ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

CAP. LXXII.

An Act for the Encouragement of Seamen, and for the better and more effectually Manning His Majesty's Navy during the present War.

[27th *June* 1805.]

WHEREAS an Act passed in the Forty-third Year of the Reign of His present Majesty, intituled, *An Act for the Encouragement of Seamen, and for the better and more effectually manning His Majesty's Navy; 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*: And whereas since the passing of the said Act, and the issuing of the several Orders and Proclamations therein mentioned, divers injurious Proceedings have also been had in certain Countries, styling themselves, *The Italian and Ligurian Republicks*, and in *Spain*, in Derogation of the Honour of His Majesty's Crown, and the just Rights of His Subjects: And whereas His Majesty, by His Order in Council, dated the Seventeenth Day of *August* One thousand eight hundred and three, was pleased to order that general Reprisals be granted against the Ships, Goods, and Subjects of Countries styling themselves *The Italian and Ligurian Republicks*: And whereas His Majesty, by His Order in Council 43 G. 3. c. 160.

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of the Eleventh Day of *January* One thouſand eight hundred and five, was pleaſed to order, that general Repriſals be granted againſt the Ships, Goods, and Subjects of the King of *Spain*, 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 the ſaid Countries, or the King of *Spain*, or to any Perſons being Subjects of the ſaid Countries, or of the King of *Spain*, or inhabiting within any of the Territories of the Countries, ſtyling themſelves *The Italian and Ligurian Republicks*, or the King of *Spain*: And whereas His Majeſty hath, by His Royal Munificence, been graciouſly pleaſed, by His Proclamation dated the Thirty-firſt Day of *January* One thouſand eight hundred and five, 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: And whereas it is expedient to make further Regulations as to Prize Agents, and the Buſineſs of Prize Agency, and it will greatly tend to the better Execution of the Proviſions of the ſaid Act, and of ſuch other Proviſions as may be neceſſary, for regulating the Diſtribution of Prize Money, that the Whole thereof ſhould be conſolidated into One Act, and for that Purpoſe that the ſaid recited Act ſhould be repealed: 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 ſaid recited Act ſhall be, and the ſame is hereby repealed, ſave and except as to all Acts, Matters, and Things done, or required to be done under the ſame, or in purſuance of any of the Clauſes or Proviſions thereof, which ſhall be, and are hereby declared to be as good, valid, and effectual, and remain in full Force, to all Purpoſes, as if the ſame had been done under and in purſuance of the Proviſions of this Act.

Recited Act repealed, with certain Exemptions.

II. And be it further enacted, That the Flag Officers, Commanders, and other Officers, Seamen, Marines, and Soldiers, on board any 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, in the ſaid Act deſcribed, which they have taken ſince the Sixteenth Day of *May* One thouſand eight hundred and three, or the Sixteenth Day of *June* reſpectively; and of and in all and every Ship, Veſſel, Goods, and Merchandize, in the above-mentioned Orders of Council deſcribed, which they have taken ſince the Seventeenth Day of *Auguſt* One thouſand eight hundred and three, and the Eleventh Day of *January* One thouſand eight hundred and five, 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

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

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 the Sixteenth Day of *June* in the ſame Year, and Seventeenth Day of *Auguſt* One thouſand eight hundred and three, and the Eleventh Day of *January* One thouſand eight hundred and four, 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 Proclamations of the Seventh Day of *July* One thouſand eight hundred and three, and the Thirty-firſt Day of *January* One thouſand eight hundred and five, or as His Majeſty, His Heirs and Succeſſors, may order and direct, by any Proclamation or Proclamations hereafter to be iſſued.

Arms, Ammunition, &c. taken in any Fortreſs and on board Veſſels in Creeks defended thereby, to be divided as Prize.

III. 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 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 hereinbefore is mentioned: Provided always nevertheleſs, that in 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 Expeditions, 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.

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

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

IV. 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

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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 the 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 on the Books of any Ship or Veſſel in the Service of His Majeſty, His Heirs and 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 Six Years after the ſame have been paid to the Treaſurer of *Greenwich* Hoſpital, by virtue of any Law then in force, ſhall be forfeited to and to the Uſe of 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 Directors of the ſaid Hoſpital for the Time being, or any Five or more of them, or by the Judge of the High Court of Admiralty, why ſuch laſt-mentioned Shares were not claimed in due Time.

Shares to be diſtributed according to Proclamation.

Shares not claimed within Six Years, forfeited.

V. 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 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 Ships, 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 Veſſel 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

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

Ships as were taken, ſunk, burnt, or other 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, and to the beſt of his or their Knowledge and Belief, no other Perſon or Perſons belonging to the Enemy's Ships or Ship 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 authentic 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, as 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 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 always, 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.

VI. And be it further enacted, That the Bill or Bills to be made out for the Bounty hereby granted to the Commanding 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 ſuch Prizes in reſpect of which ſuch Bounty ſhall be payable, 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 the Times preſcribed for the Demand of Prize Money, ſhall be 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 Subjects, taken from the Enemy, to be reſtored upon Payment of Salvage.

VII. 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 approved 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 the Decree of the ſaid Court of Admiralty, accordingly

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reſtored to ſuch former Owner or Owners, or Proprietor 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.

That the Regulations of the Act ſhall extend to Caſes of Salvage upon Recapture.

VIII. And be it further enacted, That all Regulations herein contained reſpecting Prizes, ſhall apply to all Caſes of Bounty Money granted by this Act and of Salvage upon Recaptures from His Majeſty's Enemies.

Admiralty may iſſue Letters of Marque.

IX. 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 herein-after 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, ſurprizing,

seizing, and taking by and with such Ship or Vessel, or with the Crew thereof, any Place or Fortress upon the Land, or any Ship or Vessel, 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 and 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.

Applications for Letters of Marque to be made to the Admiralty in Writing, and to contain certain Particulars.

X. 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 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 Com-

mander 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 and Deſcription inſerted in ſuch Commiſſion or Letter of Marque as aforeſaid, or be of 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 Cruiſe 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, and ſhall alſo be impriſoned for ſuch Space of Time as ſuch Court ſhall direct, not exceeding One Year for any One Offence.

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

XI. 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; and 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.

Security to be taken after granting Letters of Marque.

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,

Penalty on Officers of the Cuſtoms granting falſe Certificates.

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 to a greater Burthen or Force than she really is, he shall for every 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: 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.

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

Admiralty may revoke Letters of Marque, giving Notice.

XV. And be it further enacted, That it shall be lawful 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 or 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

jesty's Orders in Council, or this present Act: Provided nevertheless, that the Secretary of the Admiralty for the Time being shall, with all convenient Speed, after every and any 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, her, 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, that 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 as aforesaid, may complain thereof to His Majesty in Council within Thirty Days next after the Secretary to 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 and 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.

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

XVI. 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.

XVII. 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.

XVIII. And

Penalty on Perſons ranſoming.

XVIII. 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.

Penalty on Commanders of Privateers ranſoming.

XIX. And be it further enacted, That in caſe at any Time or Times any Commander or Commanders of any of His Majeſty's Ships or Veſſels of War, or of any hired armed Ship in His Majeſty's Service, or 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 to any neutral or other Ship or Ships, Veſſel or Veſſels, or their 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 or Commanders of ſuch Ship or Veſſel of War, or hired armed Ship, or 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 caſe of extreme Neceſſity, to be allowed by the Court of Admiralty, ſhall forfeit and ſuffer ſuch Penalty or Fine as the Court ſhall adjudge, not exceeding the Sum of One hundred Pounds; and the Commander of ſuch private Ship ſhall likewiſe forfeit his Letter of Marque.

Prizes colluſively reſtored, to be Prizes to His Majeſty.

XX. 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, clandeſtinely, or by Colluſion or Connivance, or by Conſent (unleſs the ſame ſhall be afterwards allowed and approved of by the Court of Admiralty), 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, 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, and any Bond given by the Captain or Commander of ſuch 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, clandeſtinely, or by Colluſion or Connivance, or by Conſent (unleſs the ſame ſhall afterwards be allowed and approved of by the Court of Admiralty) of ſuch Commander, Captain, or other Officer, ſhall forfeit the Sum of One thouſand Pounds, 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 are hereby directed to be adjudged

judged in all Courts of Admiralty having legal Cognizance thereof, as good Prize to His Majesty.

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

XXI. 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 unlade 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 the 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.

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.

XXII. 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.

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

XXIII. 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 sail 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 the Share of all and every such Prize to His Majesty, for the Use of *Greenwich Hospital*.

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

XXIV. 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, 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 Officer 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 Court shall adjudge.

Private Ships, having Commission for War while put under Convoy, not entitled to share Prizes.

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

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

XXVI. And whereas in all private Ships or Vessels of War, or Merchant Ships or Vessels for which Commissions or Letters of Marque shall be taken out, and likewise hired armed Vessels taken into His Majesty's Service, it is expedient, for the better disciplining 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, 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 to the 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.

XXVII. Provided

Prizes to be liable to Duties.

XXVII. 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 Market 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.

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

XXVIII. 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*, or of other Countries at War with His Majeſty, 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 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.

Prize Veſſels condemned to be deemed Britiſh-built.

XXIX. And be it further enacted, That all Prize Ships or Veſſels which ſhall be legally condemned, or ſhall be ſold under any Decree of the High Court of Admiralty, 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 and enjoy all and every the ſame Rights, Liberties, Privileges, and Advantages, in all Reſpects whatſoever, with *Britiſh*-built Ships and 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 anywiſe notwithſtanding.

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

XXX. 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.

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

XXXI. 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.

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

XXXII. 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.

Granting Salaries to the Judges of Admiralty

XXXIII. And be it further enacted, That it ſhall be lawful for His Majeſty, His Heirs and Succeſſors, by any Order in Council, from Time to Time

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 the Lords of the 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.*

Courts in the Bahama and Bermuda Iſlands, and Malta.

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

Allowing Judges on their Reſignation 1,000*l.* *per Annum.*

XXXV. 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 Sums and Sum 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.

