ACT OF BRITISH PARLIAMENT.

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. [*2d July*, 1801.]

Whereas your Majesty has been pleased, by a letter of lord *Grenville*, one of your majesty's principal Secretaries of State, bearing date the 23d day of *January* 1801, to direct the lords commissioners of the Admiralty to revoke the commission of prize heretofore granted to the vice-admiralty courts in the *West Indies*, except at *Jamaica* and *Martinico*: And whereas it is fit and may tend to the due administration of justice, that your majesty should be enabled to make competent provision for the several judges of vice admiralty courts in any two of the islands in the *West Indies*, and at *Halifax in America*; and that the proceedings of the said courts and the fees of the judges and other officers of the said courts should be duly regulated; be it therefore 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 be lawful for his majesty, his heirs and successors, by any order in council, to fix and ascertain proper and adequate salaries for the said judges of the vice-admiralty courts established in any two of the islands in the *West-Indies*, and likewise at *Halifax in America*, not exceeding the sum of two thousand pounds *per Annum* for any one of such judges; and such salary shall be issued, payable, and paid out of the consolidated fund of *Great Britain*.

II. 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 paid out of the said fund of the consolidated fund; and such annuity shall be 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, intituled, *an act for the augmentation of the salaries of the Judges of the courts in* Westminster-Hall, *and also of the lords of session, lords commissioners of judiciary and barons of 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*: Provided always, that no such annuity granted to any such judge shall be valid, unless such judges 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 due execution of his office, which shall be distinctly recited in the said grant.

III. *And be it further enacted*, That it shall be lawful for his majesty, his heirs and successors, to establish rules and regulations for the said courts, and from time to time regulate the fees to be taken by the said judges, and the other officers of the said courts for all acts to be done therein, and to alter and amend such rules and regulations, and make any new rule or rules of fees, as his said majesty, by and with the advice of his council shall deem fit.

IV. *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 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 1st day of January as the same can be done, in every year without account thereof to the commissioners of the navy, and shall carry all sum and sums of money exceeding the said fund of two thousand pounds to the account of the succeeding year, or to the use of such 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.

V. And whereas it is expedient that the powers of the said courts, and the execution of their processes, should be rendered more effectual and easy, be it therefore enacted, that each and every of the said courts, and the several and respective judges and officers thereof in any two of the islands in the West Indies and at Halifax, shall have and may exercise over all prizes carried into any of his majesty's colonies in the West Indies, including therein the Bahama and Bermuda islands, and over all persons in any way concerned therein, and in all matters and things relating thereto, all the powers and authorities, and shall and may put in force all the regulations, provisions, penalties, forfeitures, matters, and things contained therein, as if such prizes had been actually brought into any port of the island or colony where such vice-admiralty court shall be held; and as if the persons concerned therein were actually resident within such island or colony.

VI. *And be it further enacted*, That it shall be lawful for the judges and other officers of the said courts to issue commissions, orders, decrees, attachments, and other processes, to be executed in any other of his Majesty's colonies or territories in the West-Indies or America, including therein the Bahamas and Bermuda islands, for the examination of witnesses for the appraisement and sale of captured property, or for any other purpose of legal adjudication; and all such commissions, orders, decrees, attachments, and processes, shall be valid and effectual, and shall be in full force, and be put in execution, in relation to all matters and things concerned therein by such courts, in every part of his Majesty's colonies, plantations, and territories in the West-Indies and America, including therein the said islands of Bahama and Bermuda, notwithstanding any Law or Laws of any such colonies, plantations or territories to the contrary thereof; and all marshal, officer or other officer, shall be aiding and executing processes of any similar nature, or in default of any such being resident in any island or colony, all officers executing any lawful process, by whomsoever issued, in any such officer shall be called, shall and are hereby required to execute the processes issuing from the said courts, and shall be liable to the same fines, penalties, forfeitures, or punishments, for any contempt or any neglect in executing thereof, as any officer or officers of such or the like description are liable to for such contempt or any neglect in executing thereof, as if such court was established and held in the island, colony or territory within which the functions of any such officer, or any such process, ought to be executed.

VII. And whereas it is expedient that the proceeds of property captured and converted by fate should be secured until final adjudication; be it enacted, That in all cases where a commission of appraisement and sale is granted by the Judge of the Vice-Admiralty court before final sentence, the proceeds of such fate shall not remain in the hands of the captors or their agents, but shall be brought into the registry of the court, and remain subject to the further adjudication of the court of Admiralty.

