

ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

CAP. LVII.

An Act for the better Protection of the Trade of the United Kingdom during the preſent Hoſtilities with *France*. [24th *June* 1803.]

WHEREAS it will add to the Security of Trade to prevent Ships ſailing without Convoy, except in certain Caſes; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the Twentieth Day of *June* One thouſand eight hundred and three, it ſhall not be lawful for any Ship or Veſſel belonging to any of His Majeſty's Subjects (except as is herein-after provided) to ſail or depart from any Port or Place whatever, unleſs under the Convoy and Protection of ſuch Ship or Ships, Veſſel or Veſſels, as ſhall or may be appointed for that Purpoſe.

From *June* 20, 1803, no Veſſel belonging to His Majeſty's Subjects, (except as herein provided), ſhall ſail without Convoy.

II. And be it further enacted, That the Maſter or other Perſon, having the Charge or Command of every ſuch Ship or Veſſel which ſhall ſail or depart under the Protection of Convoy, ſhall and is hereby required to uſe his utmoſt Endeavours to continue with ſuch Convoy during the Whole of the Voyage, or during ſuch Part thereof as ſuch Convoy ſhall be directed to accompany and protect ſuch Ship or Veſſel; and ſhall not wilfully ſepa-

Maſters of Veſſels not to ſeparate from Convoy without Leave.

rate or depart therefrom upon any Pretence whatever, without Order or Leave for that Purpoſe from the Officer having the Command of ſuch Convoy.

If a Maſter ſails without Convoy, or ſeparates from it without Leave, he ſhall forfeit 1000 *l.*; and if any Part of the Cargo be Naval or Military Stores, 1500 *l.*

III. And be it further enacted, That if any Maſter or other Perſon, having the Charge or Command of any ſuch Ship or Veſſel which by this Act is required not to ſail or depart without Convoy, ſhall, contrary to the Directions contained in this Act, ſail or depart from any Port or Place whatever (except as herein-after is provided), without ſuch Convoy as ſhall be appointed for that Purpoſe, or ſhall afterwards deſert or wilfully ſeparate or depart from ſuch Convoy without Leave obtained from the Captain or other Officer in His Majeſty's Navy, entruſted with the Charge of ſuch Convoy, before ſuch Ship or Veſſel ſhall have arrived at the Port or Place of her Deſtination, or ſo far on her Voyage as ſuch Convoy ſhall be directed to accompany and protect ſuch Ship or Veſſel, every ſuch Maſter or other Perſon, having the Charge or Command of ſuch Ship or Veſſel, ſhall forfeit, for every ſuch Offence, the Sum of One thouſand Pounds; and in caſe the Whole or any Part of the Cargo of any ſuch Ship or Veſſel ſhall conſiſt of Naval or Military Stores, every Maſter or other Perſon, having the Charge or Command of ſuch Ship or Veſſel ſo loaden with Naval or Military Stores, who ſhall ſail or depart without ſuch Convoy as aforeſaid, or ſhall afterwards deſert or wilfully ſeparate or depart from ſuch Convoy, without Leave obtained as aforeſaid, ſhall forfeit, for every ſuch Offence, the Sum of One thouſand five hundred Pounds: Provided nevertheleſs, that it ſhall be lawful for the Court, out of which the Record for the Trial of any Action or Suit for the Recovery of any ſuch Penalty ſhall iſſue, to mitigate or leſſen the ſame as the ſaid Court in their Diſcretion ſhall think fit, having Regard to the Circumſtances of the Caſe and the Value of the Ship and Cargo, ſo as by ſuch Mitigation the Penalty be made not leſs than Fifty Pounds.

Penalty may be mitigated.