That the Profits of the Judges ſhall not exceed 2,000*l.* above their Salaries.

XXXVI. Provided alſo, and be it further enacted, 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, except ſo far as the ſame, or any of them, are by this Act altered or varied, or in reſpect of which other Proviſions are made.

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

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

XXXVII. 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.

Table of Fees to be hung up in Court.

XXXVIII. And be it further enacted, That a Table of Fees, authorized as aforesaid, shall be suspended in some conspicuous Part of the Court in which the several Judges of the Vice-Admiralty Courts shall hold their Courts, and that no Judge or Surrogate, Register or Deputy Register, nor any Marshal or Deputy Marshal, of or belonging to any of His Majesty's Courts of Vice-Admiralty, shall, either directly or indirectly, by himself or themselves, or by any Agent or Agents, or other Person or Persons whomsoever, receive or take any Fee beyond those specified in the Table aforesaid; and that every Judge or Surrogate, Register or Deputy Register, Marshal or Deputy Marshal, who shall be guilty of such Offence (being thereof lawfully convicted, either upon Information or Indictment in Manner aforesaid), shall from thenceforth absolutely forfeit his respective Office and Employment of Judge or Surrogate, Register, Deputy Register, Marshal or Deputy Marshal, in or belonging to the same Court.

Punishment on taking more Fees than allowed.

XXXIX. And be it further enacted, That the demanding or receiving any Sum or Sums of Money, other than the Fees aforesaid, shall be deemed and taken to be Extortion, and a Misdemeanor at Law, and shall be proceeded against and punished as such under and by virtue of this Act.

No Judge or Officer of any Court of Admiralty practising therein to be interested in any Vessel having a Letter of Marque.

XL. 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 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 or Plantations 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 thence-

forth 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.

XLI. 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.

Proctors to be concerned only for One Party.

XLII. And be it further enacted, That no Proctor or other Perſon practiſing as Proctor in any Court or Courts, being employed by any Captor or Captors, Claimant or Claimants, ſhall be concerned, by himſelf or his Partner, or by any Perſon or Perſons, directly or indirectly, on Behalf of the adverſe Party or Parties, in the Suit or Matter wherein he may be employed, nor ſhall receive any Allowance from the Bills, nor in any Manner whatſoever participate in the Profits of the Proctor or other Perſon conducting or employed in the Cauſe of the adverſe Party or Parties; and in caſe any Proctor or other Perſon practiſing as Proctor in any Court or Courts, ſhall, notwithſtanding this Act, be directly or indirectly concerned or intereſted as aforeſaid, he ſhall for every ſuch Offence (being thereof lawfully convicted, either upon Information or Indictment in Manner aforeſaid) abſolutely forfeit his Office or Employment in or belonging to any ſuch Court of Admiralty or Vice-Admiralty of what Kind or Nature ſoever, and ſhall forfeit and pay to the Uſe of His Majeſty, His Heirs and Succeſſors, for every ſuch Offence the Sum of Five hundred Pounds; and ſuch Proctor or other Perſon reſpectively ſhall for ſuch laſt-mentioned Offence, being thereof lawfully convicted in Manner aforeſaid, be from thenceforth abſolutely diſqualified and rendered incapable of practiſing as a Proctor or otherwiſe, in any of His Majeſty's Courts of Admiralty or Vice-Admiralty whereſoever.

Regulations reſpecting the Condemnation of Prizes.

XLIII. 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 then commiſſioned for that 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 of the lawful Prize, or to enquire whether the ſame be lawful Prize or not, and that the proper Monition

uſual

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 Examination, 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 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.

Directing the Net Proceeds to be deemed the Value of the Capture in caſe the Sentence is reverſed.

XLIV. 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.

Six Privateers, not exceeding 70 Tons each, may be included in One Adjudication.

XLV. And, for the Encouragement of the Capture of ſuch armed Ships belonging to the Enemy, be it further enacted, That it ſhall be lawful 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 Seventy 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.

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

XLVI. 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.

Claims of aſſerted joint Capture not to be admitted but on Security given for Contribution to all Expences and Coſts and Damages.

XLVII. And be it further enacted, That no Claim on Behalf of any aſſerted joint Capture ſhall be admitted before Condemnation, unleſs Security be given at the Time of entering the ſame, that the Party ſhall contribute to the actual Captor his Proportion of all Expence that ſhall attend the obtaining the Adjudication, as well in the firſt Inſtance as upon the Appeal, and likewiſe his Proportion of all Coſts and Damages that may be awarded againſt the actual Captor on account of the Seizure and Detention; and after final Condemnation, no Allegation ſetting forth ſuch aſſerted Intereſt ſhall be admitted unleſs the Party ſhall have previouſly paid his Proportion of all ſuch Expences as ſhall have attended the obtaining ſuch final Condemnation, and unleſs he ſhall have ſhewn ſufficient Cauſe to the Court why ſuch Claim was not aſſerted at or before the Return of the Monition: (Provided always, that nothing herein contained ſhall extend to the aſſerted Intereſt of any Admiral or Flag Officer claiming to ſhare in any Prize by virtue of his Flag.)

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

to 41 VIII. 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, and a ſimilar Liſt ſhall in like Manner be tranſmitted to the Treaſurer of *Greenwich Hoſpital* or his Deputy.

Appeals may be made to Commiſſioners for hearing Prize Cauſes.

XLIX. 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 under the Great Seal of *Great Britain* for receiving 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 Definitive 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 hereinafter 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.

L. 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 their 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.

LI. And whereas great Inconveniences 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

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 in *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 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 to be delivered, or the Effects ſold.

LII. 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.

LIII. And

Directions for appointing Prize Agents, &c.

LIII. And be it further enacted, That all Appraiſements and Sales of any Ship or Ships, Goods, Wares, and Merchandize, as ſhall be taken by any Ship or 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 them if more than One, may appoint the like Number to act for them; and all the Officers and others deſcribed in His Majeſty's ſaid Proclamations, and uſually deſignated the Commiſſioned and Warrant Officers, may appoint a like Number to act for them; and all the Remainder of the Crew, uſually deſignated the Petty Officers, and the Seamen or Marines, may appoint a like Number.

Agents to regiſter their Powers of Attorney.

LIV. 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 Vice-Admiralty in *America*, or in any other of 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 hundred Pounds, and ſhall be diſqualified for acting as Agent for any ſuch Prize or Prizes.

Penalty on Agents permitting others to ſhare in Commiſſion, and on Perſons receiving any ſuch Share or Emolument therefrom.

LV. And be it further enacted, That no Perſon or Perſons, except the Perſon or Perſons ſo to be nominated, and appointed Agent or Agents, and who ſhall actually diſcharge the Duties of Agent, ſhall, under any Colour or Pretence, receive any Part, Share, or Proportion of any Commiſſion in reſpect of ſuch Agency Buſineſs, or any Emolument, Advantage, or Benefit out of any ſuch Commiſſion; and all and every Perſon or Perſons ſo nominated and appointed Agents or Agent, who ſhall give to, or allow to be taken by any other Perſon or Perſons, and every Perſon who ſhall take, accept, or receive, either himſelf, or by any other Perſon on his Behalf, or for his Uſe, Benefit, or Advantage, or the Uſe, Benefit, or Advantage of any Part of his Family, any Part, Share, or Proportion of any ſuch Commiſſion, or any Emolument, Advantage, or Benefit thereout, ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds, and alſo Double the Amount or Value of what ſhall have been ſo given, or allowed to be taken, or ſhall have been ſo taken and received as aforeſaid.

LVI. And

LVI. 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 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 Five hundred Pounds: 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 of Courts of Admiralty to enter Powers of Attorney.

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

LVII. 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, with Two Sureties, by a joint and ſeveral Bond, 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.

Directing Agents to give Security.

LVIII. And be it further enacted, That the Regiſter or Regiſters of all and every the Court and Courts of Vice-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*,

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

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 or 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 Hoſpital, 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.

on Penalty of 500*l.*

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

LIX. 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 notwithſtanding.

Regulations as to Prize Liſt to be ſent to Agents.

LX. And be it further enacted, That upon every Capture there ſhall be ſent by the Captain or Commander of the captured Ship, or ſome Perſon under his Authority, to the Agent or Agents for ſuch Capture a Liſt of the Perſons entitled to ſhare therein, which Prize Liſt ſhall be ſubſcribed by the Lieutenants, and all the ſigning Officers then on board the Ship, and ſhall contain the Names, Ages, and Deſcriptions of the Perſons entitled to ſhare therein, the Names being arranged in the ſame Order in which they ſtand in the Muſter Books, which ſaid Names and Deſcriptions, ſhall be taken from the Deſcription Book belonging to the ſaid Ship, and an Alphabetical Liſt or Index of the Names of all ſuch Perſons ſhall be prefixed to ſuch Prize Liſt, and the ſame ſhall be examined with and corrected by the Muſter Books of ſuch Ships, by which ſuch Captures ſhall be made, depoſited in the Navy Office, and ſhall be certified by Two of the Commiſſioners of His Majeſty's Navy; and in caſe no ſuch Prize Liſt as aforeſaid ſhall be ſent to ſuch Agent or Agents, he or they ſhall apply to the Commiſſioners of the Navy for a Liſt of the Perſons entitled to ſhare in ſuch Capture, and ſuch laſt mentioned Liſt ſhall thereupon be made out from the Returns in the Office of the ſaid Commiſſioners of the Navy, who ſhall cauſe the ſame to be made out, and certify the Truth thereof under their Hands, or under the Hands of any Two or more of them; and any Perſon or Perſons who

ſhall alter the Name or Rating of any Perſon or Perſons in any Liſt which ſhall have been ſo certified as aforeſaid, or eraſe or take away any Name therefrom, or add any Name thereto, after the ſame ſhall have been ſo certified as aforeſaid, with Intent to defraud any Perſon or Perſons, or Corporation whatſoever, ſhall forfeit the Sum of Five hundred Pounds: Provided always, that in caſe it ſhall appear at or before Diſtribution, that any Error has been committed in the Prize Liſt, or in the Muſter Books tranſmitted to the Navy Office, nothing herein contained ſhall extend to prevent the Correction of ſuch Error; nor in caſe of the Omiſſion of any Name on the Diſtribution Liſt, ſuch Omiſſion having been made through Error, to charge the Agent further than with Payment of the Sum due, together with all Expences of the Party in recovering the ſame: Provided alſo, that if any Agreement ſhall have been made with any Perſon or Perſons not entitled under His Majeſty's Proclamation, or the Prize Act, to ſhare in any Capture, the Agent, or Hoſpital, making Diſtribution according to ſuch Agreement admitted and acknowledged by the Perſons entitled under the ſaid Proclamation or Act of Parliament, ſhall not be liable to any Penalty on that Account.

