo pay ſuch Coſts as ſhall be awarded, in caſe the Sentence or Interlocutory Decree, having the Force of a definitive Sentence of ſuch Court of Admiralty or Vice Admiralty, be affirmed; any Thing in this Act contained to the contrary thereof in anywiſe notwithſtanding: Provided always, that the Execution of any Sentence or Interlocutory Decree, having the Force of a definitive Sentence, appealed from as aforeſaid, ſhall not be ſuſpended by reaſon of ſuch Appeal, ſave as is herein-after provided, in caſe the Party or Parties appellate ſhall give ſufficient Security, to be approved of by the Court in which ſuch Sentence or Interlocutory Decree ſhall be given, to reſtore the Ship, Veſſel, Goods, or Effects, concerning which ſuch Sentence or Interlocutory Decree ſhall be pronounced, or the full Value thereof, to the Appellant or Appellants, in caſe the Sentence or Interlocutory Decree ſo appealed from ſhall be reverſed.

Perſons, not Parties, in the firſt Inſtance, to enter their Claims or Appeals to be void.

XXVI. And be it enacted, That in caſe any Perſon who was not a Party in the firſt Inſtance of the Cauſe, ſhall intervene in or interpoſe an Appeal from a Sentence or Interlocutory Decree, having the Force of a definitive Sentence, given or pronounced in any Admiralty Court, ſuch Perſon, or his or her Agent or Agents, ſhall at the ſame Time enter his or her Claim, otherwiſe ſuch Appeal ſhall be null and void.

Appellants to take out Inhibitions within certain Periods.

XXVII. And whereas great Inconveniencies have ariſen by Appeals in Prize Cauſes not being proſecuted in a reaſonable Time, and from ſecret Appeals or Protocols of Appeal being entered before a Notary Publick, without any Notice given to the Court or Parties appellate, or their Proctors; for Remedy whereof, be it enacted, That every Perſon, being a Party or not a Party in a Prize Cauſe in the High Court of Admiralty of *England*, or in any Vice Admiralty Court, and againſt whom a Sentence ſhall hereafter be given, or any Interlocutory Decree having the Force of a definitive Sentence pronounced, and who ſhall appeal therefrom, ſhall proſecute ſuch his Appeal by taking out the uſual Inhibition, within Twelve Months after the Time ſuch Sentence or Interlocutory Decree ſhall be given; and that after the Expiration of the ſaid Term of Twelve Months without any Inhibition having been taken out, no Appeal ſhall be allowed to be proſecuted by any Perſon being a Party or not a Party in the ſaid High Court of Admiralty or Vice-Admiralty, nor ſhall any Inhibition be granted at the Prayer of ſuch

ſuch Perſon or his Proctor, but the ſaid Sentence or Interlocutory Decree ſhall ſtand confirmed as to ſuch Perſon: Provided nevertheleſs, that it ſhall be lawful for the Lords Commiſſioners of Appeals, in all Caſes in which it ſhall appear that a Diſtribution has not taken Place, to permit an Appeal to be proſecuted after the Term of Twelve Months elapſed, where upon ſpecial Cauſe ſhewn, they ſhall deem ſuch Permiſſion fit and reaſonable to be given.

Captures to be appraiſed, and on Security for the Value to be delivered, or the Effects ſold.

XXVIII. And be it enacted, That in caſe any Appeal ſhall be interpoſed from a Sentence or Interlocutory Decree, having the Force of a definitive Sentence, given or pronounced in any Court of Admiralty or Vice-Admiralty concerning any Ship or Veſſel, or Goods or Effects, which have been, or now are, or ſhall hereafter be ſeized and taken as Prize, that then and in ſuch Caſe the Judge of ſuch Court of Admiralty or Vice-Admiralty ſhall and may, at the Requeſt, Coſts, and Charges, either of the Captor or Claimant, (or of the Claimant only in caſe 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 to be made, and then take Security for the full Value thereof accordingly; and thereupon cauſe ſuch Capture to be delivered to the Party, giving ſuch Security in like Manner as is herein-before enacted, notwithſtanding ſuch Appeal; and if there ſhall be any Difficulty or ſufficient Objection to the giving or taking Security, the Judge ſhall, at the Requeſt of either of the Parties, order ſuch Goods and Effects to be entered, landed, and ſold by publick Auction, 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 from the Sale ſhall be brought into Court, and by the Regiſter, Deputy Regiſter or Deputy Regiſters of the ſaid Court, be depoſited in the Bank of *England*, or (in caſe the Captors and Claimants ſhall agree thereto) in ſome publick Securities, at Intereſt, in the Names of the Regiſter, and of ſuch Truſtees as they the ſaid Captors and Claimants ſhall appoint, and the Court ſhall approve; and if ſuch Security ſhall be given by the Claimants, then the Judge ſhall give ſuch captured Ship or Veſſel a Paſs under his Seal to prevent its being again taken by His Majeſty's Subjects in its deſtined Voyage.

If Sentence be reverſed after Sale of Capture, the net Proceeds to be deemed their Value.

XXIX. Provided always, and be it further enacted, That in caſe the Sentence or Interlocutory Decree, having the Force of a definitive Sentence of ſuch Court of Admiralty or Vice-Admiralty, ſhall be finally reverſed after Sale of any Ship or Goods, purſuant to the Directions in this Act contained, the Net Proceeds of ſuch Sale (after Payment of all Expences attending the ſame) ſhall be deemed and taken to be the full Value of ſuch Ship and Goods, and that the Party or Parties appellate, and their Securities, ſhall not be anſwerable for the Value beyond the Amount of ſuch Net Proceeds, unleſs it ſhall appear that ſuch Sale was made fraudulently or without due Care.

No Judge, or other Officer of any Court of Admiralty,

XXX. And be it further enacted, That no Judge, Regiſter, or Deputy Regiſter, Marſhal or Deputy Marſhal, or any other Officer whomſoever, of or belonging to any Court of Admiralty or Vice-Admiralty, nor

or any Person practising therein, to be interested in any Vessel, having a Letter of Marque.

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, or Letter of Marque 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, Marshal, Deputy Marshal, or other Officer respectively, shall for every such Offence (being thereof lawfully convicted in any of His Majesty's Courts of Record in *Great Britain*, or at any General Session of the Peace in any of His Majesty's Colonies in *America*) 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 be, and shall also forfeit and pay to the Use of His Majesty, His Heirs and Successors, the Sum of Five 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 incapable of practising, either as an Advocate or Proctor, in any of His Majesty's Courts of Admiralty or Vice Admiralty wheresoever.

No Register, or other Officer of any Court of Admiralty, to act as Advocate or Proctor in any Cause depending in the Court to which he belongs.

XXXI. And be it further enacted, That no Register or Deputy Register, nor any Marshal or Deputy Marshal, of or belonging to any of His Majesty's Courts of Admiralty or Vice-Admiralty whatsoever shall, either directly or indirectly, by himself or themselves, or by any Agent or Agents, or other Person or Persons whomsoever, act or be concerned in 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 in Manner aforesaid) 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.

Act not to restrain His Majesty from giving Directions to Courts of Admiralty.

XXXII. Provided always, and be it enacted, That nothing in this Act contained shall be construed to restrain His Majesty, His Heirs and Successors, from giving such further Rules and Directions from Time to Time to His respective Courts of Admiralty and Vice-Admiralty, for the Adjudication and Condemnation of Prizes, and for regulating the Fees of the said Courts, and amending and altering the Table of Fees therein, as by His Majesty, His Heirs and Successors, with the Advice of His or their Privy Council, shall be thought necessary or proper.

Penalty on Commanders of Privateers ransoming Prizes.

XXXIII. And be it further enacted, That in case at any Time or Times any Commander or Commanders of any private Ship or Ships, or Vessel or Vessels of War commissioned as aforesaid, shall agree with the Commander or Commanders, or other Person or Persons, of or belonging

longing to any neutral or other Ship or Ships, Veſſel or Veſſels, or the reſpective Cargo or Cargoes thereof, or any Part thereof, for the Ranſom of any ſuch Ship, Veſſel, or Cargo, or any Part thereof, after the ſame ſhall have been taken as Prize, and ſhall, in purſuance of 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 agree for any ſuch Ranſom, and ſhall quit, ſet at Liberty, or diſcharge any ſuch Prize or Prizes in Manner aforeſaid, unleſs in a Caſe of extreme Neceſſity, to be allowed by the Court of Admiralty, ſhall forfeit his or their Letter of Marque and ſhall ſuffer ſuch Penalties of Fine and Impriſonment as the ſaid Court ſhall adjudge.

No captured Veſſel belonging to His Majeſty's Subjects to be ranſomed.