If a Veſſel ſails without Convoy, or ſeparates from it without Leave, the Inſurance ſhall be void with reſpect to the Property of the Maſter or any Perſon intereſted who is privy to the Offence; and if any Perſon ſhall effect a Settlement thereon, or allow any Money on Account of Loſs, he ſhall forfeit 200 *l.*

IV. And be it further enacted, That in caſe any ſuch Ship or Veſſel ſhall ſail or depart without Convoy, or ſhall afterwards deſert or wilfully ſeparate or depart from ſuch Convoy, contrary to the Proviſions of this Act, every Policy of Inſurance or Contract or Agreement for any Inſurance upon ſuch Ship or Veſſel, or upon any Goods, Wares, or Merchandize laden or to be laden on board thereof, or upon any Property, Freight, or other Intereſt ariſing out of the ſame, whereon Inſurances may lawfully be made, (and which ſhall be the Property of the Maſter or other Perſon having the Charge or Command of ſuch Ship or Veſſel ſo ſailing without Convoy, or wilfully quitting the ſame, or of any Perſon intereſted in ſuch Ship or Veſſel or Cargo, who ſhall have directed or have been any Way privy to or inſtrumental in cauſing ſuch Ship or Veſſel to ſail without Convoy, or wilfully ſeparating therefrom), ſhall be null and void to all Intents and Purpoſes both at Law and in Equity; any Contract or Agreement to the contrary notwithſtanding; and that nothing ſhall be recovered thereon by the aſſured for Loſs or Damage, or for the Premium or Conſideration in the Nature of a Premium which ſhall have been given for ſuch Inſurance; and if any Party to ſuch Inſurance, his, her, or their Executors or Adminiſtrators, any Broker, Agent, or other Perſon, ſhall knowingly make or effect, or procure to be made or effected, or ſhall negotiate or tranſact any Settlement upon ſuch Inſurance, or pay or allow in Account, or agree to pay or allow in Account or otherwiſe, any Sum or

Sums

Sums of Money upon any Loſs, Peril, or Contingency relative to any ſuch Inſurance, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Two hundred Pounds.

Officers of the Cuſtoms not to permit Veſſels to be cleared Outwards until the Maſter has given Bond not to ſail without Convoy, and not to ſeparate from it.

V. And be it further enacted, That it ſhall not be lawful for any Officer or Officers of His Majeſty's Cuſtoms, in *Great Britain* or *Ireland*, to permit or ſuffer any Ship or Veſſel, which is by this Act required not to ſail or depart without Convoy, to be cleared Outwards from any Port or Place in the United Kingdom to Foreign Parts, until the Maſter or other Perſon, having the Charge or Command of ſuch Ship or Veſſel, ſhall have given Bond to His Majeſty, His Heirs and Succeſſors, with One ſufficient Surety in the Penalty of the Value of ſuch Ship or Veſſel; which Bond ſhall be taken by the Collector or other principal Officer of the Cuſtoms at ſuch Port or Place, who is hereby authorized and required to take ſuch Security, with Condition that ſuch Ship or Veſſel ſhall not ſail or depart without Convoy contrary to the Directions contained in this Act, and ſhall not afterwards deſert or wilfully ſeparate or depart from ſuch Convoy without Leave obtained from the Captain or other Officer in His Majeſty's Navy entruſted with the Charge of ſuch Convoy, before ſuch Ship or Veſſel ſhall have arrived at her Port or Place of Deſtination, or ſo far on her Voyage as ſuch Convoy ſhall be appointed to accompany and protect ſuch Ship or Veſſel.

Act not to extend to Veſſels not required to be regiſtered, or to Veſſels licenſed by the Admiralty, *etc.* nor to ſuch as are proceeding to join Convoy, except as to Clearance Bond, nor to Veſſels ſailing from One Place to another in the Kingdom, nor to Veſſels of the *Eaſt India* or *Hudſon's Bay* Company.