When the Diſtribution ſhall be made and certified, the Agent ſhall not be liable to Penalty for Error.

LXI. And be it further enacted, That whenever a Diſtribution ſhall have been made upon any Prize Liſt, and certified as herein directed, the Agent, or the Hoſpital, making the ſame ſhall not be liable to any Penalty, Suit, or Action, otherwiſe than before mentioned, in conſequence of any Error or Omiſſion in the ſaid Liſt.

That where no Claimant on Condemnation, Court may compel Agent to give Security.

LXII. And be it further enacted, That in all Caſes of Condemnation in any Vice-Admiralty Court, where there is no Claimant or Appellant before the Court, it ſhall be lawful for the Judge to compel the Agent, at the Requiſition of the Captor, to give Security at the Time of Condemnation for the faithful Diſtribution of the Proceeds, or for the remitting thereof to the Treaſurer of *Greenwich* Hoſpital, or to ſuch Perſons in *England* as the Captors ſhall appoint, under the Directions of the Court, for the Purpoſe of being diſtributed in *England*.

Directing the Agents to veſt the Proceeds of Property condemned in publick 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.

LXIV. And

Authorizing the Judge to assign the Agent to bring in Proceeds of Sale in case Sentence of Condemnation is appealed from.

LXIV. 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 Pendancy 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, or of the Treasurer of *Greenwich* Hospital, or his Deputy or Deputies for such Purpose, 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 case the Parties shall agree thereto, in some publick 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; and in case either Party shall refuse his Consent thereto, the Party praying the same shall have such Proceeds laid out and invested in publick Securities for his Use and Benefit, he giving good and sufficient Security to the Court to answer to the other Party for any Loss or Deficiency that may be occasioned thereby, in case such other Party shall be ultimately pronounced to be entitled to the Property.

Allowing the Lords of Appeal to order Proceeds to be paid into Court.

LXV. And be it further enacted and declared, That the Lords Commissioners of Appeals are authorized and empowered in any Case of Appeal before them, to order at their Discretion the Proceeds of any Prize, the subject of such Appeal, or any Part or Parts thereof, to be paid by the Agent or Agents for such Prize, at the Requisition of the Captors or Claimants, into the Court, to be laid out or disposed of at the Discretion of the Court on any Application made for that Purpose either by the Captors or Claimants.

Agents to transmit Accounts of Condemnation to Treasurer of *Greenwich* Hospital.

LXVI. And be it further enacted, That every Agent resident in the United Kingdom shall, within Six Weeks after any Condemnation in the High Court of Admiralty, transmit a Notice of such Condemnation to the Treasurer of *Greenwich* Hospital, or his Deputy, together with an Account of the State of the Property condemned at the Time of such Transmission, on Pain of forfeiting for every Neglect the Sum of Five hundred Pounds, unless a reasonable Cause be shewn to and approved by the Court of Admiralty.

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

LXVII. And be it further enacted, That every Prize Agent shall after the Sale of any Prize is completed, and before the Time of the First Payment of the Prize Money to be distributed, or at any Time thereafter, at the Direction of the Court, exhibit in the respective Court of Vice-Admiralty in which the Prize shall have been condemned, or in the High Court of Admiralty; and if such Prize shall have been condemned in any Court of Vice-Admiralty abroad, shall, as soon as the same can be done, transmit to the High Court of Admiralty in *England* an attested Copy of the detailed Accounts of the Sales of such Prize, duly verified upon Oath, together with attested Copies of all Vouchers required by the Court, which Copies, so transmitted to the said High Court of Admiralty, shall be deposited in the publick Registry thereof, and all Parties interested

rested therein shall have Liberty to object to the Charges and Articles 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, and 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 and transmitted a Copy of the said Accounts, duly verified on Oath in Manner aforesaid, or who shall refuse or neglect to obey any Order of any Court of Admiralty, for the Distribution of the Proceeds of any such Prize or Prizes, shall forfeit the Sum of Five hundred Pounds of lawful Money of *Great Britain*, and shall moreover be subject to the Process of the Court of Admiralty, by Monition and Attachment, until he shall have obeyed the Order of the said Court; 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.

Agents to advertise.

LXVIII. 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.

Agency per Centage.

LXIX. And be it further enacted, That, from and after the passing of this Act, the Per Centage for Agency shall be charged upon the Net Proceeds of any Prize or Prizes, Bounty Bills, or Salvage.

Agent not compellable to distribute till Time of Appeal elapsed.

LXX. And be it further enacted, That no Agent shall be compellable to distribute any Proceeds of any Prize, except in the Cases in this Act mentioned, until after the Time of Appeal has lapsed, and every such Agent shall, as far as he is able, complete the Distribution of such Proceeds within Three Months from the Time of commencing the same.

Judge of Admiralty Court to order Distribution of Proceeds.

LXXI. And be it further enacted, That it shall be lawful for the Judge of the High Court of Admiralty, in all Cases, either in the present War or in any former War, in which the regular Time of Appeal is elapsed, or in which the Appeal hath been determined, or for any Judge of any Court of Vice-Admiralty abroad, in any such Case as aforesaid, to which any Certificate from the Judge of the High Court of Admiralty shall be transmitted of the Time of Appeal being elapsed, without further Prosecution, together with an Order of Distribution thereon, to make an Order for Production and Verification of Accounts, and for the Distribution of the Proceeds, and to enforce the same by the Process of the said Court by Monition and Attachment upon the Agent or Agents in whose Hands the Proceeds may be lodged, or any other Person whomsoever to whom such Proceeds may have been committed, and likewise by further Process against the Sureties of the said Agent or Agents; and all Courts of Vice-Admiralty in *America* or elsewhere, are hereby empowered, directed, and required, to enforce upon all Persons within their Jurisdiction all such Orders, and all other Orders of the High Court

of Admiralty, whether relating to Prizes, or to any Matter or Thing relating thereto, within their respective Jurisdictions.

On Certificate of Judge of Admiralty Court of Prize sitting under Flag or Pass of Enemy, Proceeds may be distributed before Time of Appeal elapsed.

LXXII. And be it further enacted, That if the Judge of the High Court of Admiralty, or of the Vice-Admiralty Court, in which any Prize shall have been condemned, shall certify that the Ship or Vessel so condemned sailed under the Flag and Pass of the Enemy, or under any Commission of War granted by the Enemy, then and in such Case, on the Application or by the Direction of the Captain or other Commander of the Ship or Vessel making such Capture, the Proceeds shall be distributed, and an Order of the Court may be obtained at his Prayer, on the Agent or Agents, to distribute the Proceeds of such Prize before the Time of Appeal lapsed, subject nevertheless to the Liability of the Captor to answer any Appeal that may be instituted thereafter during the Time limited by Law for Appeals.

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

LXXIII. 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 herein-after 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 publick 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 publick Newspapers of such Island or Place; and if no Newspapers are there published, then by affixing Notice to the Church, or some other publick Building directed by the Governor 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, Comptroller, 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, or the lawful Deputy or Deputies of such Collector, Comptroller, or Searcher, and if there shall be no such Collector, Comptroller, or Searcher, then such Person 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, Comptroller, or Searcher, or the Deputy or Deputies of such Collector, Comptroller, or Searcher; or where there shall be no such Collector, Comptroller, or Searcher, to such principal Officer or Officers, or his or their Deputy or Deputies aforesaid;

aforesaid; and every such Collector, Comptroller, 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 each of 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 of the said Gazettes, Newspapers, or written Notifications, directed 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 the Name or Names of the Prize or Prizes about to be distributed, and of the Ship or Ships by which the same shall have been captured, and also the precise Day of the Month and Year in which such Capture or Captures shall have been made, and also his or their Place or Places of Abode, Christian and Surname or Surnames at full Length, 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, Comptroller, or Searcher, or principal Officer or Officers as aforesaid respectively, or such respective Deputy or Deputies, One Day 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 and paid within Three Months next after such Notification, 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.

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

LXXIV. And be it further enacted, That, together with the Gazette, Newspaper, or written Notification so to be delivered to the Collector, Comptroller, 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*, and to the Treasurer of *Greenwich* Hospital.

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

LXXV. And be it further enacted, That every Prize Agent shall, for Three Months after the Distribution has commenced of the Proceeds of any Prize condemned in *England*, or Bounty hereby granted, 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, together with the Place where such Payments are to be made, shall be specified in the Notification of Payments published in the Gazette, on pain of forfeiting for every Neglect therein Five hundred Pounds; and at the Conclusion of such Three Months he shall suspend all further Payment to the Captors.

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

LXXVI. 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 Vessels, 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 any Sum not exceeding One hundred Pounds, at the Discretion of the Court in which the same shall be sued for, and if any Collector, Comptroller, 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, Comptroller, or Searcher, principal Officer or Officers, or such Deputy or Deputies so offending, shall for every such Offence forfeit the Sum of Five hundred Pounds.

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

LXXVII. 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, Comptroller, 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 Handwriting of such Collector, Comptroller, 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 Agents of the Prize or Prizes therein respectively mentioned, is or are such Agent or Agents.

LXXVIII. 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 Ships 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 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, and the Chriſtian and Surname of the Agent at full Length.