XXXIV. And be it further enacted, That from and after the paſſing of this Act, it ſhall not be lawful for any of His Majeſty's Subjects to ranſom, or to enter into any Contract or Agreement for ranſoming, any Ship or Veſſel belonging to any of His Majeſty's Subjects, or any Merchandize or Goods on board the ſame, which ſhall be captured by the Subjects of any State at War with His Majeſty, or by any Perſons committing Hoſtilities againſt His Majeſty's Subjects, unleſs in the Caſe of extreme Neceſſity to be allowed by the Court of Admiralty.

Contracts for Ranſom to be void.

XXXV. And be it further enacted, That all Contracts and Agreements which ſhall be entered into, and all Bills, Notes, and other Securities, which ſhall be given by any Perſon or Perſons for Ranſom of any Ship or Veſſel, or of any Merchandize or Goods on board the ſame, contrary to this Act, ſhall be abſolutely null and void in Law, and of no Effect whatſoever.

Penalty of 500l. on Perſons ranſoming contrary to this Act.

XXXVI. And be it further enacted, That if any Perſon or Perſons ſhall, contrary to this Act, ranſom or enter into any Contract or Agreement for ranſoming any ſuch Ship or Veſſel, or any Merchandize or Goods on board the ſame, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and loſe the Sum of Five hundred Pounds, to be recovered with full Coſts of Suit, by any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt in any of His Majeſty's Courts of Record in *Great Britain*, in which Action no Eſſoign, Protection, Imparlance, or Wager of Law, ſhall be allowed.

Bounty to be paid of 5l. for every Man on board, at the Beginning of the Engagement, of any Ships taken or deſtroyed belonging to the Enemy.

XXXVII. And, as a further Encouragement to the Officers, Seamen, Marines, Soldiers, and others, on board His Majeſty's Ships of War, as alſo of Privateers, to attack, take, and deſtroy any Ships of War or Privateers belonging to the Enemy; be it enacted, That there ſhall be paid by the Treaſurer of His Majeſty's Navy upon Bills to be made forth by the Commiſſioners of the Navy, to be paid according to the Courſe thereof, without Fee or Reward, unto the Officers, Seamen, Marines, Soldiers, and others, who ſhall have been actually on board any of His Majeſty's Ship or Ships of War, or hired armed Veſſel or Veſſels, or of any Privateer or Privateers, at the actual taking, ſinking, burning, or otherwiſe deſtroying any Ship or Ships of War or Privateers belonging to the Enemy, ſince the Second Day

of *May* One thouſand eight hundred and three, and during the preſent War, Five Pounds for every Man who was living on board any Ship or Veſſel ſo taken, ſunk, burnt, or otherwiſe deſtroyed, at the Beginning of the Attack or Engagement between them, the Numbers of ſuch Men to be proved by the Oath of Three or more of the Chief Officers or Men who were belonging to the ſaid Ship or Ships of War or Privateers of the Enemy, or belonging to any of them at the Time of her or their being taken as Prize, ſunk, burnt, or otherwiſe deſtroyed, or (in caſe ſo many as Three ſhall not ſurvive the Engagement) upon the Oaths or Oath of ſuch of them as ſhall ſurvive, before the Mayor or other Chief Magiſtrate of the Port within any of His Majeſty's Dominions whereunto any Prize, or Officers or Men of ſuch Ships as were taken, ſunk, burnt, or otherwiſe deſtroyed, ſhall be brought, or before the *Britiſh* Conſul or Vice Conſul reſiding at any Neutral Port to which ſuch Prize, or Officers or Men ſhall be brought, which Oaths the ſaid Mayor or other Chief Magiſtrate of any ſuch Port, or Conſul or Vice Conſul, are hereby reſpectively empowered and required to adminiſter; and ſhall (without Fee or Reward) forthwith grant a Certificate thereof, and alſo of the Deponents or Deponent (if leſs than Three) having likewiſe made Oath, that to the beſt of his or their Knowledge and Belief no other Perſon or Perſons belonging to the Enemy's Ship or Ships ſurvived the Engagement, which Certificate ſhall be directed to the Commiſſioners of His Majeſty's Navy; and upon the Production thereof to them the ſaid Commiſſioners, together with an authentick Copy of the Sentence or Decree of Condemnation of ſuch Ship ſo taken, or where ſuch Certificate cannot be had and obtained, then upon producing only a Copy of the Sentence or Decree of Condemnation whereby the Number of Men on board ſuch Ships of the Enemy ſhall appear to have been proved, or if ſuch Ships be ſunk, burnt, or otherwiſe deſtroyed, on producing only a Certificate from the Mayor or other Chief Magiſtrate, or Conſul or Vice Conſul as aforeſaid, the ſaid Commiſſioners of His Majeſty's Navy, or ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, ſhall, according to the Courſe of the Navy, within Fifteen Days make out Bills for the Amount of ſuch Bounty, directed to the Treaſurer of the Navy, payable to and to be divided amongſt the Officers, Seamen, Marines, and Soldiers, on board His Majeſty's Ships of War or hired armed Ships, in Manner, Form, and Proportion, as by His Majeſty's Proclamation for granting the Diſtribution of Prizes, already iſſued or to be iſſued for that Purpoſe, is or ſhall be directed and appointed, and amongſt the Owners, Officers, and Seamen of any private Ship or Veſſel of War, in ſuch Manner and Proportion as by any Agreement in Writing they ſhall have entered into for that Purpoſe, ſhall be directed: Provided nevertheleſs, that in all Caſes where ſuch Oath and Certificate cannot be adminiſtered and granted at the firſt Port whereunto any Prize or Officers or Men of ſuch Ships as have been or ſhall be taken, ſunk, burnt, or otherwiſe deſtroyed, ſhall be brought, ſuch Oath or Oaths relating to any Prize or Prizes that ſhall be taken, or to any Ships of His Majeſty's Enemies that ſhall be ſunk, burnt, or otherwiſe deſtroyed as aforeſaid, ſhall and may be adminiſtered and taken by and before the Mayor or other Chief Magiſtrate of any Port within any of His Majeſty's Dominions, or by or before the *Britiſh* Conſul or Vice Conſul reſiding at any Neutral Port whereunto any Prize or Prizes, or Officers or Men of any Ships belonging

What Proof ſhall be neceſſary of the Number actually on board.

belonging to His Majesty's Enemies, as have or shall be taken, sunk, burnt, or otherwise destroyed, shall at any Time afterwards be brought (Proof being first made by Affidavit before such Person or Persons of the Inability of making such Oath or Oaths, and obtaining such Certificate at the said first Port), and the Mayor or other Chief Magistrate, Consul or Vice Consul, shall thereupon grant such Certificate and Certificates as are herein before directed, which Certificate and Certificates shall be good and effectual to all Intents and Purposes, as if the same were granted by the Mayor or other Chief Magistrate, Consul or Vice Consul, of the Port to which such Prize or Prizes, Officers or Men as aforesaid, shall be first brought, any Thing herein contained to the contrary thereof in anywise notwithstanding: Provided also, that where such Oath of the Number of Men on board any Ship or Ships so taken, burnt, sunk, or otherwise destroyed, cannot be had by reason of the total Destruction of the Officers and Crew of such Ship or Ships, then and in every such Case the Number of Men on board such Ship or Ships at the Beginning of the Attack or Engagement, shall be ascertained by such Evidence as under the Circumstances of the Case shall, by the Judge of the High Court of Admiralty, or by the Judge of any other Court duly authorized, be deemed sufficient Proof thereof: Provided likewise, that in any Cases in which Doubts shall arise whether the Party or Parties claiming Head Money are entitled thereto, the same shall be summarily determined by the Judge of the High Court of Admiralty, or by the Judge of any other Court of Admiralty in which the Prize shall have been adjudged, subject nevertheless to an Appeal to the Lords Commissioners of Appeal in Prize Causes.

Bills for the Bounty to be made payable to the Persons appointed Prize Agents.

XXXVIII. And be it further enacted, That the Bill or Bills to be made out for the Bounty hereby granted to the Commanders, Officers, Seamen, Marines, Soldiers, and others of His Majesty's Ships of War, or hired armed Ships, for taking, sinking, burning, or otherwise destroying any Ships of War or Privateers belonging to any of His Majesty's Enemies, shall be made payable to such Person or Persons as shall be authorized and appointed Agents for Appraisements and Sales of Prize, the same Bounty to be distributed and divided by the said Person or Persons so authorized and appointed amongst the Captors, in such Manner, Form, and Proportion as aforesaid, the several Shares of such Captors as shall run from His Majesty's Service, and of such as shall not be legally demanded within Three Years after publick Notification, shall be paid and applied to the Use of the said Royal Hospital at *Greenwich*, subject to the same Provisoes and Exceptions as in the Case of Prize Monies; and that the Bill or Bills to be made out for the Bounty hereby granted to Privateers for taking, burning, sinking, or otherwise destroying any Ships of War or Privateers belonging to any of His Majesty's Enemies, shall be made payable to such Person or Persons as shall be nominated and appointed by the Owner or Owners, Officers and Seamen, of such Privateer or Privateers who shall have taken, burnt, sunk, or otherwise destroyed the same, or the major Part of them, to be divided in such Manner and Proportions as shall have been agreed on by them as aforesaid.

