

son, which must be signed by the Captain, and one other signing Officer of the ship in which he shall then be serving: If discharged from the service; the certificate must be signed by different persons there mentioned as the case may be, which certificate shall be written or printed on the same paper containing such order, and which order and certificate being presented together, and the said order being paid, such order and certificate shall remain with the Agent paying the same: Provided always, that every such order shall be revokeable at pleasure by the person making the same—Provided also, that no such order shall be valid if the party shall be then residing within the distance of five miles from the place of payment."

Two persons are here pointed out for the Agent to make his payments to, 1st. *the person intitled to the prize money*; that is, *the seaman himself*, and to prove his identity, and that he was on board, two of the conditions, the 59th section of the 45th of the King directs that the Captain shall send to the Agent a list of the persons intitled, with their names, ages, and the description of their persons. Under these words it cannot be contended that any man can demand payment but the very individual, so ascertained, and so personally described—

2. The only other person pointed out is *the person who is authorized by an order in the form prescribed*.

The question then is, whether these words of the Acts are *exclusive* of all other modes of payment. It was admitted by the Counsel against the petition that if the Act had contained negative words

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