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

LXXIX. 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 hereinbefore 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 *July* One thouſand eight hundred and five, 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 *December* One thouſand eight hundred and five, 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 ſix reſpectively, give Notifications 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 the Chriſtian and Surname at full Length, and the ſeveral other Particulars by this Act directed; 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 hereinbefore directed and required to be publiſhed or given, and delivered, atteſted, and tranſmitted.

Where Notification of Payments ſhall not be ſpecified in the Manner herein mentioned, the ſame ſhall be given in certain Periods.

Agents to pay over Balances of the Produce of Prizes, and transmit half Account of the Produce of Prizes and Payments to Treasurer of Greenwich Hospital.

LXXX. And be it further enacted, That at the End of Four Months after the first Distribution of the Proceeds of any Prize, every Agent shall pay over all Shares and Balances then remaining unpaid, to the Treasurer of *Greenwich* Hospital, or such Person or Persons as he shall appoint and depute to receive the same; and shall likewise make out and transmit to the said Treasurer, or his Deputy or Deputies, a true Statement and Account in Writing under his Hand, of the Produce of all such Prize or Prizes as aforesaid, together with an Account of the Payments of the several Shares to the Captors, which shall have then been really and truly by him paid, and shall verify such Statement and Account on Oath, which Oath the said Treasurer of the said Royal Hospital, or his Deputy or Deputies, is and are hereby authorized and required to administer; and such Agent shall, at the same Time, deliver to the said Treasurer, or his Deputy, an authentick Duplicate of the Distribution or Prize List on which the Payments have been made; and also that every Person or Persons authorized by this or any other Act to receive Bills for the Bounty hereby granted, shall, within the like Space of Four Months next after the Day appointed for the first Payment or Distribution of such Bills for the Bounty as aforesaid, in like Manner transmit or deliver to the Treasurer of *Greenwich* Hospital, or his Deputy or Deputies, a true Statement and Account in Writing under his Hand, of the Proceeds, Payments, and Distribution of such Bills, and verify the same as aforesaid, and in like Manner deliver a Duplicate of the Distribution List of such Bounty Money; and every Agent and Person authorized to receive Bounty Money, who shall refuse or neglect, as herein directed, to pay such Shares and Balances within Thirty Days after the Expiration of such Four Months, shall forfeit the Sum of One hundred Pounds, over and above a Sum equal to the Sum then remaining in his Hands; and every Agent or Person authorized to receive a Bounty who shall, at the End of the said Thirty Days, have neglected or refused to transmit and verify an Account as above directed of the Proceeds of such Prize or Bounty, and of the Distribution thereof, shall forfeit the Sum of Five hundred Pounds, and be liable to the Process of the Courts until the said Duty be complied with and performed.

Treasurer of Greenwich Hospital to extract from such Accounts the Names of the Persons whose Shares have been paid over to him, &c. and transmit the same to the Navy Pay Office for Inspection.

LXXXI. And be it further enacted, That it shall and may be lawful to and for the Treasurer of the said Royal Hospital, or his Deputy, and they are hereby directed and required, with all convenient Speed after any Account of the Produce of any such Prize or Prizes, and of the Payments of the several Shares thereof, to the respective Captors as last herein-before directed, shall have been rendered by any Agent or Agents to such Treasurer, to extract from such Accounts the Names of the several Persons whose Shares of such Prize or Prizes shall, at the Time of rendering such last mentioned Accounts, have been paid over by such Agent to the said Treasurer of the said Royal Hospital, together with the Amount of each such Share, and the Name or Names of such Prize or Prizes, and of the Ship or Ships of War by which they shall have been respectively captured; which Extracts shall be forthwith transmitted by the said Treasurer of the said Royal Hospital, or his Deputy, to the Officer for Prizes in the Navy Pay Office, and shall there be open to the Inspection of all Persons interested therein, on every Day (*Sundays* excepted) within the usual Hours of Business at the said Navy Pay Office,

for

for which Inſpection no Fee or Gratuity whatever ſhall be due or payable.

Treaſurer and Clerk of the Checque to open an Office for paying Shares.

LXXXII. And be it further enacted, That after the Balances ſhall have been ſo paid over to the Treaſurer of *Greenwich* Hoſpital, or his Deputy, the ſaid Treaſurer, or his Deputy or Deputies, and the Clerk of the Checque of the ſaid Hoſpital, or his Chief Clerk, ſhall keep an Office open from Nine of the Clock in the Morning to Four of the Clock in the Afternoon, on every Day in the Week (*Sundays* excepted) for the Purpoſe of paying and refunding; and ſhall jointly pay and refund ſuch Shares, when demanded, according to the Regulations herein-after contained.

Officers may direct their Shares to remain in Hands of Agent.

LXXXIII. Provided always, and be it further enacted, That if any Flag Officer, or Commiſſioned or Warrant Officer, ſhall direct by any Order in Writing, that his diſtributive Share or Balance ſhall not be paid over to the Treaſurer of *Greenwich* Hoſpital, or his Deputy or Deputies, the ſame ſhall remain in the Hands of the Agent, ſubject to all ſuch further Orders as ſuch Officer may give reſpecting the ſame.

No Deductions allowed in paying over unclaimed Shares to Treaſurer, unleſs proper Vouchers are produced.

LXXXIV. And be it further enacted, That no Deduction ſhall be allowed on any Account in the Payments of unclaimed or forfeited Shares and Balances paid over to the Treaſurer of *Greenwich* Hoſpital, or his Deputy or Deputies, for any Sums not appearing upon the Prize Liſt of Diſtribution to have been thereon paid and acknowledged, unleſs ſatisfactory Vouchers from the Parties, or their lawful Attornies, are produced for the ſame.

Perſons running away not to be entitled to Prize Money.

LXXXV. 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 Notification 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 from 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.

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

LXXXVI. 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, or any Three or more of them,

them, 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.

Periods for remitting unclaimed Shares for Foreign Parts.

LXXXVII. And be it further enacted, That every Agent, acting as ſuch for any Prize in any of His Majeſty's Settlements, Colonies, or Plantations abroad, or in any Place out of the United Kingdom, ſhall make up his Accounts, and deliver up, and verify the ſame in the Vice-Admiralty Court, in which ſuch Prize ſhall have been condemned, in ſuch Manner as the ſaid Court ſhall require, within Six Months after the Commencement of the Diſtribution of the Proceeds of ſuch Prize, and ſhall, under the Direction of the Court, on the Application of the Deputy of the Treaſurer of *Greenwich* Hoſpital there reſident, and in ſuch Manner as ſhall be ſpecified in any Order made for that Purpoſe, remit all unclaimed Balances and Shares, and all Shares of Run Men, to the Treaſurer of *Greenwich* Hoſpital in *England*, or pay the ſame over to the Deputy Treaſurer for the Purpoſe of being remitted, at the Election of the Deputy, ſo as that the ſame may be paid to the ſaid Treaſurer within Six Months after exhibiting his Accounts in ſuch Court as aforeſaid, on Pain of forfeiting his Bond of Five thouſand Pounds: Provided always, that if the Condemnation of any ſuch Prize ſhall have paſſed in the *Eaſt Indies*, then the Agent ſhall cauſe the ſame to be remitted, ſo as that the ſame may be paid to the Treaſurer within Twelve Months after the verifying ſuch Account as aforeſaid.

Liſts of Prizes accounted for to the Treaſurer of Greenwich Hoſpital to be tranſmitted to the Perſons appointed by him, for publick Inſpection.

LXXXVIII. And be it further enacted, That Liſts of all Prizes accounted for to the Treaſurer of *Greenwich* Hoſpital, condemned in the High Court of Admiralty, or in any Court of Vice-Admiralty, ſhall be tranſmitted Six Times in every Year from the Office of the Clerk of the Cheque at *Greenwich* Hoſpital, to the ſeveral Perſons appointed by the ſaid Treaſurer of the ſaid Royal Hoſpital, to receive Applications and Claims for Prize and Bounty Monies, which Liſts ſo tranſmitted, ſhall be open to Inſpection by any Perſon or Perſons who ſhall deſire to inſpect the ſame, on every Day, (*Sunday* excepted) between the Hours of Ten and Four, for which Inſpection, no Fee or Gratuity whatever ſhall be due or payable.

Where the Ship is abſent, the Treaſurer may cauſe Money to be lodged in the Bank.

LXXXIX. And be it further enacted, That in every Caſe in which any Ship or Veſſel, Ships or Veſſels, having made any Capture or Captures, ſhall not be in any of the *Britiſh* or *Iriſh*, or North Seas at the regular Time of Diſtribution, ſo as to enable the Officers and Men thereof to be able to receive the ſame, it ſhall be lawful for the Treaſurer of the ſaid Hoſpital, or his Deputy or Deputies, to cauſe the Proceeds of ſuch Capture or Captures to be paid to him or them, within One Month after the regular Period of Diſtribution, and when ſo paid to be forthwith lodged in the Bank, or inveſted in publick Security of Exchequer Bills, in the Names of the ſaid Treaſurer, the Secretary, and Clerk of the Cheque of the ſaid Royal Hoſpital, till the Return of the Ship or Ships, by which the Capture or Captures ſhall have been made, for the Benefit of the Captors; and on the Return of any ſuch Ship or Ships, to cauſe ſuch Proceeds, with all Accumulations thereon, under the Au-

thority of the Directors of the ſaid Royal Hoſpital, to be diſtributed within Three Months thereafter: Provided always, that if any Perſon or Perſons entitled to ſhare in ſuch Prize and Bounty Monies, by reaſon of any Change of Ship or other Cauſe, ſhall apply for ſuch his or their Share or Shares of any ſuch Prize or Bounty Money, to the Treaſurer of *Greenwich* Hoſpital or his Deputy, it ſhall be lawful for ſuch Treaſurer or his Deputy, to order and direct a ſufficient Part of any ſuch Securities to be ſold and paid to ſuch Perſon or Perſons entitled as aforeſaid, or to pay the ſame out of any other Monies in his Hands on Account of Prizes or otherwiſe, and to retain for the Benefit of *Greenwich* Hoſpital, ſuch Proportion as ſhall have been ſo paid, together with all Intereſt thereon, when ſuch Securities ſhall afterwards be ſold for Diſtribution.