VIII. And whereas injury is frequently sustained in the sale of captured property in remote parts of his Majesty's dominions, where there are unfitness markets for such fate; be it therefore enacted, That in case of any order for further proof made by any court of vice admiralty, and the claimant thereof declining to take the property whereon such question shall arise upon bail, it shall be lawful for the court before which such question shall be depending, with the consent of the captors and claimants, or their respective agents, to direct such property to be sent to England, and there to be sold by consignees, to be named by such parties as aforesaid, and the proceeds of the sale to be invested and deposited in the Bank of England, in the names of such consignees, subject to the final adjudication, the expences of freight, insurance, and other incidental charges of transportation and fale of the property, to be a charge thereon; and in case it shall appear to any court that the content of the captors shall in any such case be unreasonably withheld, the captors shall (in case of restitution) be adjudged and made answerable, and shall pay such fum as shall be adjudged in any such court to recover the difference in value of property at the time of such restoration, and what would have been the produce thereof if it had been sent for sale to England, such difference to be ascertained, in such cases by such way and means, and such evidence as to what such property would have sold for in Great Britain, and as to the charges to which the same would have been liable, as such court shall deem satisfactory for that purpose.

IX. *And be it further enacted*, That if any one final sentence or adjudication of any such court, an appeal shall be duly entered, it shall be lawful for the court from which such appeal shall be made, at the requisition of the appellant, to direct the property on which such sentence or adjudication shall have taken place, to be sent to England for fale in like manner as herein-before directed, and the proceeds to be deposited in the Bank to abide the decision of the Lords Commissioners of Appeal; or in case the property shall have been converted by fale, the proceeds thereof shall be sent and deposited in like manner; and in case any question or difficulty shall arise respecting any such property or proceeds sent to England, either before or after any such appeal, at any time after the same is in England, or respecting the fale or proceeds thereof, it shall be competent for either the captors or claimants thereof, or their respective agents, upon notice to the adverse parties, or their agents, to apply by their proctor or proctors to the high court of admiralty of the United Kingdom of Great Britain and Ireland, if before the appeal prosecuted, or afterwards to the Lords Commissioners of Appeal, for directions in regard to the fale or management of such property or proceeds, and the Lords Commissioners of Admiralty or Lords Commissioners aforementioned respectively are hereby authorized to give such order and direction therein as the nature and circumstances of the case may require, and the security of the property or proceeds, or for the beneficial employment of the fold proceeds in government securities for the benefit of the parties to any ultimately decreed entitled, and to cause such order and directions to be inforced and put in execution, if the same shall be necessary, by such and the like ways and means, and under and subject to such regulations, forfeitures, rules, and restrictions, as such Court or Lords Commissioners respectively may offer or exercise, in relation to any property or proceeds in the same, in the judgment or control of such Court or Lords Commissioners respectively.

X. And whereas great inconveniences have arisen from delays in forwarding the processes of the court of appeal for obtaining appearances and other interlocutory orders; be it therefore enacted, That in all cases where a commission of appraisement or service upon his majesty's proctor shall be deemed an effectual service upon the commander of the ship making such capture; and that upon taking out of Letters of Marque, the owners of the ship or vessels in respect whereof such Letters of Marque shall be granted, shall nominate a proctor to appear, and be granting, upon Letter of Marque a proctor exercent in the court of appeal in prize causes, with power of revocation and substitution; and service of process upon such proctor shall be deemed an effectual service upon the commanders, owners, and furetes of privateers in all cases where an appeal has been decreed, or shall be entered within fourteen days after sentence; and in case any privateer shall proceed to adjudication against a prize in any other court than that of vice-admiralty, the proctor of Marque shall have illegal for such privateer, it shall be necessary that a proctor shall be registered as aforesaid, together with the names of parties, and the fees for the final appeal, before the usual monition is granted, upon which proctor in like manner the service of the process of the court of appeal shall be effectual: Provided nevertheless, that his majesty's proctor, or any proctor nominated as aforesaid, shall not be answerable for any damages arising to their parties respectively, from no appearance being given on behalf in the court of appeal, unless the proctor so nominated shall have accepted such nomination by a writing under his hand, and also unless the fees shall have sufficiently been paid to enable the instructed their said proctors to appear and defend the appeal.