Prizes belonging to His Majesty's

XXXIX. Provided always, and be it enacted, That if any Ship or Vessel or Boat, taken as Prize, or any Goods therein, shall appear and be

Subjects taken from the Enemy, to be reſtored upon Payment of Salvage.

be proved in any Court of Admiralty having a Right to take Cognizance thereof, to have belonged to any of His Majeſty's Subjects of *Great Britain* or *Ireland*, or of any of the Dominions and Territories remaining and continuing under His Majeſty's Protection and Obedience, which were before taken or ſurprized by any of His Majeſty's Enemies, and at any Time afterwards again ſurprized and retaken by any of His Majeſty's Ships of War, or any Privateer or other Ship, Veſſel, or Boat under His Majeſty's Protection and Obedience, that then ſuch Ships, Veſſels, Boats, and Goods, and every ſuch Part and Parts thereof as aforeſaid, formerly belonging to ſuch His Majeſty's Subjects, ſhall in all Caſes (ſave in ſuch as are hereafter excepted) be adjudged to be reſtored, and ſhall be by Decree of the ſaid Court of Admiralty accordingly reſtored to ſuch former Owner or Owners or Proprietors, he or they paying for and in lieu of Salvage (if retaken by any of His Majeſty's Ships or hired armed Ships) One Eighth Part of the true Value of the Ships, Veſſels, Boats, and Goods reſpectively ſo to be reſtored, which ſaid Salvage of One Eighth ſhall be anſwered and paid to the Flag Officers, Captains, Officers, Seamen, Marines, and Soldiers in His Majeſty's ſaid Ship or Ships of War, to be divided in ſuch Manner as before in this Act is directed, touching the Share of Prizes belonging to the Flag Officers, Captains, Officers, Seamen, Marines, and Soldiers, where Prizes are taken by any of His Majeſty's Ships of War; and if retaken by any Privateer, or other Ship, Veſſel, or Boat, One Sixth Part of the true Value of the ſaid Ships, Veſſels, Boats, and Goods; all which Payments to be made to the Owner or Owners, Officers and Seamen, of ſuch Privateer or other Ship, Veſſel, or Boat ſhall be without any Deductions, and ſhall be divided in ſuch Manner and Proportions as ſhall have been agreed on by them as aforeſaid; and in caſe ſuch Ship, Veſſel, or Goods ſhall have been retaken by the joint Operation or Means of One or more of His Majeſty's Ships, and One or more private Ship or Ships, then the Judge of the High Court of Admiralty, or other Court having Cognizance thereof, ſhall order and adjudge ſuch Salvage to be paid to the Recaptors, by the Owner or Owners of ſuch retaken Ship, Veſſel, or Goods, as he ſhall, under the Circumſtances of the Caſe, deem fit and reaſonable; which Salvage ſo to be adjudged ſhall be accordingly paid by the Owners of ſuch retaken Ship, Veſſel, or Goods, to the Agents of the Recaptors, in ſuch Proportions as the ſaid Court ſhall adjudge; but if ſuch Ship or Veſſel ſo retaken ſhall appear to have been, after the taking by His Majeſty's Enemies, by them ſet forth as a Ship or Veſſel of War, the ſaid Ship or Veſſel ſhall not be reſtored to the former Owners or Proprietors, but ſhall in all Caſes, whether retaken by any of His Majeſty's Ships or by any Privateer, be adjudged lawful Prize for the Benefit of the Captors.

Prizes colluſively reſtored by Privateers to be Prize to His Majeſty.

XL. And be it further enacted, That in caſe any Ship or Veſſel, or any Goods or Merchandize, ſhall be taken or retaken, and reſtored by the Commander, or other Perſon having the Charge or Command of any Privateer or other Ship, Veſſel, or Boat, under His Majeſty's Protection and Obedience, through Conſent, or clandeſtinely, or by Colluſion or Connivance of ſuch Commander or other Perſon, without being brought to Adjudication, the Ship and Veſſel, and Goods and Merchandize, ſo taken or retaken and reſtored, and alſo the Ship's Tackle, Furniture,

Furniture, Apparel, Arms, and Ammunition, shall, upon Proof thereof to be made in any Court of Admiralty having legal Cognizance thereof, be declared and adjudged to be good Prize to His Majesty, One Moiety whereof shall be to the Use of His Majesty, His Heirs and Successors, and One Moiety to the Use of such Person who shall discover and sue for the same; and the Bond given by the Captain or Commander of such Privateer, or other Ship, Vessel, or Boat, shall be and is hereby declared to be forfeited to His Majesty; and in case any such Ship or Vessel, or any Goods or Merchandize as aforesaid, shall be taken or retaken and restored by any Commander, Captain, or other Officer having the Command of any Ship or Vessel of War belonging to His Majesty, through Consent, or clandestinely, or by Collusion or Connivance of such Commander, Captain, or other Officer, such Commander, Captain, or other Officer shall forfeit the Sum of One thousand Pounds, One Moiety thereof to the Use of His Majesty, His Heirs and Successors, and One 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 in *Great Britain*, wherein no Essoign, Protection, Privilege, or Wager of Law, or any more than One Imparlance shall be allowed; and such Commander, Captain, or other Officer shall forfeit his Command and Employment, and shall be and is hereby disabled and made incapable of holding any Office or Employment under His Majesty during the Space of Seven Years; and the said Goods and Merchandize, and the Ship, Tackle, Apparel, Furniture, Guns, and Ammunition, so taken or retaken and restored in Manner aforesaid, shall be and is hereby directed to be adjudged in all Courts of Admiralty having legal Cognizance thereof, as good Prize to His Majesty.

Penalty on Commanders restoring Prizes collusively.

XLI. Provided nevertheless, and be it hereby enacted, That if a Ship be retaken before she has been carried into an Enemy's Port, it shall be lawful for her, if the Recaptors consent thereto, to prosecute her Voyage, and it shall not be necessary for the Recaptors to proceed to Adjudication till Six Months, or till the Return of the Ship to the Port from which she sailed; and it shall be lawful for the Master, the Owners, or their Agents, with the Consent of the Recaptors, to unliver and dispose of their Cargoes before Adjudication; and in case the Vessel shall not return directly to the Port from whence she sailed, or the Recaptors shall have had no Opportunity of proceeding regularly to Adjudication within Six Months, on Account of the Absence of the said Vessel, the Court of Admiralty shall, at the Instance of the Recaptors, decree the Restitution to the former Owners, paying Salvage, upon such Evidence as to the said Court shall, under the Circumstances of the Case, appear reasonable, the Expence of such Proceeding not to exceed the Sum of Fourteen Pounds.

Ships retaken before carried into the Enemy's Ports may prosecute their Voyages.

XLII. And be it further enacted, That all Prize Ships or Vessels which shall be legally condemned shall, to all Intents and Purposes whatsoever, be considered as *British*-built Ships or Vessels, being first duly registered according to the Provisions of the said recited Act, made in the Twenty-sixth Year of the Reign of His present Majesty, and shall be deemed and taken as such, and shall be entitled to have

Prize Vessels condemned to be deemed British-built.

and enjoy all and every the ſame Rights, Liberties, Privileges, and Advantages, in all Reſpects whatſoever, with *Britiſh*-built Ships or Veſſels, and ſhall be ſubject and liable to all and every the Rules and Regulations that *Britiſh*-built Ships or Veſſels are ſubject and liable to; any Law, Cuſtom, or Uſage to the contrary thereof in any wiſe notwithſtanding.

Penalty for breaking Bulk, or embezzling any Part of Prizes.

XLIII. And be it further enacted, That if any Commander or Commanders, Officer or Officers, Seamen, Marines, Soldiers, or others, ſhall break Bulk on board, except in caſe of Neceſſity to be allowed by the Court of Admiralty, or embezzle any of the Money, Jewels, Plate, Goods, Merchandize, Tackle, Furniture, or Apparel of or belonging to any Prize or Prizes, ſuch Commander, Officer, Seaman, Marine, Soldier, or other Perſon, ſhall for every ſuch Offence forfeit his whole Share in ſuch Prize to His Majeſty, for the Uſe of the Royal Hoſpital at *Greenwich*, and ſo to be adjudged on Proof thereof by the Court of Admiralty in which ſuch Proof ſhall be made, and ſhall alſo forfeit Treble the Value of all ſuch Money, Jewels, Plate, Goods, Merchandize, Tackle, Furniture, or Apparel, as he or they ſhall embezzle, One Third Part thereof to be to the Uſe of the ſaid Royal Hoſpital at *Greenwich*, and the other Two Third Parts thereof, together with full Coſts of Suit, to him or them that will ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record in *Great Britain*, in which no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Penalty for Breach of His Majeſty's Inſtructions relative to Prizes, or for Offences committed by Captors againſt the Law of Nations.