Remedies given to Captors for enforcing Diſtribution of Prizes, &c. may be uſed by the Treaſurer.

XC. And be it further enacted, That all Powers and Remedies given by this Act to, or that may by Law be uſed or enforced, or Actions that may be brought by any Captors to compel Agents to exhibit their Accounts, and verify the ſame, and bring in Proceeds and enforce Diſtribution, or for any other Purpoſes relating to Prize Agency, may and ſhall be uſed, exerciſed, enforced, and put in Execution on Behalf of the Captors, by the Treaſurer of *Greenwich* Hoſpital, or by any Deputy or Deputies appointed by him as ſuch in Matters relating to Prizes, in as full and ample a Manner as by the Captors themſelves.

Accounts of Proceeds of Captures to be ſent to Treaſurer, &c.

XCI. And be it further enacted, That in all Caſes of Captures made before the Firſt Day of *January* One thouſand eight hundred and five, in the War now ſubſiſting, all Agents reſiding in any Part of the United Kingdom ſhall diſtribute the Whole of the Proceeds of ſuch Captures according to the Regulations of the ſaid recited Act of the Forty-third Year aforeſaid; and every ſuch Agent ſhall, within Two Months after the paſſing of this Act, tranſmit Accounts of all ſuch Proceeds of Captures, and of the State of the Property, and of all Balances and unclaimed Shares on ſuch Captures remaining in their Hands, to the Treaſurer of *Greenwich* Hoſpital, or his Deputy or Deputies for Prizes; and it ſhall be lawful for the High Court of Admiralty, by ſummary Proceſs of Monition and Attachment, to compel ſuch Agent to complete the Diſtribution of Proceeds of any ſuch Capture, with Coſts and Intereſt, at the Diſcretion of the Court, for any Sum that ſhall appear to have been unduly withheld; and every ſuch Agent ſhall alſo pay into the Hands of the Treaſurer of *Greenwich* Hoſpital, within One Month after the paſſing of this Act, all Shares of Run Men remaining in his Hands on any ſuch Proceeds.

Preſcribing the Form of a Letter of Attorney for receiving Prize Money.

XCII. And whereas Petty Officers, Seamen, Marines, and Soldiers, in His Majeſty's Naval Service, have heretofore been, in many Inſtances, defrauded of their Prize and Bounty Monies, or large Proportions thereof, in conſequence of their having improvidently, and without ſufficient Conſideration for the ſame, executed Powers of Attorney, and other Inſtruments, by which they have transferred their Intereſt not only in all ſuch Prize and Bounty Money, which, at the Time of executing ſuch Powers of Attorney or Inſtruments, might have been due to them, but alſo all Prize and Bounty Money to which they might thereafter become entitled; for Remedy whereof, and for preventing a Continuance of ſuch Frauds and Impoſitions, be it enacted, That all Shares of Prize and

Bounty Money due and to become due to Petty Officers, Seamen, Marines, and Soldiers, ſhall be paid by the Agent or the Treaſurer of *Greenwich* Hoſpital, or his Deputy, and the Clerk of the Checque of the ſaid Hoſpital, or his chief Clerk, to the Perſons entitled thereto, or Perſons authorized by any Order to receive the ſame, which Order ſhall ſpecify the Name of the particular Prize or Prizes for Diſtribution (ſhould the Diſtribution be for more than One Prize), or if the Capture ſhall have been upon the Land, of the Place or Fortreſs out of which the Prize Money ſhall have ariſen, together with the Name of His Majeſty's Ship or Veſſel, Ships or Veſſels of War, by which ſuch Prize or Prizes was or were taken, and ſhall contain a full Deſcription of the Perſon giving ſuch Order, ſigned by the Captain and one other ſigning Officer of the Ship in which the Party ſhall be then ſerving, or if diſcharged from the Service, then ſuch Order, with ſuch Deſcription as before mentioned, ſhall be witneſſed by the Miniſter and Churchwardens of the Pariſh in which ſuch Party may reſide, which Order being admitted and paid, ſhall remain with the Agent or Agents of the Treaſurer of *Greenwich* Hoſpital, or his Deputy, paying the ſame, and ſhall be in the following Form:

'Ship }
'or } Date.
'Place }

'At One Day's Sight, pay to *A. B.* or his Order, the Sum of [*in 'Writing*] being the Amount of my Share of Prize or Bounty 'Money for the Capture of when ſerving 'as [*Quality*] on board His Majeſty's Ship or Veſſel the [*Name*] '[*or if the Amount of ſuch Share ſhall not be known by the Perſon 'making the Order, then in lieu of the Words* "the Sum of [*in 'Writing*] being the Amount of my Share of," *inſert* "my Share or 'Proportion of."]

'To *C.D.* Agent for the ſaid Capture, *or*, the Treaſurer of *Green-'wich* Hoſpital, *London*.

'Theſe are to certify, That we have examined the ſaid *C.D.* who ſigned 'the above Order in our Preſence, and from the Documents [*to be 'ſtated*] which he has ſhewn us, and his Anſwers to our Queſtions, 'we have reaſon to believe he was ſerving on board the ſaid Ship at 'the Time of making the Capture above ſpecified; he ſays he was 'born at in the County of and that 'he is Years of Age; he is of a [*fair*, *brown*, or '*ſallow*] Complexion, with [*dark*, or, *light*] Eyes; has [*black*, *brown*, '*light*, *red*, or *grey*] Hair, [*deſcribing any other Particularity of his 'Perſon*]. Given under our Hands,

'*G. H.* Captain, } of His Majeſty's
'*E. F.* ſigning Officer } Ship

But if the Party ſhould not at the Time of making the Order belong to any of His Majeſty's Ships, then ſhall be added under the ſaid Deſcription:

'The ſaid *C.D.* ſays, he was diſcharged from His Majeſty's Ship or 'Veſſel the by reaſon of his being invalided, [or, *as the Caſe may be.*]

'*L.M.* Miniſter } of the Pariſh
'*N.O.* Churchwardens } where the ſaid
'*P.Q.* or Elders } *C.D.* reſides,'

Provided

Provided always, That, from and after the Expiration of Three Years next after any Prize or Bounty Money ſhall be paid to the Treaſurer of *Greenwich* Hoſpital, purſuant to the Directions of this Act, all ſuch Shares of the ſaid Prize and Bounty Monies as ſhall then remain unclaimed in the Hands of the ſaid Treaſurer or the ſaid Commiſſioners and Governors of the ſaid Royal Hoſpital, ſhall be paid and refunded to the Officers, Seamen, Marines, and Soldiers, claiming and making Title to the ſame, and their legal Attornies and Repreſentatives, in ſuch and the ſame Manner as has been heretofore adopted by the Directors of the ſaid Royal Hoſpital, or in ſuch other Manner as the ſaid Directors may at any Time hereafter judge more convenient and proper.

Stamp Duty on ſuch Inſtrument, 1*s.*

XCIII. 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 for each Perſon ſubſcribing the ſame.

Treaſurer of Greenwich Hoſpital to appoint Deputies for receiving Claims at different Ports or Places.

XCIV. And be it further enacted, That it ſhall be lawful for the ſaid Treaſurer of the ſaid Royal Hoſpital for the Time being to nominate and appoint ſuch Perſon or Perſons as he may think fit to be his Deputy or Deputies, for receiving Applications and Claims for Prize and Bounty Monies at ſuch Ports or Places within the United Kingdom, as he ſhall from Time to Time think neceſſary, whoſe Duty it ſhall be to prepare ſuch Petitions and Applications, and tranſmit the ſame, together with the Certificates, to the Clerk of the Cheque of the ſaid Hoſpital in Manner herein-after mentioned.

Mode of refunding Shares of Prize Money paid into Greenwich Hoſpital, on Application to any ſuch Deputy.

XCV. And be it further enacted, That it ſhall and may be lawful for any Perſon or Perſons claiming any Share or Shares, or Balance or Balances of any Prize or Bounty Monies paid into *Greenwich* Hoſpital, to apply to any ſuch Perſon ſo to be appointed by the ſaid Treaſurer of the ſaid Royal Hoſpital as aforeſaid, and upon producing to him ſuch Certificates of Service in His Majeſty's Navy as ſuch Claimant or Claimants may have in his, her, or their Poſſeſſion, to ſign a Petition or Petitions, Application or Applications, to the Directors of the ſaid Hoſpital, to be prepared by ſuch Perſon or Perſons in Manner aforeſaid, praying that ſuch Share or Shares, Balance or Balances may be paid or refunded to ſuch Claimant or Claimants, which Petition or Petitions, Application or Applications, together with the ſaid Certificates, ſhall be tranſmitted to the Clerk of the Cheque of the ſaid Hoſpital, who ſhall report thereon the Sum or Sums due to the Claimant or Claimants, with the Circumſtances under which the ſame was or were paid into the Hoſpital, and refer the ſaid Petition or Application, Petitions or Applications to the Navy Office, that the Service of the Claimant or Claimants may be aſcertained, and returned to the ſaid Clerk of the Cheque of the ſaid Royal Hoſpital, or his chief Clerk, who, if ſuch Service ſhall be found to correſpond with the Certificates produced and tranſmitted, or Statement made by the Perſon or Perſons claiming ſuch Prize or Bounty Monies, ſhall certify the ſame to the ſaid Treaſurer of the ſaid Royal Hoſpital, or his Deputy, who ſhall thereupon, with the Approbation of One or more of the Directors of the ſaid Hoſpital, ſend a Remittance Bill or Remittance Bills for the Amount, in the Manner and Form herein-after mentioned, or ſhall pay or remit the ſame in ſuch other Manner as the ſaid Treaſurer of the ſaid Royal Hoſpital, or his

his Deputy, with such Approbation as aforesaid, shall from Time to Time judge more expedient.

Mode of refunding Shares to Persons resident in Parts where there is no such Deputy.

