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ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

C A P. 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 fail 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 fail 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 fail 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, fail 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 laden with Naval or Military Stores, who shall fail 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.

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.

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

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.

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

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.

No Fee to be taken for any Licence.

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,

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

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.

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. Vessels in Danger from the Enemy, to make Signals, and in case of being boarded Instructions to be destroyed. Penalty 200l.

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

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 Imparance, shall be allowed; and in Default of Penalties how to be sued for and applied.

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 Prosecu-
tions 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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