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ANNO QUADRAGESIMO TERTIO

GEORGI II. REGIS.

C A P. LVII.

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

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

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

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

Masters of Vessels not to separate from Convoy without Leave.

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

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

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

Penalty may be mitigated.

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

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

Sums

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

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 fail 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 fail 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.

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

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

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

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 Licences.

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

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

authorized to
appoint them.

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

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

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

Masters in
Danger of
being board-
ed by the
Enemy, to
make Signal's
to the Rest of
the Fleet, and,
if boarded, to
destroy In-
structions, on
Penalty of
200 *l*.

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

Commence-
ment of Act
as to Vessels
sailing from
Guernsey,
etc. or other
Ports in
Europe, &c.

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

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

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

Recovery and Application of Penalties.

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

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

Limitation of
Actions.

XIV. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, such Action or Suit shall be commenced within Three Calendar Months next after the Fact committed, and not afterwards, and shall be laid in the County or Place where the Cause of Complaint did arise, and not elsewhere; and the Defendant or Defendants in every such

General Issue.

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

Treble Costs.

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.

Vessels laden
with the Pro-
duce of the
Fishery, or
the Growth
of *Newfound-
land* or *La-
brador*, may
sail without
Convoy or
Licence;

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

but not
while any
Person autho-
rized to grant
Licence shall
be stationed
at the Port at
Saint John's.

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

Continuance
of Act.

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

Act may be
altered or re-
pealed this
Session.

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

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