XCVI. And be it further enacted, That it shall be lawful for every Person claiming any Share or Balance of Prize or Bounty Money paid into *Greenwich* Hospital under the Authority of this Act, and residing and being in any Port or Place of the United Kingdom at which there shall be no such Deputy to the said Treasurer of the said Royal Hospital for the Purposes last aforesaid, to apply for such Share or Balance, by Letter or otherwise, to the Treasurer, Secretary, or Clerk of the Cheque at the said Royal Hospital, and such Claimant or Claimants shall thereupon, if necessary, be furnished by such Treasurer, Clerk of the Cheque, or Secretary, with blank Petitions and Forms to be filled up and attested by the Minister, Churchwardens, or Elders of the Parish in which such Claimant or Claimants shall reside, which Petitions, when filled up, shall be transmitted to the Clerk of the Cheque of the said Royal Hospital, together with any Certificates of the Service of such Claimant or Claimants, in the Navy, which such Claimant or Claimants may have in his or their Possession, and when the same shall have been returned from the Navy Office upon such Attestation and Certificates, and a Certificate shall have been obtained from the Navy Office of the Service of such Claimant or Claimants, corresponding with the Certificates which shall have been produced by him or them as aforesaid, such Share or Balance, Shares or Balances, shall be forthwith paid to such Claimant or Claimants, on Application at the proper Office at *Greenwich* Hospital, or if from Distance of Residence, or any other Cause, such Claimant or Claimants shall not be able conveniently to attend at the said Royal Hospital to demand the same, a Remittance Bill with such Approbation as aforesaid, in Manner and Form herein-after mentioned, shall be forwarded and sent for the Amount of such Share or Balance, Shares or Balances, or the same shall be remitted to or for the Use of such Claimant, in such other Manner as the said Treasurer or his Deputy, with such Approbation as aforesaid, shall from Time to Time judge more expedient.

For facilitating the Payment of Prize and Bounty Money, and for preventing Frauds attending the same.

XCVII. And, in order to facilitate the Payment of Prize and Bounty Monies by the Treasurer of the said Royal Hospital to Officers, Seamen, Marines, and Soldiers entitled thereto, who may be serving in His Majesty's Navy, or who may be resident in any Part of the United Kingdom distant from the said Royal Hospital, and for preventing Frauds and Abuses attending the same, be it enacted, That it shall and may be lawful to and for the said Treasurer of the said Royal Hospital, or his Deputy, and they are hereby respectively authorized and required, as often as there shall be Occasion, to make out or cause to be made out Two Bills for every Sum of Money which they shall have occasion to pay to any Person of the Description last herein-before mentioned, which Bills shall be Duplicates, and joined together with oblique Lines, Flourishes, or Devices, in such Manner as the said Treasurer or his Deputy shall think proper, and shall be payable to such Person by the Receiver General of the Land Tax for any County, Riding, or City within the United Kingdom, Collector of the Customs for any Port, or Collector of Excise for any Collection in the United Kingdom respectively, near which such Person shall happen to reside, according to the Appointment of such Bills; and the said Bills,

being numbered and dated, shall be signed by the said Treasurer or his Deputy, and attested by the Clerk of the Cheque of the said Royal Hospital, or his Chief Clerk, and be written or printed according to the following Form, or such other Form as the said Treasurer of the said Hospital shall from Time to Time deem more convenient and proper:

Form of Bills for Payment of Prize Money.

" Sir,

" Royal Hospital, *Greenwich*,

" Pay to of in the
" County of upon producing the Duplicate
" hereof, together with a Certificate under the Hands of the Captain
" and One other signing Officer of the Ship to which such
" belongs, (in case he is in His Majesty's Naval Service) or of the
" Minister and Churchwardens [or, *in that Part of the United* " *Kingdom of* Great Britain *and* Ireland *called* Scotland, *under the* " *Hands of the Minister and Two Elders*] of the Parish where he
" resides, (in case he is not in such Naval Service) That to the best
" of their Knowledge and Belief, he is the Person named in such
" Bill, the Sum of
" Sterling, being on account of Monies due to the said
" for Captures made by His Majesty's Ship
" if the same shall be demanded within Six
" Calendar Months from the Date hereof, otherwise you are to
" return this Bill to the Treasurer of the said Royal Hospital,

} Treasurer, or his Deputy.

" Attested

} Clerk of the Cheque of the said Hospital or his Chief Clerk."

" To the Receiver General of the Land
" Tax of the County of
" To the Collector of the Customs of
" the Port of
" To the Collector of Excise at

" N. B. The personating or falsely assuming the Name and Character
" of any Person entitled or supposed to be entitled to Prize Money,
" for Services performed in His Majesty's Navy, in order to receive
" the same, is Felony without Benefit of Clergy."

And as soon as the said Bills shall be so made out and signed, the said Treasurer of the said Royal Hospital, or his Deputy, shall cause them to be cut asunder indentwise, through the oblique Lines, Flourishes, or Devices aforesaid, and shall cause One of the said Bills to be transmitted forthwith to the Person nominated and appointed as the Payer in such Bills, and the other of the said Bills shall be transmitted forthwith to the said Receiver General of the Land Tax, Collector of the Customs, or Collector of the Excise on whom such Bills shall be so drawn as aforesaid; and the said Receiver General of the Land Tax, Collector of the Customs, or Collector of Excise, if the said Bills shall be produced and delivered to either of them respectively within Six Months, if in *Great Britain*, and if in *Ireland* then within Nine Months from the Date thereof, are hereby required and enjoined to examine such Duplicate, together with the Certificate to be produced as aforesaid, and to enquire into the Truth thereof by the Oath of the Person producing the same, or such

Perſon being a Quaker, by the ſolemn Affirmation of ſuch Perſon (which Oath or Affirmation they are hereby reſpectively authorized and required to adminiſter) and upon being duly ſatisfied of the Truth of ſuch Certificate, to teſtify the ſame on the Back of ſuch Bill, and immediately to pay to ſuch Perſon, without Fee or Reward, on any Pretence whatſoever, the Sum directed to be paid by ſuch Bill, taking his Receipt for the ſame on the Back thereof; but in caſe the Duplicate of ſuch Bill ſhall not be produced and delivered, and the Payment thereof be demanded within Six or Nine Calendar Months from the Date, as the Caſe may be as aforeſaid, or if a proper Certificate of the Perſon claiming ſuch Prize or Bounty Money be not likewiſe produced, then the ſaid Receiver General, Collector of the Cuſtoms, or Collector of the Exciſe, ſhall return ſuch Bill to the Treaſurer of the ſaid Royal Hoſpital, or his Deputy, who ſhall cauſe ſuch Bill to be cancelled, and from and after the cancelling of the ſame ſuch Prize and Bounty Money ſhall remain payable in like Manner as if the ſaid Bill had not been made out; all which ſaid Bills and Receipts to be ſo made and given as aforeſaid, and alſo all other Receipts for Prize and Bounty Money, which ſhall be at any Time paid and refunded by the ſaid Treaſurer of the ſaid Royal Hoſpital or his Deputy, to any Perſon or Perſons whomſoever, ſhall be free and exempt from and not liable to any Duty of Stamps whatſoever; any Law or Statute to the contrary thereof notwithſtanding.

Treaſurer to repay to the Receiver General, &c. any Bills drawn on him.

XCVIII. And be it further enacted, That all ſuch Remittance Bills which ſhall be drawn upon and paid by the Receiver General of the Land Tax for any County, Riding, or City, Collector of the Cuſtoms for any Port or Collector of Exciſe for any Collection in the United Kingdom, upon being produced and delivered at the Office of the Treaſurer of the ſaid Royal Hoſpital, ſhall be immediately repaid by ſuch Treaſurer or his Deputy to ſuch Receiver General of the Land Tax, Collector of the Cuſtoms, or Collector of Exciſe, or to their reſpective Orders.

In caſe Receiver General, *etc.* have not Money in his Hand to anſwer ſuch Bills, he ſhall indorſe thereon the Day of Tender, and appoint a Day of Payment within Two Months, *etc.*

XCIX. Provided always, and it is hereby further enacted, That if any ſuch Receiver General, Collector of the Cuſtoms, or Collector of the Exciſe, to whom the Duplicate of any of the Bills herein-before directed to be made out ſhall be tendered for Payment, ſhall not then have in his Hands publick Money ſufficient to anſwer the ſame, and ſhall therefore refuſe or delay the immediate Payment thereof, ſuch Receiver General, Collector of the Cuſtoms, or Collector of the Exciſe, ſhall immediately indorſe on the Back of the ſaid Duplicate the Day of its being ſo tendered to him, and the Cauſe of his Refuſal or Delay to pay the ſame, and ſhall appoint thereon for the Payment of ſuch Bill ſome future Day, within the Space of Two Months at the fartheſt from the Day of its having been firſt tendered to him as aforeſaid, which Duplicate, with the Indorſement thereon, ſhall be immediately delivered back to the Perſon preſenting the ſame; and if upon Complaint made to the reſpective Commiſſioners appointed by His Majeſty, His Heirs or Succeſſors, to manage the ſaid ſeveral Duties of the Land Tax, Cuſtoms, or Exciſe, it ſhall appear that ſuch Receiver General, Collector of Cuſtoms, or Collector of Exciſe, hath unneceſſarily and wilfully refuſed or delayed the Payment of ſuch Bill, it ſhall and may be lawful to and for any Three or more of the ſaid Commiſſioners to convict and fine any ſuch Offender, under their reſpective Direction, in any Sum not exceeding Fifty Pounds, according to

to the Nature or Degree of the Offence, which Conviction ſhall be made by the ſaid reſpective Commiſſioners; and ſuch Fine ſhall be levied and recovered in ſuch and the ſame Manner, to all Intents and Purpoſes, as any Conviction may be made, and any Penalty may be levied or recovered for any Offence againſt any Law by which any Cuſtoms or Exciſe is impoſed or laid; and the ſaid Fine, when levied, ſhall be paid to the Informer or Informers againſt ſuch Offender.

Penalty on receiving any Fee for remitting or paying any Money.

