

ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

CAP. CLXXIII.

An Act for the better Protection of the Trade of the United Kingdom during the preſent Hoſtilities with *France*. [11th *July* 1815.]

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

Veſſels not to ſail from any Port without Convoy;

II. And be it further enacted, That the Maſter or other Perſon having the Charge or Command of every ſuch Ship or Veſſel which ſhall ſail or depart under the Protection of Convoy, ſhall and is hereby required to uſe his utmoſt Endeavours to continue with ſuch Convoy during the Whole of the Voyage, or during ſuch Part thereof, as ſuch Convoy ſhall be directed to accompany and protect ſuch Ship or Veſſel, and ſhall not wilfully ſeparate or depart therefrom upon any Pretence whatever, without Order or Leave for that Purpoſe from the Officer having the Command of ſuch Convoy.

nor wilfully ſeparate from ſuch Convoy without Leave.

Penalty on Maſters of Veſſels acting contrary to the Directions of this Act, 1000l.

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

If Cargo conſiſts of Naval or Military Stores, Penalty 1500l.

Penalty may be mitigated.

Inſurances to be void in certain Caſes.

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

Penalty, 200l.

Bond to be taken from Maſters of Veſſels not to ſail or depart without Convoy.

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

Act not to extend to Veſſels not required to be regiſtered, nor to Veſſels licenſed by the Admiralty, &c.

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

No Fee to be taken for any Licence.

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

Admiralty to appoint Ports for Veſſels in Foreign Ports to aſſemble.

VIII. And whereas it would not be expedient or poſſible to appoint ſeparate Convoys to ſail from each of ſeveral contiguous Foreign Ports, be it further enacted, That it ſhall and may be lawful to and for the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commiſſioners for executing the Office of Lord High Admiral of the ſaid United Kingdom for the Time being, or any Three or more of them, whenever they ſhall judge it expedient for the Benefit and Security of the Trade of His Majeſty's Subjects, to appoint One Foreign Port or Place at which the Ships and Veſſels trading from certain other Foreign Ports or Places ſhould aſſemble for the Purpoſe of taking Convoy, to cauſe Notice from Time to Time to be given in the *London* and *Dublin Gazettes*, and alſo at the Cuſtom Houſes and Conſular Offices of ſuch Ports and Places in Foreign Parts,

Parts, that one or more Convoy or Convoys will ſail from the Ports or Places to be named in ſuch Notice for the Protection of the Trade of and from thoſe Parts, and that if any Maſter or other Perſon having the Charge or Command of any Merchant Ship or Veſſel cleared out or intending to ſail from any Port or Place at which ſuch Notice ſhall have been ſo given, ſhall not proceed with ſuch Ship or Veſſel to ſuch Port or Place ſo appointed for the Aſſembly of ſuch Convoy or Convoys, and ſhall not uſe his utmoſt Endeavours to join and take the Benefit of ſuch Convoy, he ſhall be taken and conſidered to have ſailed without Convoy contrary to this Act, and ſhall be liable to all Penalties and Forfeitures herein provided againſt Perſons ſo ſailing without Convoy: Provided alſo, that if any Ship or Veſſel not hereby required to take Convoy ſhall nevertheleſs place herſelf under Convoy of any of His Majeſty's Ships, ſuch Ship or Veſſel ſhall thereafter be liable to all the Proviſions of this Act.

Act not to prevent Veſſels from ſailing where no Convoy is appointed, &c.

IX. Provided alſo, and be it enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to any Ship or Veſſel ſailing or departing without Convoy from any Foreign Port or Place, nor to ſubject the Maſter thereof or any other Perſon to any of the Rules, Regulations, Proviſions, Penalties or Forfeitures hereby preſcribed, directed, and impoſed, in caſe there ſhall not be any Convoy appointed for ſuch Ships or Veſſels, nor any Perſon or Perſons at ſuch Foreign Port or Place, duly authorized by the Lord High Admiral of *Great Britain*, or the Commiſſioners for executing the Office of Lord High Admiral for the Time being, or any Three or more of them, to appoint Convoys for ſuch Ships or Veſſels, or to grant Licences to ſuch Ships or Veſſels to ſail or depart without Convoy, or in caſe that ſuch Notice as aforeſaid ſhall not have been given of another Port or Place to which the Ships or Veſſels ſailing from ſuch Foreign Port or Place ſhould proceed for the Purpoſe of taking Convoy.

Notice to be given to Maſters of Veſſels to have on board ſuch Flags, &c. as ſhall be neceſſary to anſwer Signals, &c.

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

Satisfaction of the proper Officer of the Customs that the Ship is provided with such Flags, Vanes, or other Materials.

Vessels in Danger from the Enemy, to make Signals, and in case of being boarded Instructions to be destroyed.