XLIV. And be it further enacted and declared, That it ſhall be lawful for the Judge of the High Court of Admiralty, or the Judge of any other Court lawfully commiſſioned to take Cognizance of Prize, upon due Proof of the Breach of any of His Majeſty's Inſtructions relating to Prizes, or of any Offence againſt the Law of Nations committed by the Captors in relation to any Prize, or to the Perſons taken on board the ſame, to condemn the Prize to His Majeſty's Uſe and Diſpoſal, ſave as herein above is directed with reſpect to breaking of Bulk or Embezzlement; and where the Prize hath been taken by a Ship having a Commiſſion or Letter of Marque to revoke the ſame, and to pronounce the Bond to be forfeited, and to compel Payment of the Penalty ſecured thereby, ſubject nevertheleſs to an Appeal to the Lords Commiſſioners of Appeals in Prize Cauſes.

Navy or Victualling Board may purchaſe Naval Stores found on board Foreign Ships.

XLV. And whereas great Numbers of Ships of Foreign Nations may paſs the Seas laden with Naval Stores, intended to be carried to the Ports of *France*, whereby His Majeſty's Enemies may not only be enabled and encouraged to fit out and arm Privateers to deſtroy the Trade of His Majeſty's Subjects, but may alſo be ſupplied with Materials to build and fit out Ships of War, to annoy and invade His Majeſty's Dominions: And whereas divers Ships of Foreign Nations, laden as aforeſaid, may be taken and brought into the Ports of *Great Britain*, and the Purchaſe of ſuch Naval Stores laden on board ſuch Ships of Foreign Nations for the Service of His Majeſty may in many Caſes be expedient without proceeding to the Condemnation thereof; be it therefore further enacted, That it ſhall and may be lawful to and for the Principal Officers and Commiſſioners of His Majeſty's Navy or Victualling for the Time being, or their Officers or Agents, during the

the Continuance of the preſent War, to purchaſe on the Account or for the Service of His Majeſty, His Heirs and Succeſſors only, all or any ſuch Naval Stores found on board any ſuch Ships of Foreign Nations, which have been or ſhall or may hereafter be brought into any of the Ports of this Kingdom by any of His Majeſty's Ships or Veſſels, or by any private Ships or Veſſels of War, or other Ships or Veſſels having a Commiſſion or Letters of Marque, and that the Commiſſioners and Officers of the Cuſtoms for the Time being ſhall and may permit and ſuffer ſuch Naval Stores ſo purchaſed as aforeſaid, to be entered and landed within any of the Ports of this Kingdom, any Thing in an Act of Parliament paſſed in the Twelfth Year of the Reign of His late Majeſty King *Charles* the Second, intituled, *An Act for the encouraging and increaſing of Shipping and Navigation*, or in any other Statute made ſubſequent thereto, contained to the contrary thereof in anywiſe notwithſtanding.

Puniſhing Perſons guilty of Forgery or counterfeiting Letters of Marque.

XLVI. And be it further enacted, That if any Perſon or Perſons ſhall falſely make Oath to any of the Matters herein-before required to be verified on Oath, or ſuborn any other Perſon ſo to do, ſuch Perſon or Perſons ſhall ſuffer the like Pains and Penalties as are incurred by Perſons committing wilful and corrupt Perjury; and that if any Perſon or Perſons ſhall counterfeit, eraſe, alter, or falſify any Commiſſion for War, or Letter of Marque, or any Warrant for making out the ſame, or any Certificate required or directed by this Act to be obtained, or ſhall publiſh or make uſe of any ſuch Commiſſion for War, or Warrant for making out the ſame, or any Certificate as aforeſaid, knowing the ſame to be counterfeited, eraſed, altered, or falſified, ſuch Perſon or Perſons ſhall for every ſuch Offence forfeit the Sum of Five Hundred Pounds, to be recovered, together with full Coſts of Suit, by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record in *Great Britain*, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed.

Offences committed out of the Realm may be alledged to be committed in any County in *England*.

XLVII. And be further enacted, That where the Offence of taking a falſe Oath, or ſuborning any Perſon ſo to do, or any of the Offences by this Act made cognizable in any of His Majeſty's Courts of Record in *Great Britain* ſhall be committed out of this Realm, the ſame may be alleged to be 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.

Directions for appointing Prize Agents.

XLVIII. And be it further enacted, That all Appraiſements and Sales of any Ship or Ships, Goods, Wares, or Merchandize as ſhall be taken by any of His Majeſty's Ships of War, ſhall be made by Agents appointed by the Flag Officers or Flag Officer, Captains or Captain, Officers or Officer, Ships' Companies or Company, and others entitled thereto; that is to ſay, that if the Flag Officers or Flag Officer of any Fleet or Squadron of Ships as ſhall take any ſuch Prize or Prizes, or the Majority, if more than One, ſhall appoint one or more Perſon or Perſons, Agent or Agents as aforeſaid, then the Captains and Commanders or Captain and Commander entitled thereto, or the Majority

of

of them, if more than One, may appoint the like Number to act for them; and all the other Officers under the Degree of a Captain and Commander may appoint the like Number to act for them; and all the Crews of the ſeveral Ships' Companies of the Fleet or Squadron, or Ship's Company, and others entitled thereto, may likewiſe appoint the like Number to act for them in ſuch Appraiſements and Sales; and in the Caſe of hired armed Ships, if the Captain ſhall appoint One or more Perſon Agent or Agents, the Crew ſhall appoint a like Number to act for them in ſuch Appraiſements and Sales.

Agents to regiſter their Powers of Attorney.

XLIX. And be it further enacted, That all and every Perſon or Perſons who ſhall be ſo nominated and appointed Agent or Agents as aforeſaid, for any Prize or Prizes taken by any Ship or Ships, Veſſel or Veſſels of War, or for receiving the Bounty herein after granted, ſhall exhibit and cauſe to be regiſtered in the ſaid High Court of Admiralty in *Great Britain*, in the reſpective Courts of Admiralty in *America*, or in any other His Majeſty's Dominions, where the ſaid Prize and Prizes, and every of them, ſhall be proceeded againſt, his or their reſpective Letter or Letters of Attorney, appointing him or them Agent or Agents for the Purpoſes aforeſaid; and if any Perſon or Perſons ſo appointed Agent or Agents as aforeſaid ſhall, without ſufficient Cauſe to be approved by the Court, omit or delay ſo to do for the Space of Twenty Days after the Monition has been taken out in the ſaid High Court of Admiralty in *Great Britain*, or in any Court of Vice-Admiralty in *America*, or other His Majeſty's Dominions for the Care and Diſtribution of which he or they ſhall be appointed Agent or Agents, ſuch Perſon or Perſons ſo omitting or delaying ſhall forfeit the Sum of Five Pounds, to be recovered by him or them who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information in any Court of Record in *Great Britain*, *America*, or in any other of His Majeſty's Dominions, in which no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed.

Agents to give Security.

L. And be it further enacted, That every Agent when he ſhall regiſter the firſt Letter or Letters of Attorney, which in purſuance of this Act he ſhall regiſter after the paſſing thereof, ſhall at the ſame Time give Security in the Sum of Five Thouſand Pounds to the Court of Admiralty in which ſuch Letter or Letters ſhall be regiſtered, for the due Execution of his Truſt in all Matters of Prize Agency that ſhall be committed to his Care during the preſent War; and if he ſhall neglect or refuſe ſo to do, ſuch Letter or Letters of Attorney ſhall be null and void, and he ſhall be for ever diſabled from acting as an Agent in Matters of Prize.

Regiſters of Courts of Admiralty to enter Powers of Attorney.