VI. Provided always, and be it further enacted, That nothing in this Act contained, by which Ships or Veſſels are required not to ſail or depart without Convoy, ſhall extend or be conſtrued to extend to any Ship or Veſſel which is not required to be regiſtered by any Act or Acts of Parliament in force on or immediately before the paſſing of this Act, or to any Ship or Veſſel for which a Licence ſhall be granted to ſail or depart without Convoy, either by the Lord High Admiral of *Great Britain*, or by the Commiſſioners for executing the Office of Lord High Admiral for the Time being, or any Three or more of them, or by ſuch Perſon or Perſons as ſhall be duly authorized by him or them, or any Three or more of them for that Purpoſe; or to any Ship or Veſſel proceeding with due Diligence to join Convoy from the Port or Place at which the ſame ſhall be cleared Outwards, in caſe ſuch Convoy ſhall be appointed to ſail from ſome other Port or Place, except nevertheleſs as to the Bond hereby required to be taken upon the Clearance Outwards of ſuch Ship or Veſſel; or to any Ship or Veſſel bound to or from any Port or Place within the United Kingdom to any other Port or Place within the ſame; or to any Ship or Veſſel belonging to or hired by or in the Service or Employ of the United Company of Merchants of *England* trading to the *Eaſt Indies*, or the *Hudſon's Bay* Company.

No Fee to be taken for Licences.

VII. Provided alſo, and be it further enacted, That no Fee, Gratuity, or Reward, ſhall be demanded or received for any Licence granted in purſuance or under the Authority of this Act.

Act not to extend to Veſſels ſailing from Foreign Ports, if there ſhall not be any Convoy appointed, or Perſons there

VIII. Provided alſo, and be it enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to any Ship or Veſſel ſailing or departing without Convoy from any Foreign Port or Place, nor to ſubject the Maſter thereof, or any other Perſon, to any of the Rules, Regulations, Proviſions, Penalties, or Forfeitures hereby preſcribed, directed,

authorized to appoint them.

fected, and impoſed, in caſe there ſhall not be any Convoy appointed for ſuch Ships or Veſſels, nor any Perſon or Perſons at ſuch Foreign Port or Place duly authorized by the Lord High Admiral of *Great Britain*, or the Commiſſioners for executing the Office of Lord High Admiral for the Time being, or any Three or more of them, to appoint Convoys for ſuch Ships or Veſſels, or to grant Licences to ſuch Ships or Veſſels to ſail or depart without Convoy.

Admiralty to cauſe Notice to be inſerted in the *London* and *Dublin Gazettes*, and tranſmitted to the Commiſſioners of the Cuſtoms, that Maſters ſhall have Flags on board to anſwer Signals, without which they ſhall not be cleared Outwards.

IX. 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 for the Time being, or any Three or more of them, or ſuch Perſon as ſhall be duly authorized by him or them, or any Three or more of them, for that Purpoſe, to give Notice that all Maſters and other Perſons having the Charge or Command of any Ships or Veſſels which are by this Act required not to ſail or depart without Convoy, ſhall have on board their reſpective Ships or Veſſels ſuch Flags, Vanes, or other Materials as ſhall be neceſſary for the Purpoſe of diſtinguiſhing ſuch Ships or Veſſels, and of enabling ſuch Maſters or other Perſons to anſwer the Signal or Signals made by the Captain or other Officer in His Majeſty's Navy entruſted with the Care of ſuch Convoy; ſuch Flags, Vanes, or other Materials to be provided by ſuch Maſters and other Perſons having the Charge and Command of any Ships or Veſſels which are required by this Act not to ſail without Convoy, which Notice ſhall be inſerted in the *London* and *Dublin Gazettes*, and tranſmitted to the Commiſſioners of His Majeſty's Cuſtoms in *England*, *Ireland*, and *Scotland*, in order to the ſame being by them ſent to the principal Officers of the Cuſtoms at the ſeveral Ports, for the Information of the Perſons concerned; and that after ſuch Notice, no ſuch Ship or Veſſel ſhall be cleared Outwards until it ſhall appear to the Satisfaction of the proper Officer of the Cuſtoms, that the Ship is provided with ſuch Flags, Vanes, or other Materials.