XI. And be it further enacted, That if any Ship or Vessel, which by this Act is required not to sail or depart without Convoy, shall be in imminent Danger of being boarded or taken Possession of by the Enemy, the Master or other Person having the Charge or Command of such Ship shall make Signals by firing Guns or otherwise, to convey Information of his Danger to the Rest of the Convoy as well as to the Ships of War under the Protection of which he is sailing; and that in case of such Ship being boarded and taken Possession of, he shall destroy all Instructions confided to him relating to the Convoy; and every Master or Person having the Charge and Command of such Vessel, who shall neglect to make such Signals, or shall wilfully neglect to make such Signals, or shall wilfully omit to destroy such Instructions as before mentioned, shall, for every such Offence, forfeit a Sum not exceeding the Sum of Two hundred Pounds. Penalty 200l.

Not to extend to Vessels sailing from certain Places at the Periods herein mentioned.

XII. Provided always, and be it further enacted, That nothing in this Act contained, with respect to Ships or Vessels sailing or departing without Convoy, or afterwards deserting or wilfully separating from such Convoy, shall extend or be construed to extend to any Ship or Vessel which shall sail or depart from the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or either of them, for or on account of such Sailing or Departure on or before the First Day of *August* One thousand eight hundred and fifteen, or from any other Port or Place in *Europe*, on or before the First Day of *September* One thousand eight hundred and fifteen, or from any other Port or Place in the *West Indies*, or any other Part of *America*, on or before the First Day of *October* One thousand eight hundred and fifteen, or from any Port or Place in *Africa* or *Asia*, on or before the First Day of *November* One thousand eight hundred and fifteen.

Penalties how to be sued for and applied.

XIII. And be it further enacted, That One Moiety of all pecuniary Penalties and Forfeitures hereby imposed, as far as the same relate to Ships or Vessels sailing without Convoy, or wilfully separating or departing from such Convoy, or not proceeding to join and take the Benefit of Convoy as herein-before mentioned, or to Insurances, shall, if sued for within the Space of One Year from the Time of any such Penalty or Forfeiture being incurred, be to His Majesty, His Heirs and Successors, and the other Moiety thereof, with full Costs of Suit, to the Person or Persons who shall inform or sue for the same within the Time aforesaid, unless such Penalty or Forfeiture shall be sued for by His Majesty's Attorney General in *England* or *Ireland*, or Advocate in *Scotland*, in which Case the whole thereof shall belong to His Majesty, and which Penalty or Forfeiture shall and may be sued for in any of His Majesty's Courts of Record at *Westminster*, in His Majesty's Court of Exchequer at *Edinburgh*, or in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt, Bill, Plaint, or Information, whether the Offence shall have been committed in any Part of the United Kingdom, or at Sea, or in Parts beyond the Seas, provided the Person incurring such Penalty or Forfeiture shall be within the Jurisdiction of the Court in which such Action shall be brought at the Time of the Commencement thereof, or of Service of Process upon him, and in which Action no Essoign, Privilege, Wager of Law, or more than One Imparlance, shall be allowed; and in Default of

Prosecution within the Time herein-before limited, no such Penalty or Forfeiture shall be afterwards recoverable, except in the Name of His Majesty's Attorney-General in *England* or *Ireland*, or Advocate in *Scotland*, by Information in the respective Courts aforesaid, in which Case the whole of such Penalty or Forfeiture shall belong to His Majesty, His Heirs and Successors; and that all Penalties and Forfeitures, and Shares of Penalties and Forfeitures, incurred as aforesaid, belonging to His Majesty, His Heirs or Successors, shall be paid into the Hands of the Receiver General of His Majesty's Customs in *England*, *Ireland*, and *Scotland* respectively, for the Time being, and shall go to and be deemed and taken as Part of the Consolidated Funds of *Great Britain* and *Ireland* respectively.

Proceedings on Prosecutions for Penalties may be stopped.

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

Instructions to Masters of Vessels to be indorsed by the Senior Officer of the Convoy.

XV. And be it enacted, That the Senior Officer of every Convoy to be appointed for the Protection of Trade shall cause to be indorsed on a Copy of the Instructions and Orders to the respective Masters or other Persons having the Charge or Command of the different Ships and Vessels sailing under his Protection, the Days of the Month and Year when Copies of such Instructions and Orders were delivered on Board such respective Ships and Vessels, and the Names of the Persons respectively to whom the same were so delivered, and the Names of the Persons delivering the same.

Not to be carried into Execution till ordered.

XVI. Provided always, and be it further enacted, That none of the Provisions of this Act shall be in force until His Majesty, by and with the Advice of His Privy Council, shall order the same to be carried into Execution.

Limitation of Actions.

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

Treble Costs.

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

XIX. Provided always, and be it further enacted, That nothing in this Act shall extend or be construed to extend to permit or allow any Ship or Vessel to sail or depart from the Port of *Saint John*'s in the said Island of *Newfoundland*, without being under the Protection of Convoy or without Licence being first obtained for that Purpose, during the Time any Admiral or other Person duly authorized by the Lord High Admiral of *Great Britain*, or by the Commissioners for executing the Office of Lord High Admiral for the Time being, to grant Licences for permitting Ships or Vessels to sail or depart without being under the Protection of Convoy, shall be stationed or resident at the said Port of *Saint John*'s. But not to extend to the Port of St. John's.

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

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