LI. And be it further enacted, That the Regiſter or Regiſters of His Majeſty's High Court of Admiralty, and of all other Courts of Admiralty in His Majeſty's Dominions, ſhall from Time to Time duly enter or regiſter, or cauſe to be entered or regiſtered, in One or more Book or Books to be by him or them kept for that Purpoſe only, all Letters of Attorney that ſhall be exhibited or delivered to them after the paſſing of this Act, by any Agent or Agents for any Prize or Prizes taken or to be taken by any of His Majeſty's Ships or Veſſels of War or hired armed Ships, or by any Agent or Agents for the Receipt and Diſtribution

Diſtribution of any Bounty Bill or Bills, within Fourteen Days after the ſame ſhall be ſo exhibited or delivered to ſuch Regiſter or Regiſters at his or their reſpective Offices, which Regiſtry ſhall contain the Days of Delivery and Entry, the Dates of the Letters of Attorney, the Names and Places of Abode of the Agents, the Names of the Prizes taken, or of the Ships of War or Privateers of the Enemy taken, burnt, ſunk, or otherwiſe deſtroyed, together with the Names of the Ships or Veſſels by which ſuch Prizes ſhall have been taken, or by which ſuch Ships of War or Privateers of the Enemy ſhall have been taken, burnt, ſunk, or otherwiſe deſtroyed, together with the Date of the Condemnation, if any Condemnation ſhall have paſſed thereon, and of the Appeal, if any interpoſed; and the Regiſter or Regiſters ſhall, on the Twenty-ſixth Day of *December* and the Twenty-fifth Day of *June*, or within Forty Days thereafter in every Year, tranſmit or deliver unto the Treaſurer of the ſaid Hoſpital, or to the lawful Deputy of ſuch Treaſurer for the Time being, a true Copy or Tranſcript under his or their Hand or Hands of all ſuch Entries as aforeſaid, within the preceding Half Year; and if ſuch Regiſter or Regiſters ſhall neglect or refuſe to make or keep ſuch Entries, or to tranſmit or deliver ſuch Copies thereof as aforeſaid, within the reſpective Times herein-before limited for that Purpoſe, he or they ſhall, for every ſuch Offence, forfeit the Sum of One hundred Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record, in which no Eſſoign, Protection, Privilege, Wager of Law, or more than One Imparlance, ſhall be allowed.

Regiſters of Vice-Admiralty Courts to tranſmit a Liſt of Prizes adjudged.

LII. And be it further enacted, That the Regiſters of every Vice-Admiralty Court, ſhall, on the Twenty-ſixth Day of *December* and Twenty-fifth Day of *June* in every Year, tranſmit to the Regiſter of the High Court of Admiralty, a Liſt of all the Prizes that have been adjudged in their Courts reſpectively, together with the Names of the capturing Ships, and their Commanders, and the Agents of the Captors, and a Copy of the decretal Part of the Sentences upon the ſame; which Liſts ſhall be hung up for publick Inſpection in the Regiſtry at Doctors Commons, together with ſimilar Liſts of the Prizes adjudged in the High Court of Admiralty, and in the Court of Appeal.

Agents appointed after Condemnation of Prizes to regiſter their Powers of Attorney.

LIII. Provided always, That if any Agent or Agents ſhall be appointed after the Time any Sentence of Condemnation in any of the ſaid Courts of Admiralty ſhall be given, ſuch Agent or Agents ſhall, under the aforeſaid Penalty, regiſter or cauſe to be regiſtered, in Manner aforeſaid, his or their reſpective Letters or Letter of Attorney, appointing him or them Agent or Agents as aforeſaid, within the Space of Twenty Days after the Date of the ſaid Letter or Letters of Attorney.

Regiſters to tranſmit to *Greenwich* Hoſpital Copies of Letters of Attorney regiſtered in their Courts.

LIV. And be it further enacted, That the Regiſter or Regiſters of all and every the Court and Courts of Admiralty in any of His Majeſty's Plantations in *America*, or elſewhere in any of His Majeſty's Dominions, ſhall yearly and every Year, upon the Twenty-third Day of *October*, or within Three Calendar Months next after the ſame, make out and tranſcribe true Copies of all and every ſuch Letter and Letters of Attorney as ſhall be ſo regiſtered in the ſaid Court or Courts, to which the Judge and Judges of the ſaid Court and Courts ſhall affix his and their Seal of Office, and then the ſaid Regiſter and Regiſters ſhall

transmit the same to the Treasurer of the said Royal Hospital at *Greenwich* to be there registered, and to be inspected by any Person *gratis*, the Charges of which Copies, and affixing the Seal or Seals thereto, and transmitting the same to the Treasurer of the said Hospitals, shall be paid by the said Agent or Agents at the Time of making such Registry as aforesaid; and in case such Register or Registers shall neglect or refuse to transcribe and transmit such Copy and Copies of the said Letter and Letters of Attorney in Manner aforesaid (if any Ship or Ships in that Time shall sail from that Port or Place to any Port or Ports in *Great Britain*), such Register and Registers so neglecting or refusing shall forfeit the Sum of Five hundred Pounds, to be recovered by him or them who will sue for the same, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in *Great Britain* or *America*, or elsewhere, in any other of His Majesty's Dominions, in which no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

True Copies of Letters of Attorney and Registry to be Evidence of Agency.

LV. And, for the better and more effectual making such Letters of Attorney Evidence of the Agency of the Person or Persons to whom the same shall be made, be it further enacted, That true Copies of such Letter or Letters of Attorney, and of Transcripts under Seal transmitted by the said Register or Registers of the Court and Courts of Admiralty in His Majesty's Plantations in *America*, and elsewhere within His Majesty's Dominions, and registered by the said Treasurer of *Greenwich* Hospital, shall from Time to Time, and at all Times hereafter, be good and sufficient Evidence of the Agency of the Person or Persons to whom such Letter of Attorney is or shall be made, and from Time to Time and at all Times hereafter shall be admitted without further or other Proof thereof to be legal Evidence in all His Majesty's Courts of Record of Law or Equity; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Notification to be given by Agents of the Payment of Prize Money.

LVI. And be it further enacted, That, after the Sale or Sales of any Prize or Prizes which have been or shall be taken from the Enemy by any of His Majesty's Ships of War or hired armed Ships, publick Notification in Manner hereinafter mentioned shall be given by the Persons or Agents appointed as aforesaid, for the Payment of the several Shares to the Captors aforesaid; that is to say, if the Prize or Prizes shall have been or shall be condemned in His Majesty's High Court of Admiralty of *Great Britain*, then the Person or Persons, Agent or Agents, appointed or to be appointed in pursuance of this Act, for the Appraisement and Sale of such Prize or Prizes, shall insert and publish, or cause to be inserted and published, such Notification under his or their Hand or Hands respectively, in the *London Gazette*, and if in any Court of Vice Admiralty, then in some Gazette or Newspaper of public Authority, of the Island or Place where the Prize or Prizes shall have been or shall be condemned; and if there shall be no Gazette or such other Newspaper published there, then in some or One of the most public Newspapers of such Island or Place; and all Persons or Agents publishing or causing to be published every such Notification respectively shall deliver to the Collector, Customer, or Searcher for the Time being, of His Majesty's Customs, residing at or belonging to the Port or Place where the Prize or Prizes shall have been or shall be condemned,

demned, or the lawful Deputy or Deputies of such Collector, Customer, or Searcher; and if there shall be no such Collector, Customer, or Searcher, then such Persons or Agents as aforesaid shall deliver to the principal Officer or Officers of the Port or Place where the Prize or Prizes shall have been or shall be condemned, or to the lawful Deputy or Deputies of such principal Officer or Officers, Three of those Gazettes or other Newspapers in which such Notification shall be so inserted and published, and if there should not be any publick Newspapers in any such Island or Place, then such Person or Persons, Agent or Agents, shall give Three such Notifications in Writing under his or their respective Hand or Hands to the said Collector, Customer, or Searcher, or the Deputy or Deputies of such Collector, Customer, or Searcher, or where there shall be no such Collector, Customer, or Searcher, to such principal Officer or Officers, or his or their Deputy or Deputies aforesaid; and every such Collector, Customer, or Searcher, and principal Officer or Officers, or such Deputy or Deputies, shall subscribe his or their Name or Names on some conspicuous Part of both the said Gazettes, Newspapers, or written Notifications respectively; and by the First Ship which shall sail (after his or their Receipt of such Gazettes, Newspapers, or written Notifications, respectively) from such Port or Place to any Port in *Great Britain*, shall transmit or send to the Treasurer of the Royal Hospital at *Greenwich*, or the Deputy of such Treasurer for the Time being, One of the said Gazettes, Newspapers, or written Notifications, with his or their Name or Names so subscribed to and upon the same respectively, to be there registered, and another Direction to the Treasurer of the Navy, or His Majesty's Paymaster of the Navy in *London*, and shall faithfully preserve and keep the other of the said Three Gazettes, Newspapers, or written Notifications, with his or their Name or Names thereon subscribed as aforesaid, in his or their Custody; and that in every such printed or written Notification as aforesaid the said Person or Persons, Agent or Agents, shall insert or specify his or their Place or Places of Abode, and the precise Day of the Month and Year appointed for the Payment of the several and respective Shares of the Prize or Prizes to the Captors; and all such Notifications, with respect to Prizes condemned or to be condemned in *Great Britain*, shall be published in the *London Gazette* Three Days at least before any Part or Parts, Share or Proportion of any such Prize or Prizes shall be paid to any such Person or Persons entitled thereto; and all such Notifications with respect to Prizes condemned, or to be condemned, in any other Part of His Majesty's Dominions, shall be delivered to the said Collector, Customer, or Searcher, or principal Officer or Officers as aforesaid respectively, or such respective Deputy or Deputies, Three Days at least before any Part or Parts, Share, or Proportion of any such Prize or Prizes, shall be paid to any Person or Persons entitled thereto, after which several and respective Notifications, if any Man's Share shall remain in the Hands of the Persons or Agents appointed as aforesaid, either belonging to such Men as shall be run from His Majesty's Service, or which shall not be legally demanded within Three Years, then such Share or Shares so remaining in the Person's or Agent's Hands, or belonging to such Men as shall run from His Majesty's Service, shall go and be paid to the Treasurer of *Greenwich* Hospital.