Maſters in Danger of being boarded by the Enemy, to make Signals to the Reſt of the Fleet, and, if boarded, to deſtroy Inſtructions, on Penalty of 200 *l.*

X. And be it further enacted, That if any Ship or Veſſel which by this Act is required not to ſail or depart without Convoy, ſhall be in imminent Danger of being boarded or taken Poſſeſſion of by the Enemy, the Maſter or other Perſon having the Charge or Command of ſuch Ship, ſhall make Signals by firing Guns, or otherwiſe, to convey Information of his Danger to the Reſt of the Convoy, as well as to the Ships of War under the Protection of which he is ſailing; and that in caſe of ſuch Ship being boarded and taken Poſſeſſion of, he ſhall deſtroy all Inſtructions confided in him relating to the Convoy; and every Maſter or Perſon having the Charge and Command of ſuch Veſſel, who ſhall neglect to make ſuch Signals, or ſhall wilfully omit to deſtroy ſuch Inſtructions as before mentioned, ſhall, for every ſuch Offence, forfeit a Sum not exceeding the Sum of Two hundred Pounds.

Commencement of Act as to Veſſels ſailing from *Guernſey*, *etc.* or other Ports in *Europe*, &c.

XI. Provided always, and be it further enacted, That nothing in this Act contained with reſpect to Ships or Veſſels ſailing or departing without Convoy, or afterwards deſerting or wilfully ſeparating or departing from ſuch Convoy, ſhall extend, or be conſtrued to extend, to any Ship or Veſſel which ſhall ſail or depart from the Iſlands of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, or either of them, for or on account of ſuch ſailing or Departure on or before the Twentieth Day of *July* One thouſand

ſand eight hundred and three, or from any other Port or Place in *Europe* on or before the Twentieth Day of *Auguſt* One thouſand eight hundred and three, or from any other Port or Place in the *Weſt Indies*, or any other Part of *America*, on or before the Twentieth Day of *September* One thouſand eight hundred and three, or from any Port or Place in *Africa* or *Aſia* on or before the Twentieth Day of *October* One thouſand eight hundred and three.

Recovery and Application of Penalties.

XII. And be it further enacted, That One Moiety of all pecuniary Penalties and Forfeitures hereby impoſed, as far as the ſame relate to Ships or Veſſels ſailing without Convoy, or wilfully ſeparating or departing from ſuch Convoy, or to Inſurances, ſhall, if ſued for within the Space of One Year from the Time of any ſuch Penalty or Forfeiture being incurred, be to His Majeſty, His Heirs and Succeſſors, and the other Moiety thereof, with full Coſts of Suit, to the Perſon or Perſons who ſhall inform or ſue for the ſame within the Time aforeſaid; and which ſhall and may be ſued for in any of His Majeſty's Courts of Record at *Weſtminſter*, for Offences committed in *England*, or at Sea, or in Parts beyond the Seas; and in the Caſe of Veſſels ſailing from any Port in *Scotland*, in His Majeſty's Court of Exchequer at *Edinburgh*, for any Offences committed as aforeſaid; and in the Caſe of Veſſels ſailing from any Port in *Ireland*, in His Majeſty's Courts of Record at *Dublin*, for any Offences committed as aforeſaid, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoign, Privilege, Wager of Law, or more than One Imparlance ſhall be allowed; and in Default of Proſecution within the Time herein-before limited, no ſuch Penalty or Forfeiture ſhall be afterwards recoverable, except in the Name of His Majeſty's Attorney General in *England* or *Ireland*, or Advocate in *Scotland*, by Information in the reſpective Courts aforeſaid, in which Caſe, the whole of ſuch Penalty or Forfeiture ſhall belong to His Majeſty, His Heirs and Succeſſors; and that all Penalties and Forfeitures, and Shares of Penalties and Forfeitures incurred as aforeſaid, belonging to His Majeſty, His Heirs or Succeſſors, ſhall be paid into the Hands of the Receiver General of His Majeſty's Cuſtoms in *England*, *Ireland*, and *Scotland* reſpectively, for the Time being, and be appropriated and applied in the ſame Manner and to the ſame Uſes and Purpoſes in *Great Britain*, as the Duties of Tonnage on Ships by any Act paſſed in this Seſſion of Parliament, ſhall be directed to be appropriated and applied; and in *Ireland*, ſhall go to and be deemed and taken as Part of the Conſolidated Fund of *Ireland*.