C. And be it further enacted, That no Perſon paying any Share or Balance of Prize Money remitted from *Greenwich* Hoſpital, ſhall receive any Fee, Gratuity, or Reward, from or on Account of any Payment thereof, or of any Act, Matter, or Thing done, relating to the procuring or paying the ſame to any Claimant, or any Perſon on his Behalf, under any Pretence whatever, on pain of forfeiting, for every ſuch Offence, One hundred Pounds.

Official Letters to be free of Poſtage.

CI. And be it further enacted, That all Letters or Packets addreſſed to the ſaid Treaſurer of the ſaid Royal Hoſpital for the Time being, upon any Buſineſs or Affairs relative to ſuch Prize Matters, ſhall, from and after the paſſing of this Act, be free from the Duty of Poſtage, and alſo that all Letters or Packets ſent by the ſaid Treaſurer, or by the Secretary of the ſaid Royal Hoſpital for the Time being, or by the Officer for Prize Matters in the Navy Pay Office, upon any Buſineſs relating to ſuch Prize Matters in Manner and Form herein-after directed, ſhall be ſent free from the ſaid Duty of Poſtage; and all Letters and Packets relating to Prize Matters in the Navy Pay Office that ſhall be forwarded by the ſaid Treaſurer or Secretary, or by ſuch Officer for Prize Matters in the Navy Pay Office as aforeſaid, ſhall be under Cover, with the Words "Purſuant to Act of Parliament, Forty-fifth *George* the Third," printed upon the ſame; and the ſaid Treaſurer or Secretary of the ſaid Royal Hoſpital, or Officer for Prize Matters in the Navy Pay Office, as the Caſe may be, ſhall write his Name under the ſame; and they and each of them are and is hereby ſtrictly prohibited from incloſing or ſending under ſuch Covers any Writing, Paper, or Parcel whatſoever, excepting ſuch as relate to the Buſineſs or Affairs of the ſaid Royal Hoſpital, or to ſuch Prize Matters reſpectively.

Penalty of 100*l.* for ſending Papers not official under free Covers.

CII. And be it further enacted, That if any ſuch Treaſurer or Secretary, or Officer for Prize Matters as aforeſaid, ſhall preſume to ſend or convey under any of the Covers aforeſaid, any Writing, Paper, or Parcel, other than thoſe relating to the Buſineſs or Affairs of the ſaid Royal Hoſpital, or ſuch Prize Matters as aforeſaid, the Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds.

Officers to ſend an Account of Captures to Greenwich Hoſpital.

CIII. And be it further enacted, That all Captains and Commanders of His Majeſty's Ships and Veſſels of War, or hired armed Ships, ſhall, from Time to Time, as ſoon as the ſame can be done, tranſmit to the Clerk of the Checque of the ſaid Hoſpital, Accounts in Writing of all Prizes taken, with the Name of the Port to which the Capture was ſent, with the Name and Place of Abode of the Agent or Agents, whether it is a ſingle or joint Capture, and if joint, the Names of the ſeveral Ships alledged to be aiding in ſuch Capture, with the Date of the Capture, and the Place where the ſame was made.

CIV. And

Payment to Representatives of Seamen.

CIV. And be it further enacted, That the Prize Money to the Representatives of Petty Officers, Seamen, and Marines deceased, shall be paid only to their Representatives, or their lawful Attorney or Attornies, upon Production of the Checque to be granted by the Inspectors of Seamens Wills.

Expences of executing Act and remunerating Officers to be paid by Direction of Greenwich Hospital out of Interest or Principal of unclaimed Shares.

CV. And be it further enacted, That all Expences incurred in executing this Act, and the Sums paid in remunerating the Officers of the Navy Office, Navy Pay Office, or of *Greenwich* Hospital for their Care, Pains, and Trouble in executing the Regulations thereof, shall be subject to the Discretion of the Commissioners of the Navy, as far as the same relate to Officers of or Persons employed in the Navy Office, or otherwise under the Orders of such Commissioners, to the Treasurer of the Navy, as far as the same relate to Officers of or Persons employed in the Navy Pay Office, and of the Commissioners and Governors of the said Hospital, as to all Officers and Persons employed or belonging to *Greenwich* Hospital, and shall be paid by them out of the Interest of unclaimed Shares, and Shares of Run Men, invested in Government Securities, or if necessary, out of the principal Sums in the Hands of the Treasurer of the said Hospital, on Account of such Shares of Run Men, the Accounts of such Remunerations and Expenditures being annually returned to Parliament; and the Treasurer of the Navy shall quarterly cause an Account to be sent of the Amount of such Expences to the Treasurer of *Greenwich* Hospital, who shall immediately cause the same to be paid to the Order of the Treasurer of the Navy.

No Fees to be paid for tracing the Services of Persons claiming Prize Money.

CVI. Provided always, and it is hereby declared and enacted, That, from and after the passing of this Act, all Fees heretofore paid by the said Royal Hospital at the Navy Office, for tracing the Services of Persons claiming Shares of Prize or Bounty Money, shall cease, and be no longer due or payable.

No Person employed by Greenwich Hospital shall act as Agent for Prizes.

CVII. And be it further enacted, That no Person employed by *Greenwich* Hospital, in executing the Regulations of this Act, shall act as an Agent for Prizes, or be concerned directly or indirectly in the Business thereof, under the Penalty of Five hundred Pounds.

Court of Admiralty may compel Production of Books, or bringing in of Proceeds on Affidavit, and may give Costs if Party summoned on improper Grounds.

CVIII. And be it further enacted, That on the Application of any Party interested in the Proceeds of any Prize, or of any Person on Behalf of the Treasurer of the Navy or *Greenwich* Hospital, and an Affidavit of any such Party, or any other Person, of his or her Belief that there are Proceeds of any Prize, or Papers or Books relating thereto, in the Possession of any Agent or Person or Persons, whether the said Prize or Prizes shall have been taken in the present or in any preceding War, it shall be lawful for the Judge of the High Court of Admiralty, to compel the Production of the same, and the bringing in of such Proceeds, and the answering to such Interrogatories touching the same, as the Court shall approve; and if it shall appear that the Party hath been cited without sufficient Cause, he shall be allowed his Costs against the Party making such Affidavit, or at whose Instance he hath been unduly summoned.

Persons retaining Proceeds of Prizes to pay Interest.

CIX. And be it further enacted, That any Captor, Agent, or other Person, who shall acquire or retain the Proceeds of any Prize contrary

to the Provisions of this Act, except for reasonable Cause, to be allowed by the Court in which such Prize shall be adjudged, or by the High Court of Admiralty, shall pay Interest thereon at the Rate of One Pound *per Centum per* Month, for such Time as the same shall so be in their Custody or Possession, besides all other Penalties imposed by this Act.

Punishing Persons guilty of Perjury or Forgery.

CX. 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 given for obtaining the same, 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.

Penalty for not delivering Accounts.

CXI. And be it further enacted, That all and every Person and Persons hereby directed to transmit or deliver all or any of 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, shall, for every such Offence, forfeit the Sum of One hundred Pounds, and shall pay the Expence of any Application to any Court to compel the Production and Delivery of the same.

Penalty for Frauds in stating Accounts.

CXII. 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 such Accounts, then every Person or Persons who shall be thereof duly convicted, and his and their Aiders and Abettors, shall forfeit and pay, for every such Offence, the Sum of Five hundred Pounds.

Unclaimed Shares of Soldiers to be paid to the Treasurer of Chelsea Hospital, &c.

CXIII. And be it further enacted, That all unclaimed Shares of Soldiers serving in any conjunct Expedition with His Majesty's Naval Forces, as described in this Act, shall be paid to the Treasurer of *Chelsea* Hospital, for the Use of the said Hospital, within Six Months after Distribution commenced; subject nevertheless to be refunded to any Individual entitled to the same, and establishing his Claim thereto, within Six Years from such Payment to the said Treasurer; and that it shall be lawful for the said Treasurer to compel the Agents for the Army, to exhibit and verify their Accounts, and pay over such Balances, in like Manner as the Treasurer of *Greenwich* Hospital is herein empowered to compel the producing and verifying of Accounts and Payment of unclaimed Shares from the Naval Prize Agents; and the High Court of Admiralty shall exercise the same Powers and Authorities for discovering and compelling the Payment of all Shares of Soldiers so remaining unpaid, in this or any former War, in like Manner as the said Court is enabled to do by this or any other Act,

respecting the unclaimed Shares of Mariners serving in His Majesty's Ships of War.

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

CXIV. And, for the more speedy bringing of Offenders to Justice, and to prevent the Inconveniences 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.

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

CXV. 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 said Commissioners, for the Time being, named in the Commission of Oyer and Terminer for 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 respectively, shall see Cause), by any Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause the Person or Persons accused in such Information or Informations to be apprehended and committed to the Gaol of the County or Place wherein the same Information or Informations shall be taken, there to remain until discharged by due Course of Law.

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

CXVI. And it is hereby further enacted, That such of the 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 to 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

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.

CXVII. 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, Tythingmen, Keepers of Gaols and Priſons, and all other Officers whatſoever for keeping of the Peace, (as well within Liberties as without), ſhall, and they and every of them are hereby reſpectively authorized and required, from Time to Time, diligently to execute, perform, and obey all ſuch Precept and Precepts, Warrant and Warrants, and other Order and Orders, as ſhall at any Time or Times hereafter be made, directed, iſſued, or given to them or any of them reſpectively, by 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.

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

CXVIII. And be it further enacted, That where the Offence of taking a falſe Oath, or ſuborning any Perſon ſo to do, 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 alledged to be committed, and may be laid, enquired 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.

Recovery of Penalties.

CXIX. And be it further enacted, That all Penalties and Forfeitures impoſed by this Act, whereſoever the ſame ſhall ariſe or become forfeited, may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record in *Great Britain*, or Monition and Attachment thereon, in His Majeſty's High Court of Admiralty, unleſs in Caſes where any other Mode is by this Act particularly directed; and all Penalties and Forfeitures impoſed by this Act, which ſhall ariſe or become forfeited in any Part of His Majeſty's Dominions abroad, may be recovered in any Court of Record of His Majeſty in the Colony, Territory, or Place where the ſame ſhall ariſe or have become forfeited, or in any of His Majeſty's Vice-Admiralty Courts having Juriſdiction there.