LVII. And

Notice also to be given of the Amount of an individual Share in each Class, &c.

LVII. And be it further enacted, That, together with the Gazette, Newspaper, or written Notification so to be delivered to the Collector, Customer, or Searcher, or to their lawful Deputy or Deputies, or to the principal Officer, or his Deputy or Deputies, there shall be delivered by the Agent or Agents a written Notification of the Amount of an individual Share in each Class, which Notification shall be transmitted to the Treasurer of *Greenwich* Hospital, or his Deputy; and a similar Notification shall in like Manner be delivered, and afterwards transmitted to the Treasurer of the Navy, or the Paymaster of the Navy in *London*; and if the Prize shall have been condemned in the High Court of Admiralty in *Great Britain* a written Notification to the like Effect shall be transmitted by the Agent or Agents, immediately upon Publication of Notice for Payment in the *London Gazette*, to the Treasurer of the Navy or the Paymaster of the Navy in *London*.

Penalty for Neglect of giving Notice of Payments of Prize Money, or not transmitting Notices.

LVIII. And be it further enacted, That if any Person or Agent appointed or to be appointed for Appraisement or Sale of any Prize or Prizes, taken or to be taken from the Enemy by any of His Majesty's Ships or Vessels of War, or hired armed Vessel, or for the Distribution of any Bounty Money, shall neglect or refuse to publish, give, or deliver any Notification herein directed or required to be published, given, or delivered, or shall not give, publish, or deliver, any such Notification before the Payment of any Part of such Prize or Bounty Money, and within the Times herein limited, or in the Manner herein appointed, or shall not specify or set forth in such Notification the Matters and Things herein directed to be specified and set forth, every such Person or Agent shall for such Offence forfeit and pay the Sum of One hundred Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record in *Great Britain* or *America*, or elsewhere in any of His Majesty's Dominions, in which no Essoign, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed; and if any Collector, Customer, or Searcher of His Majesty's Customs, or principal Officer or Officers, or such Deputy or Deputies as aforesaid, shall neglect or refuse to receive or to attest, or shall not transmit or send any such Gazette, Newspaper, or written Notification as aforesaid, in such Manner as is before directed, every such Collector, Customer, or Searcher, principal Officer or Officers, or such Deputy or Deputies so offending, shall for every such Offence forfeit the Sum of One hundred Pounds, to be sued for and recovered in the same Manner as the above Penalty is directed to be sued for and recovered.

Notifications registered at the Royal Hospital to be Evidence of Agency.

LIX. And be it further enacted, That the Notifications in all such Gazettes, Newspapers, and in Writing respectively as aforesaid, which shall be so transmitted and attested by such Collector, Customer, or Searcher, or principal Officer or Officers, or such Deputy or Deputies as aforesaid, and registered at the said Royal Hospital, on Proof of the Hand Writing of such Collector, Customer, Searcher, principal Officer or Officers, or Deputy or Deputies, from Time to Time and at all Times, shall be good and sufficient Evidence in all His Majesty's Courts of Law and Equity and Admiralty, that the Person or Persons whose Name or Names is or are therein set forth and specified as the Agent

or

or Agents for the Prize or Prizes therein respectively mentioned, is or are such Agent or Agents.

Before Payment of Prizes a Copy of the Account of Sale to be exhibited in the Court of Admiralty.

LX. And be it further enacted, That all Agents appointed shall, after the Sale of any Prize is completed, and before the Time of the first Payment of the Prize Money to be distributed, exhibit in the respective Court of Admiralty in which the Prize was condemned, or in the High Court of Admiralty, a Copy of their Accounts of Sales duly verified upon Oath, which Copy shall be deposited in the Public Registry of the Court, and all Parties interested shall have Liberty to object to the Charges therein contained; and the said Court shall confirm or disallow the Accounts upon hearing the Objections, and shall make such further Order touching the said Accounts, or the Distribution of the Proceeds, as the Case may require; and any Agent who shall neglect or refuse to bring in a Copy of his Accounts at the Time hereby directed, or who shall proceed to distribute without having exhibited a Copy of the said Accounts duly verified on Oath, or who shall refuse or neglect to obey an Order for the Distribution of the Proceeds, shall forfeit the Sum of Five hundred Pounds to the Use of *Greenwich* Hospital, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record in any of His Majesty's Dominions, in which no Essoign, Protection, Privilege, or Wager of Law, or more than One Imparlance, shall be allowed; and shall moreover be subject to the Process of the Court of Admiralty, by Monition and Attachment, until he has obeyed the Order of the said Court, by exhibiting a Copy of the said Accounts duly verified as aforesaid, and until the said Accounts shall be duly confirmed, and the Proceeds distributed and paid; and it shall be lawful for the said Court to pronounce the Bond given with the Letter or Letters of Agency to be forfeited, and to levy the Penalties secured thereby from the Sureties in the said Bond.

Judge of Admiralty Court to order Distribution of Proceeds.

LXI. And be it further enacted, That it shall be lawful for the Judge of the High Court of Admiralty, in all Cases in which the regular Time of Appeal is elapsed, or in which the Appeal hath been determined, to make an Order for the Distribution of the Proceeds, and to enforce the same by the Process of the said Court, in the Manner above provided, upon the Agent or Agents in whose Hands the Proceeds may be lodged, or to whom the Proceeds, having been deposited in the Bank, or vested in publick Sureties under any Order of the Court, may, by a further Order of the said Court, have been returned, and likewise by further Process against the Sureties of the said Agent or Agents.

In Cases where Sentence of Condemnation is pronounced the Judge shall assign the Agent to bring in Proceeds of Sale, to be lodged in the Bank.

LXII. And be it further enacted, That it shall be lawful for the Judge of the High Court of Admiralty, in all Cases wherein any Sentence of Condemnation pronounced in the said Court is appealed from, at the Time of serving the Inhibition thereon, or at any Time thereafter during the Pendency of the said Appeal, and without Prejudice to such Appeal, to assign the Agent or Agents, or other Persons, in whose Hands the Proceeds of the Prize may have come, at the Prayer of either Party, to bring into and leave in the Registry the Net Proceeds of the Sales of such Prize, deducting therefrom so much as in the Discretion of the Judge shall be requisite to be left in the Hands of the Agent or Agents for the Expences of defending the said Appeal; and the Proceeds so brought in shall be deposited in the Bank of *England*, or in case the Parties shall agree there-

to, in ſome public Securities, at Intereſt, in the Names of the Regiſter or Deputy Regiſter, and of ſuch Truſtees as the Parties ſhall appoint and the Court ſhall approve; any Thing in this Act contained to the contrary thereof in anywiſe notwithſtanding.

Agents to veſt the Proceeds of Property condemned in Public Securities at the Inſtance of the Captors.

LXIII. And be it further enacted, That in all Caſes of Condemnation in the High Court of Admiralty, where there is no Claimant or Appellant before the Court, it ſhall be lawful for the ſaid Court at the Prayer of the Captors to compel the Agents by Proceſs of Monition and Attachment to veſt the Proceeds of the Property condemned in ſuch publick Securities as the Captors ſhall elect, there to remain and accumulate for the Benefit of the Parties entitled, till the Time of Appeal ſhall be lapſed, ſubject nevertheleſs to the further Directions of the Court upon the Application of the Captors; and in all Caſes of Condemnation in any Court of Vice Admiralty, where there is no Claimant or Appellant before the Court, it ſhall be lawful for the ſaid Court, at the Prayer of the Captors, to direct the Property captured, or the Proceeds thereof, to be forthwith tranſmitted to *Great Britain*, there to be veſted in ſuch publick Securities (after being ſold, if not already converted by Sale) as the Captors ſhall elect, until the regular Time of Appeal ſhall have lapſed, ſubject nevertheleſs to the Directions of the High Court of Admiralty upon the Application of the Captors.