His Majeſty's Attorney General in *England* and *Ireland*, and Advocate in *Scotland*, may ſtay Proceedings on Proſecutions.

XIII. Provided always, and be it further enacted, That in caſe any ſuch Proſecution ſhall be commenced by any Perſon or Perſons for the Recovery of any ſuch Penalty or Forfeiture as aforeſaid, it ſhall and may be lawful for His Majeſty's Attorney General in *England* and *Ireland*, or Advocate in *Scotland*, in caſe it ſhall appear to their Satisfaction reſpectively, that ſuch Penalty or Forfeiture was incurred without any Intention of Fraud, to ſtop all further Proceedings on every ſuch Proſecution, as well with reſpect to the Share of ſuch Penalty or Forfeiture to which any ſuch Perſon may claim to be entitled, as to the Share thereof belonging to His Majeſty, His Heirs or Succeſſors, upon ſuch Terms nevertheleſs, as to Coſts and otherwiſe, as any ſuch Attorney General or Advocate ſhall think reaſonable.

Limitation of Actions.

XIV. And be it further enacted, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, ſuch Action or Suit ſhall be commenced within Three Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid in the County or Place where the Cauſe of Complaint did ariſe, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit, may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon; and if the Jury ſhall find for the Defendant or Defendants in any ſuch Action or Suit, or if the Plaintiff or Plaintiffs ſhall be nonſuited or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and have the like Remedy for the ſame as any Defendant hath in any other Caſes to recover Coſts by Law.

General Iſſue.

Treble Coſts.

Veſſels laden with the Produce of the Fiſhery, or the Growth of *Newfoundland* or *Labrador*, may ſail without Convoy or Licence;

XV. Provided always, and be it further enacted, That it ſhall be lawful for any Ship or Veſſel employed in the *Newfoundland* Fiſhery, being wholly laden with Fiſh or other Produce of the ſaid Fiſhery, or with Articles of the Growth or Produce of the ſaid Iſland of *Newfoundland*, or Coaſt of *Labrador*, to ſail or depart from any Port or Place within the ſaid Iſland, or on the ſaid Coaſt, (except as herein-after is provided), without being accompanied with or being under the Protection of Convoy, or without a Licence having been obtained authorizing ſuch Ship or Veſſel ſo to ſail or depart.

but not while any Perſon authorized to grant Licence ſhall be ſtationed at the Port at *Saint John's*.

XVI. Provided always, and be it further enacted, That nothing in this Act ſhall extend, or be conſtrued to extend, to permit or allow any Ship or Veſſel to ſail or depart from the Port of *Saint John's* in the ſaid Iſland of *Newfoundland*, without being under the Protection of Convoy, or without Licence being firſt obtained for that Purpoſe during the Time any Admiral or other Perſon duly authorized by the Lord High Admiral of *Great Britain*, or by the Commiſſioners for executing the Office of Lord High Admiral for the Time being, to grant Licences for permitting Ships or Veſſels to ſail or depart without being under the Protection of Convoy, ſhall be ſtationed or reſident at the ſaid Port of *Saint John's*.

Continuance of Act.

XVII. And be it further enacted, That this Act ſhall be and continue in force during the preſent Hoſtilities with *France*.

Act may be altered or repealed this Seſſion.

XVIII. And be it further enacted, That this Act may be altered, varied, or repealed by any Act to be paſſed in this preſent Seſſion of Parliament.

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