Application of Penalties and Forfeitures.

CXX. And be it further enacted, That in all Cases in which any Agent or Person is by this Act made subject to the Forfeiture of any Sum of Money equal to any Money remaining in his Hands, or to the Amount of any Balances or Shares, such Sum or Sums of Money shall, on Recovery thereof, go and be applied to the Use of the Person or Persons who shall have been aggrieved by the Misconduct of such Agent or Person, and all pecuniary Penalties and Forfeitures by this Act imposed, other than as aforesaid, other than such as are by this Act directed to be otherwise applied and disposed of, shall go and be applied to the Use of the Royal Hospital for Seamen at *Greenwich*, and shall be sued for in the Name of the Commissioners and Governors thereof.

Punishing Persons personating Seamen.

CXXI. And whereas by a certain Act of Parliament, made and passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for the Encouragement of Seamen employed in the Royal Navy; and for establishing a regular Method for the punctual, frequent, and certain Payment of their Wages; and for enabling them more easily and readily to remit the same for the Support of their Wives and Families, and preventing Frauds and Abuses attending such Payments*, after reciting that divers wicked Practices had been carried on, by personating and falsely assuming the Names and Characters of Officers, Seamen, and others entitled or supposed to be entitled to Wages, Pay, or other Allowances of Money, or Prize Money, for serving on board of Ships or Vessels of the Royal Navy, and by forging and counterfeiting Letters of Attorney, Bills, Tickets, Assignments, last Wills, and other Authorities and Powers, from such Officers and Seamen, and by falsely taking out Probate of Wills and Letters of Administration to such Officers and Seamen; it is enacted, That, from and after the First Day of *November*, which was in the Year of our Lord One thousand seven hundred and fifty-eight, whosoever willingly and knowingly should personate, or falsely assume the Name or Character of, or procure any other Person to personate or falsely to assume the Name or Character of any Officer, Seaman, or other Person, entitled or supposed to be entitled to any Wages, Pay, or other Allowances of Money, or Prize Money, for Service done on board of any Ship or Vessel of His Majesty, His Heirs or Successors, or the Executor or Administrator, Wife, Relation, or Creditor of any such Officer or Seaman, or other Person, in order to receive any Wages, Pay, or other Allowances of Money, or Prize Money, due or supposed to be due or payable for or on Account of the Services of any such Officer or Seaman, or other Person as aforesaid; or should forge or counterfeit or procure to be forged or counterfeited any Letter of Attorney, Bill, Ticket, Certificate, Assignment, last Will, or any other Power or Authority whatsoever, in order to receive any such Wages, Pay, or other Allowances of Money or Prize Money, due or supposed to be due to any such Officer or Seaman, or other Person as aforesaid, or should willingly and knowingly take a false Oath, or procure any other Person to take a false Oath, to obtain the Probate of any Will or Wills, or to obtain Letters of Administration, in order to receive the Payment of any Wages, Pay, or other Allowances of Money or Prize Money, due, or that were supposed to be due to any such Officer, Seaman, or other Person as aforesaid, who had really served or had been supposed to have served on board of any Ship or Vessel of His Majesty, His Heirs or Successors, every such Person so offending, being lawfully convicted of any such Offence or

Offences, ſhould be deemed guilty of Felony, and ſhould ſuffer Death as a Felon without Benefit of Clergy: And whereas by a certain Act of Parliament, made and paſſed in the Ninth Year of the Reign of His preſent Majeſty, intituled, *An Act for repealing ſo much of an Act, paſſed in the Tenth Year of Her late Majeſty Queen* Anne, *as relates to the Harbour Moorings of the Royal Navy, and for the more effectual Preſervation of ſuch Harbour Moorings; and Puniſhment of Perſons guilty of ſtealing or embezzling His Majeſty's Naval Stores; or of Forgery or Perjury, in relation to Seamen's Wages*, it is (among other Things) enacted, that if any Perſon ſhould, from and after the Twenty-fourth Day of *June*, which was in the Year of our Lord One thouſand ſeven hundred and ſixty-nine, utter or publiſh as true, any falſe, forged, or counterfeited Letter of Attorney, Bill, Ticket, Certificate, or Aſſignment, laſt Will, or any other Power or Authority whatſoever, in order to receive any Wages, Pay, or other Allowances of Money, or Prize Money, due or ſuppoſed to be due to any Officer or Seaman, or other Perſon who ſhould have really ſerved or ſhould have been ſuppoſed to have ſerved, or ſhould thereafter ſerve or be ſuppoſed to have ſerved, on board of any Ship or Veſſel of His Majeſty, His Heirs or Succeſſors, with Intent to defraud any Perſon, knowing the ſame to be falſe, forged, or counterfeited, every ſuch Perſon being thereof lawfully convicted ſhould be deemed guilty of Felony, and ſhould ſuffer Death as a Felon, without Benefit of Clergy: And whereas Doubts have ariſen whether the Puniſhment inflicted by the ſaid Two laſt recited Acts of Parliament, on Perſons guilty of the ſeveral Offences therein mentioned, extends to ſuch Offences when committed with an Intention to defraud any Corporation; be it therefore enacted, That, from and after the paſſing of this Act, whoſoever willingly and knowingly ſhall perſonate or falſely aſſume the Name or Character of, or procure any other to perſonate or falſely to aſſume the Name or Character of any Officer, Seaman, or other Perſon entitled or ſuppoſed to be entitled to any Wages, Pay, or other Allowances of Money, or Prize Money, for Service done on board of any Ship or Veſſel of His Majeſty, His Heirs or Succeſſors, or the Executor or Adminiſtrator, Wife, Relation, or Creditor, of any ſuch Officer or Seaman or other Perſon, in order to receive any Wages, Pay, or other Allowances of Money, or Prize Money, due or ſuppoſed to be due or payable for or on account of the Services of any ſuch Officer or Seaman, or other Perſon as aforeſaid, or ſhall forge or counterfeit, or procure to be forged or counterfeited, any Letter of Attorney, Bill, Ticket, Certificate, Aſſignment, laſt Will, or any other Power or Authority whatſoever, in order to receive any ſuch Wages, Pay, or other Allowances of Money, or Prize Money, which ſhall be due or be ſuppoſed to be due to any ſuch Officer or Seaman, or other Perſon as aforeſaid, or ſhall willingly and knowingly take a falſe Oath, or procure any other Perſon to take a falſe Oath to obtain the Probate of any Will or Wills, or to obtain Letters of Adminiſtration, in order to receive the Payment of any Wages, Pay, or other Allowances of Money, or Prize Money, which ſhall be due or be ſuppoſed to be due to any ſuch Officer, Seaman, or other Perſon as aforeſaid, who ſhall have really ſerved, or ſhall be ſuppoſed to have ſerved on board of any Ship or Veſſel of His Majeſty, His Heirs or Succeſſors; or if any Perſon ſhall, from and after the paſſing of this Act, utter or publiſh as true any falſe,

forged, or counterfeited Letter of Attorney, Bill, Ticket, Certificate, or Aſſignment, laſt Will, or any other Power or Authority whatſoever, in order to receive any Wages, Pay, or other Allowances of Money, or Prize Money, due or ſuppoſed to be due to any Officer or Seaman, or other Perſon, who ſhall have really ſerved or ſhall be ſuppoſed to have ſerved, or ſhall hereafter ſerve or be ſuppoſed to have ſerved on board of any Ship or Veſſel of His Majeſty, His Heirs or Succeſſors, with Intent to defraud any Corporation whatſoever, knowing the ſame to be falſe, forged, or counterfeited, every ſuch Perſon being thereof lawfully convicted, ſhall be deemed guilty of Felony, and ſhall ſuffer Death as a Felon, without Benefit of Clergy.

Limitation of Action.

CXXII. Provided always, and be it further enacted, That no Action ſhall be brought againſt any Perſon or Perſons whomſoever, for any Matter or Thing whatſoever done or committed under or by virtue or in the Execution of this Act, unleſs ſuch Action ſhall be brought within Three Years next after doing or committing of ſuch Matter or Thing, ſave as to Matters or Things ariſing out of Captures in any former War: Provided alſo, that if any Action or Suit ſhall be hereafter commenced or proſecuted againſt any Perſon or Perſons for any Matter or Thing done under, by virtue, or in the Execution of this Act, ſuch Perſon or Perſons may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence; and if the Plaintiff or Plaintiffs ſhall become nonſuited, or ſuffer Diſcontinuance, or forbear further Proſecution, or if Judgement ſhall be given for the Defendant or Defendants, ſuch Defendant or Defendants ſhall recover Treble Coſts, for which he, ſhe, or they, ſhall have the like Remedy as where Coſts by Law are given to Defendants.

Continuance of Act.

CXXIII. 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 or any former War, or of any Offence or Offences committed contrary to this Act; and alſo ſave and except as to the Power by this Act given to His Majeſty, to grant to any Judge of any Court of Vice-Admiralty any ſuch Annuity as aforeſaid, and in ſuch Caſes, and on ſuch Conditions as aforeſaid, in reſpect whereof this Act ſhall continue in full force until ſuch Matters, and every Thing dependant thereupon, ſhall be finally adjudged and determined; and alſo ſave and except the Regulations contained in this Act regarding Letters of Attorney and Orders of Petty Officers and Seamen, Non-commiſſioned Officers of Marines, and Marines; and alſo ſave and except as to the Clauſes and Proviſions herein contained, by which the Puniſhment attached to the Crimes of perſonating Seamen, and of Forgery when committed with Intent to defraud any Perſon or Perſons, is extended and made

applicable to ſuch Offences when committed with Intent to defraud any Corporation or Corporations; and alſo ſave and except all Regulations regarding all Powers and Intereſts given to the Treaſurer of the Navy, and the Commiſſioners and Governors and other Officers of *Greenwich* Hoſpital, all which ſhall continue in force until repealed by any ſubſequent Act of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1805.