Agents to advertiſe their exhibiting Accounts of Sales.

LXIV. And be it further enacted, That every Agent ſhall, Ten Days before he exhibits his Account of Sales in the Regiſtry of the High Court of Admiralty, cauſe Advertiſements to be Twice inſerted in the *London Gazette*, notifying to all Perſons concerned, that the Account of Sales of ſuch Prize or Prizes will be brought into the Regiſtry of the ſaid Court.

Agents to keep Office open Two Days a-Week for Payment of Shares.

LXV. And be it further enacted, That every Prize Agent ſhall, for One Year after the Time of Diſtribution has commenced, keep an Office open Two Days at leaſt in every Week, during the uſual Hours of Attendance for the Payment of Shares remaining due, which Days ſhall be ſpecified in the Notification of Payment publiſhed in the Gazette.

No Power of Attorney given by Seamen for the Receipt of Prize Money ſhall be valid unleſs it ſhall ſpecify the Name of the captured Ship, and Ship by which it was taken, and executed purſuant to 20 Geo. 3. c. 63. 32 Geo. 3. c. 34. &c.

LXVI. And whereas Petty Officers, Seamen, and Marines in His Majeſty's Service have improvidently executed Powers of Attorney, by which they transfer the Intereſt in all Prizes which they may be concerned in taking after the Execution of the ſame; be it therefore enacted, That no Power of Attorney given by any Petty Officer, Seaman, or Marine, or Soldier ſerving as Marine in His Majeſty's Service, ſhall be valid and effectual for the Receipt of Prize Money, unleſs the ſame ſhall ſpecify the Name of the captured Ship or Veſſel, from the Condemnation of which, or her Cargo, the ſaid Prize Money ſhall have ariſen, together with the Name of His Majeſty's Ship of War by which the ſame was taken, nor unleſs the ſame be executed purſuant to the Directions contained in an Act, paſſed in the Twenty-ſixth Year of His preſent Majeſty's Reign, intituled *An Act for preventing Frauds and Abuſes attending the Payment of Wages, Prize Money, and other Allowances due for the Service of Petty Officers and Seamen on board any of His Majeſty's Ships*; and alſo in an Act paſſed in the Thirty-ſecond Year of His ſaid Majeſty's Reign, intituled, *An Act for explaining and amending an Act paſſed in the Twenty-*

sixth Year of the Reign of His preſent Majeſty, intituled, 'An Act for the 'further preventing Frauds and Abuſes attending the Payment of Wages, 'Prize Money, and other Allowances due for the Service of Petty Officers and 'Seamen on board any of His Majeſty's Ships;' and for further extending the Benefits thereof to Petty Officers and Seamen, Non-commiſſioned Officers of Marines, and Marines ſerving, or who may have ſerved on board any of His Majeſty's Ships; and alſo another Act paſſed in the Thirty-ſecond Year of the Reign of His preſent Majeſty, intituled, *An Act for explaining and amending an Act paſſed in the Twenty ſixth Year of the Reign of His preſent Majeſty, intituled, 'An Act for the further preventing Frauds and 'Abuſes attending the Payment of Wages, Prize Money, and other Allow-'ances due for the Service of Petty Officers and Seamen on board any of His 'Majeſty's Ships;' and for further extending the Benefits thereof to Petty Officers and Seamen, Non-commiſſioned Officers of Marines, and Marines ſerving, or who may have ſerved, on board any of His Majeſty's Ships*; and unleſs the ſame ſhall be examined and verified in the Manner directed by the ſaid Act of the Thirty-ſecond Year of His preſent Majeſty's Reign, for Orders not exceeding Seven Pounds.

Stamp Duty on ſuch Powers of Attorney 1s.

LXVII. And be it further enacted, That for the Stamp Duty on ſuch Inſtrument or Special Power of Attorney, not more than the Sum of One Shilling ſhall be paid.

Perſons running away not to be entitled to Prize Money.

LXVIII. And be it further enacted, That no Perſon or Perſons belonging to any of His Majeſty's Ships or Veſſels of War, or to any Merchant Ship employed in His Majeſty's Service, who ſhall run away or withdraw him or themſelves from the Ship or Veſſel by which any Prize or Prizes ſhall be taken from any of His Majeſty's Enemies, or otherwiſe from His Majeſty's Service, before or after Notifications ſhall be given by the Perſons or Agents appointed as aforeſaid, of the Day appointed for the Payment of the ſeveral Shares to the Captors of the ſaid Prize or Prizes, ſhall have or be entitled to have, or claim any Intereſt in, or Benefit of the ſaid Share or Shares of the ſaid Prize or Prizes, or the Bounty Money aforeſaid, or any Part thereof that ſhall then remain unpaid, but ſuch Share and Shares of ſuch Prize or Prizes, and Bounty Money, ſhall go and be paid to the Uſe of *Greenwich* Hoſpital, ſubject to the Proviſoes and Exemptions herein-before mentioned.

Accounts of Receipts and Payments to be tranſmitted to the Treaſurer of *Greenwich* Hoſpital.

LXIX. And be it enacted, That all and every Perſon and Perſons, Agent and Agents, and others, who ſhall ſell and otherwiſe diſpoſe of any Prize or Prizes ſo to be taken as aforeſaid from any of His Majeſty's Enemies, ſhall, within the Space of Three Calendar Months next after the Day to be appointed for the firſt Payment or Diſtribution to the Captors of ſuch Prize or Prizes made in purſuance of ſuch publick Notification as aforeſaid, make out, and tranſmit or deliver unto the Treaſurer of the ſaid Royal Hoſpital at *Greenwich* for the Time being, or to ſuch Perſon or Perſons as he ſhall for that Purpoſe depute or appoint, a true State and Account in Writing, under the Hand or Hands of ſuch Agent or Agents, or Perſon or Perſons ſo employed, of the Produce of all ſuch Prize and Prizes as aforeſaid, together with an Account of the Payments of the ſeveral Shares to the Captors as ſhall then have been really and truly by him or them reſpectively paid, and alſo that all and every Perſon and Perſons authorized and appointed by this preſent Act, to receive Bills for the Bounty

Bounty hereby granted ſhall, within the like Space of Three Calendar Months next after the Day appointed for the firſt Payment or Diſtribution of ſuch Bills, for the Bounty as aforeſaid, in like Manner make out, and tranſmit or deliver to the Treaſurer for the Time being of the ſaid Hoſpital, or to his ſufficient Deputy, a true State and Account in Writing, under his or their Hand or Hands, of the Payment and Diſtribution of ſuch Bills; and further, that all and every Perſon and Perſons, Agents and others, who by virtue of this Act ſhall ſell or diſpoſe of any Prize or Prizes which already have been, or ſhall at any Time or Times hereafter be taken from the ſaid Enemy by any of His Majeſty's Ships or Veſſels of War, or hired armed Ships, or who ſhall receive or diſpoſe of any Bill or Bills for Bounty, ſuch Perſon and Perſons, Agents, and others, ſo ſelling and diſpoſing thereof, ſhall, within the Space of Three Calendar Months next after the Expiration of the Term of Three Years limited by this Act, make out an exact Account in Writing of the Produce of ſuch Prize and Prizes, Bill and Bills for Bounty, as alſo of the Payments of the ſeveral Shares to the reſpective Captors, together with a true and juſt Account, upon Oath, to be taken before the Treaſurer of the ſaid Hoſpital for the Time being, or any other Perſon or Perſons by him for that Purpoſe deputed and authorized, in Writing under his Hand and Seal, which Oath the ſaid Treaſurer of the ſaid Hoſpital, and a ſufficient Deputy and Deputies authorized as aforeſaid, is and are hereby authorized and empowered to adminiſter, of all Sum and Sums of Money as ſhall be then remaining in ſuch Agent or Agents, or Perſon or Perſons Cuſtody, Power, or Poſſeſſion, and ſhall at the ſame Time deliver, or cauſe to be delivered, to the Treaſurer of the ſaid Hoſpital for the Time being, or to his ſufficient Deputy or Agent, the ſaid Accounts ſo atteſted upon Oath as aforeſaid, together with all ſuch remaining Sum and Sums of Money then ſo left and remaining in his or their Hands as aforeſaid, taking from the ſaid Treaſurer or his proper Deputy or Agent, his or their Acquittance or Acquittances for the ſame.

Penalty for not delivering Accounts or not paying Balances.