XI. *And be it further enacted*, That in all cases where the appeal has been entered as aforesaid, a service of the process either upon the commander of the king's ship, or upon his registered agent in this kingdom, or upon his majesty's law officer in the court below, or in cases of captures made by privateers upon the commander of the privateer, or upon either or any of the owners, or upon either of the furetes to the Letters of Marque, shall be deemed a sufficient service upon the parties.

XII. *And be it further enacted*, That in all proceedings had upon captures made by any privateers, the owners shall be deemed and considered parties to all and every part of such proceedings, and the said owners, and likewise the furetes, shall be jointly and severally liable to all orders and decrees made therein and made upon them respectively, immediately after final sentence, without further personal service upon the commander, or putting him in contempt by process of contumacy.

XIII. Provided always, and be it further enacted, That nothing herein contained shall be confirued to prevent any claimant or claimants in whole favour a sentence of restitution shall have been pasfed, or shall be hereafter passed, from having the property claimed by him delivered to him or bail in the manner specified and directed by an act, passed in the thirty-third year of his present majesty, intitled, *an act for the encouragement of seamen, and for the better and more effectually manning his majesty's navy*.

XIV. And whereas it is expedient that the most speedy and effectual means shall be taken to enforce the execution of the orders and decrees of the Lords Commissioners of Appeal, be it therefore enacted, That all interlocutory orders, final decrees, attachments, or other processes issued by the Lords Commissioners of appeal, to be executed in any of his majesty's plantations, may be transmitted to either of the final vice-admiralty courts in which the cause originally depended; and in respect to causes already depending, or which may have depended in any other vice-admiralty court in the West-Indies, including therein the Bahama and Bermuda islands, before his function in matters of prize shall have been revoked, then such order, decree, attachment, or other process may be sent to the final vice-admiralty court, which the lords commissioners of appeal shall direct, there to be registered and carried into execution by the said court; and such order, decree, upon the same being duly complied with, shall take the same effects as if the said order, decree, or attachment, or other process, had originally issued from the said court.

XV. Provided always, and be it further enacted, that nothing in this act contained shall extend, or be confirued to extend, to obtain his majesty, his heirs or successors, from granting any commission of prize to any other court or courts, or from making such further rules or directions relating to any courts of admiralty for the trial, hearing, and adjudication of prizes, as to his majesty, his heirs and successors, with the advice of his or their privy council, shall be thought necessary or proper.

XVI. Provided always, and be it further enacted, that in case his majesty should be pleased to issue any commissions of prize to any other vice-admiralty court in the West-Indies, or in Halifax, shall be subject to the same regulations, and shall possess the same authorities and powers as are provided by this court for the vice-admiralty courts in the two of the islands in the West-Indies and Halifax.

XVII. And be it further enacted, that no person during the time he shall hold the office of judge of any of the said courts, shall either by himself or by any person on his behalf or for his benefit, act as agent, for any prizes that may be captured from the enemy, or shall have any share or interest directly or indirectly in any privateer or letter of marque, shall be any wise concerned in the care, management or superintendance of any estates in any island in the West-Indies, or on the continent of America.

STRASBURGH, July 13.

We have received from Munich, by letters of the 6th inst. the important news that 5000 Austrian cavalry and infantry entered on the 30th of last month, and the following day, into the Upper Palatinate, and that they attacked and defeated the Bavarians posted upon the frontiers of Bohemia, whose commander was wounded.—When this intelligence reached Munich, a grand council of state was held, at which the elector presided, and a numerous body of troops was immediately after dispatched, to oblige the Austrians to evacuate that province, which belongs to the elector of Bavaria. The affair is said to have been occasioned by some differences between the courts of Vienna and Munich, respecting certain fiefs which Austria claims in the Upper Palatinate. The Austrians had not, however, passed Weiden, and Amberg.—Couriers were instantly dispatched by the elector of Berlin and Peterborgh, to request the support of Prussia and Russia.

The schooners Dolphin & Kitty, now lying at Mr. Young's Wharf will constantly take freights every three weeks from this to Annapolis or Baltimore. For terms apply to BROWN and BOYS.

Washington July 15, 1801.

The subscriber respectfully acquaints the public, that he has removed to the corner of North and II streets, where he continues to manufacture and sell all kinds of Ornaments for Chimney pieces, Door Caps, Frontispieces Metal saddles, &c. which may also be had at his store No. 51, Barclay street, New-York, and at Mr. WILD's store, Market street, Baltimore.

GEORGE ANDREWS.

Washington July 8, 1801. 17