LXX. And be it further enacted, That all and every Perſon and Perſons hereby directed to tranſmit or deliver all or any the Accounts before mentioned, who ſhall neglect or refuſe to tranſmit or deliver all or any ſuch Account or Accounts to the Treaſurer of the ſaid Hoſpital, or his ſaid Deputy or Agent, within the Time before limited and appointed, in Manner and Form as herein-before mentioned, or who ſhall neglect or refuſe to pay over all and every ſuch Sum and Sums of Money as ſhall remain in his or their Hand or Hands, Power, Cuſtody, or Poſſeſſion, after the Term of Three Years, to be accounted as aforeſaid, ſhall, for every ſuch Offence, forfeit the Sum of One hundred Pounds, over and above a Sum equal to the Money then in ſuch Agent's Hands, One-third Part whereof ſhall belong to His Majeſty, and the remaining Two Thirds to the ſaid Royal Hoſpital, to be recovered, with Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, in which no Eſſoign, Protection, Privilege, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Penalty for Frauds in ſtating Accounts.

LXXI. And be it further enacted, That if any Fraud, Colluſion, or Deceit ſhall be wittingly or willingly made, uſed, committed, permitted, or done, or ſuffered, in making, ſtating, or balancing any ſuch Accounts, then every Perſon or Perſons who ſhall be thereof duly convicted, and his

and

and their Aiders and Abetters, shall forfeit and pay for every such Offence, the Sum of Five hundred Pounds, One Third Part whereof to be to the Use of His Majesty, and One other Third to the Use of the said Hospital, and the other Third to the Informer who shall sue for the same, to be recovered with Costs of Suit, by Action of Debt, Bill, Plaint, or Information in any Court of Record, in which no Essoign, Protection, Privilege, or Wager of Law, or more than One Imparlance shall be allowed.

No Agent to be sued for Run Men, unless he refuse to pay Prize Money after Production of the Certificate of R. being taken off.

LXXII. And be it further enacted, That no Agent or Agents for Prizes or Bounty Money shall be liable to be sued, impleaded or arrested, by any Person or Persons who shall be made Run from His Majesty's Service in the List to be duly certified of the Names of the Officers, Seamen, Marines, Soldiers, or others, who shall be actually on board any of His Majesty's Ships of War at the taking of any Prize or Prizes, unless the Person or Persons so made Run shall, before any Action brought, obtain a Certificate of His or their R or R's being taken off, and the Forfeiture of his or their Shares of such Prizes and Bounty Monies being discharged by the Commissioners of His Majesty's Navy who subscribed the said List, and shall produce such Certificate to the said Agent or Agents respectively, and unless the said Agent or Agents, on the producing of such Certificate or Certificates, shall refuse to pay the said Prize or Bounty Money, in case the same be due and payable according to the Directions in His Majesty's Proclamation, within Three Months after any such Demand made and such Certificate produced.

Notice of Distribution of Bounty to be inserted in the *Gazette*.

LXXIII. And be it further enacted, That, from and after the passing of this Act, all and every Person and Persons, Agent and Agents, already appointed or to be appointed by the Flag Officers or Flag Officer, Captains or Captain, Officers or Officer, Ships' Companies or Ship's Company, and others, of any of His Majesty's Ships or Vessels of War, or hired armed Ships, for the Distribution of any Bounty Bill or Bills given or granted by virtue of this Act, shall insert and publish, or cause to be inserted and published under his or their Hand or Hands, in the *London Gazette*, Three Days at least before the Payment or Distribution of any such Bounty Bill or Bills, publick Notification of the precise Day of the Month and Year appointed for the Payment of such Bounty Money, and shall insert in every such Notification the Place or Places of his or their Abode.

Where Notification of Payment shall not be given in good Time, they shall be given in certain Periods.

LXXIV. And be it further enacted, That in all Cases where a publick Notification hath during the present War been given, or shall be given before the respective Times herein-before mentioned for the giving of Notifications in *Great Britain* and other Parts of His Majesty's Dominions, of the Payment of any Prize or Bounty Money in respect of any of His Majesty's Ships or Vessels of War, or hired armed Ships, and the particular and precise Day whereon such Payment did or shall commence, and the Name or Names, and Place or Places of Abode of the Person or Persons, Agent or Agents, appointed or to be appointed for the Appraisement and Sale of any such Prize or Prizes, or Distribution of any such Bounty Money, was not or shall not be set forth and specified in such publick Notification, the Person or Persons, Agent or Agents, appointed or to be appointed for the Appraisement and Sale of every such Prize or Prizes condemned or to be condemned in His Majesty's High Court of

Admiralty in *Great Britain*, or for the Diſtribution of any ſuch Bounty Money, ſhall, on or before the Twenty-ſixth Day of *December* One thouſand eight hundred and three, and the Perſon or Perſons, Agent or Agents, appointed or to be appointed for the Appraiſement and Sale of every ſuch Prize or Prizes condemned or to be condemned in any Court or Courts of Admiralty, in any other of His Majeſty's Dominions in *Europe*, or in any of His Majeſty's Plantations in *America*, or for the Diſtribution of any ſuch Bounty Money, ſhall, on or before the Twenty-fifth Day of *March* One thouſand eight hundred and four, and the Perſon or Perſons, Agent or Agents, appointed or to be appointed for the Appraiſement and Sale of every ſuch Prize or Prizes condemned or to be condemned in any other of His Majeſty's Dominions, or for the Diſtribution of any ſuch Bounty, ſhall, on or before the Twenty-fifth Day of *June* One thouſand eight hundred and four reſpectively, give Notification under his or their Hand or Hands reſpectively, of the preciſe Day of the Month and the Year appointed for the Payment of the Shares of ſuch Prize or Bounty Money reſpectively, and ſhall ſpecify in every ſuch Notification his or their Place or Places of Abode; and all ſuch Notifications ſhall be publiſhed, or given and delivered, atteſted and tranſmitted, by and to ſuch Perſon and Perſons, and in ſuch Manner as the Notifications to be publiſhed or given are herein-before directed and required to be publiſhed or given, and delivered, atteſted, and tranſmitted.

Application of Penalties not otherwiſe diſpoſed of.

LXXV. And be it further enacted, That all Penalties and Forfeitures inflicted by this Act, other than ſuch as are otherwiſe particularly diſpoſed of, ſhall be applied, One Moiety to the Informer or Informers, and One Moiety to the Uſe of the Royal Hoſpital for Seamen at *Greenwich*.

How Penalties given to *Greenwich* Hoſpital may be ſued for.

LXXVI. And be it further enacted, That all Penalties and Forfeitures, and Parts of Penalties and Forfeitures, given or to be given to the Uſe of the ſaid Royal Hoſpital at *Greenwich* by this preſent Act, or by any other Act or Acts of Parliament, ſhall and may be ſued for and recovered in the Name of the Commiſſioners and Governors of the Royal Hoſpital for Seamen at *Greenwich* in the County of *Kent*.

Seſſions to be held for the Trial of Offences committed on the High Seas.

LXXVII. And, for the more ſpeedy bringing of Offenders to Juſtice, and to prevent the Inconveniencies occaſioned by the Want of frequently holding a Seſſion of Admiralty for the Trial of Offences committed on the High Seas; be it further enacted, That, from and after the paſſing of this Act, a Seſſion of *Oyer* and *Terminer* and Gaol Delivery for the Trial of Offences committed on the High Seas, within the Juriſdiction of the Admiralty of *England*, ſhall be held Twice at the leaſt in every 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*, and at ſuch Times in each Year, 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 of *England* for the Time being, appoint;

LXXVIII. And

Justices, as well as Commissioners of *Oyer* and *Terminer*, may take Information of Offences.

LXXVIII. And be it further enacted, That from and after the passing of this Act, 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 empowered, from Time to Time, to take any Information or Informations, of any Witness or Witnesses, in Writing upon Oath, touching any Murder, 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 or Justices of the Peace respecrively 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.

Persons necessary to give Evidence to enter into Recognizance to appear at the Sessions.

LXXIX. 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 a 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 Gaol of the County or Place in which the Person so refusing shall be, until the next Sessions of Admiralty shall be held, or such Persons shall enter into such Recognizance as shall be required as aforesaid, 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.

Marshal of the Admiralty, &c. to execute Warrants.

LXXX. And be it further enacted, That the Marshal of the Admiralty for the Time being, and his Deputy or Deputies, and all Sheriffs, Bailiffs, Stewards, Constables, Headboroughs, Tything Men, Keepers of

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 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.

Continuance of Act.

LXXXI. Provided always, and be it further enacted, That this Act ſhall continue in Force during the preſent War and no longer, ſave and except as to 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*, at the Time when the preſent War ſhall ceaſe; and alſo ſave and except as to all ſuch other Matters and Things, which ſhall be brought into Judgement before the ſaid 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*, in conſequence of any Capture or Captures made during the preſent War, 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 dependant thereupon ſhall be finally adjudged and determined.

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