2 & 3 Will. 4. c. 40. in part.	An Act to amend the Laws relating to the Business of the Civil Departments of the Navy, and to make other Regulations for more effectually carrying on the Duties of the said Departments - - - } in part; namely, Sections Twenty and Twenty-two wholly, and the following Sections respectively so far as they relate to any Money distributable among the Officers and Crew of any of Her Majesty's Ships of War within the Meaning of The Naval Agency and Distribution Act, 1864; namely, Sections Four, Eight, Nine, Nineteen, Twenty-one, and Twenty-nine.
13 & 14 Vict. c. 40.	An Act to regulate the Disposition of the Naval Prize Balance.
17 & 18 Vict. c. 18.	An Act for the Encouragement of Seamen, and the more effectual manning of Her Majesty's Navy during the present War.
17 & 18 Vict. c. 19. in part.	An Act for facilitating the Payment of HerMajesty's Navy, and the Payment and Distribution of Prize, Bounty, Salvage, and other Monies to and amongst the Officers and Crews of Her Majesty's Ships and Vessels of War; and for the better Regulation of the Accounts relating thereto } :— Except Sections Ten, Eleven, and Twelve, and except Section Thirteen so far as it relates to the paying of the Navy and the keeping of Accounts and Expenses in relation thereto.
26 & 27 Vict. c. 116.	An Act to provide for the Appointment of Navy Prize Agents, and respecting their Duties and Remuneration.

CAP. XXIV.

An Act to provide for the Appointment, Duties, and Remuneration of Agents for Ships of War, and for the Distribution of Salvage, Bounty, Prize, and other Money among the Officers and Crews thereof. [23d *June* 1864.]

BE it enacted by the Queen'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, as follows:

Preliminary.

Short Title.

1. This Act may be cited as The Naval Agency and Distribution Act, 1864

Interpretation of Terms.

2. In this Act—

The Term "the Lords of the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

The Term "the High Court of Admiralty" means the High Court of Admiralty of *England:*

The Term "Ship of War" includes Vessel of War:

The Term "Officers and Crew" includes all Flag Officers, Commanders, and other Officers, Engineers, Seamen, Marines, Soldiers, and others on board any of Her Majesty's Ships of War.

Power for Admiralty to apply Act to any of Her Majesty's Ships.

3. Any Ship or Vessel belonging to Her Majesty, and in actual Service, (other than a Ship of War,) may be declared by the Lords of the Admiralty to be a Ship of War for the Purposes of this Act; and all the Provisions of this Act shall thereupon apply to such Ship or Vessel, and shall continue to so apply as long as she then continues in actual Service, but no longer.

Appointment of Ship's Agent.

Each of Her Majesty's Ships to have an Agent.

4. Each of Her Majesty's Ships of War shall at all Times while in Commission have, for the Purposes of this Act, an Agent styled the Ship's Agent, to be appointed in the first instance as soon as may be after the Ship is put in Commission, and afterwards from Time to Time as a Vacancy in the Office or other Occasion may require.

5. The

5. The Ship's Agent shall be appointed from Time to Time at Pleasure by the Commanding Officer of the Ship for the Time being by an Instrument signed and attested in the Form given in the Schedule to this Act. Ship's Agent to be appointed by Commanding Officer.

6. Any such Instrument shall not have Effect unless and until it is filed in the Registry of the High Court of Admiralty, having been previously registered in the Office of the Accountant General of the Navy. Instrument of Appointment to be registered and filed.

An official Copy of any such Instrument under the Seal of the High Court of Admiralty shall be conclusive Evidence thereof.

7. A Person holding any Office or Employment in Her Majesty's Service or under the Crown, or a Proctor, Attorney, or Solicitor, shall not be capable of being a Ship's Agent. Persons in Service of Crown, Proctors, &c. incapable of being Agents.

If any Person being a Ship's Agent accepts any such Office or Employment, or becomes a Proctor, Attorney, or Solicitor, his Appointment as Ship's Agent shall be thereby vacated.

8. A Partnership Body, not incorporated, may be appointed a Ship's Agent; and in that Case the Partners for the Time being, or any One or more of them, may act as the Agent; and any Change of Partners shall not affect the Appointment. Partnership Body may be a Ship's Agent.

The Names of the Partners shall at the Time of Appointment, and from Time to Time on any Change happening, be registered in the Office of the Accountant General of the Navy, and in the Registry of the High Court of Admiralty.

9. The Appointment of the Ship's Agent shall not be affected by a Change of the Commanding Officer of the Ship. Change of Commanding Officer.

10. The Ship's Agent shall at all Times have an Office or Place of Business within Five Miles of the General Post Office, *London*. Office of Ship's Agent.

11. The Ship's Agent shall be subject to the Jurisdiction and Authority of the High Court of Admiralty as if he were an Officer of the Court, and in case of any Neglect or Misconduct on his Part shall be liable to be proceeded against and punished accordingly. Ship's Agent to be amenable to High Court of Admiralty.

Duties of Ship's Agent.

12. It shall be the Duty of the Ship's Agent, by himself or by a proper Sub-Agent appointed and remunerated by him, to take or cause or procure to be taken all Steps and Proceedings, and do or cause or procure to be done all Things, that may be necessary or proper to be taken or done for any Purpose on behalf or in the Name of the Ship or of the Officers and Crew thereof, or any of them, in the several Cases following: Ship's Agent to act for Ship with respect to Salvage, Bounty, Prize, &c.

In case of Salvage Services rendered to any Ship or Cargo, or otherwise, within the Meaning of the Enactments for the Time being in force relating to Merchant Shipping:

In case of any Breach of any Law respecting National Character or otherwise relating to Merchant Shipping:

In case of any Seizure for Breach of any Law relating to the Customs:

In case of any Seizure or Capture under any Act relating to the Abolition of the Slave Trade.

In case of any Matter arising out of an Attack on or Engagement with Persons alleged to be Pirates, afloat or on Shore:

In case of any Capture, Re-capture, or Destruction of any Ship, Goods, or Thing in Time of War or Hostilities:

In case of any Special Service or other Matter in respect whereof any Grant, Reward, or Remuneration is payable.

Distribution of Salvage, Bounty, Prize, and other Money.

13. Where in any of the several Cases aforesaid any Money is distributable among the Officers and Crew of any of Her Majesty's Ships of War, the Costs, Charges, and Expenses of the Officers and Crew and of the Ship's Agent, and all other (if any) Costs, Charges, or Expenses properly chargeable against that Money, shall be paid thereout before Distribution thereof, Taxation and Payment of Costs of Officers and Crew, Agents, &c.

thereof, all such Costs, Charges, and Expenses being first taxed and allowed by the proper Officer of the Court having Jurisdiction in the Case, and if there is no such Court then by the Registrar of the High Court of Admiralty.

Salvage, Bounty, Prize, and other Money to be distributed according to Order in Council, &c.

14. In the several Cases aforesaid, Money distributable among the Officers and Crew of any of Her Majesty's Ships of War, so far as full Provision respecting the Distribution thereof is not made by or under any Act of Parliament other than this Act, shall be distributed under the Direction of the Lords of the Admiralty in the Shares in that Behalf specified in any Royal Proclamation or Order in Council.

Payment of Shares.

15. The several Shares of any such Money as aforesaid shall be paid to the Persons entitled thereto in such Manner, and subject and according to such Restrictions, Conditions, and Provisions, as may from Time to Time be directed by Order in Council.

Any Assignment, Sale, or Contract of or relating to any such Money as aforesaid, payable in respect of the Services of any Petty Officer or Seaman, Non-commissioned Officer of Marines or Marine, other than such as may be made or entered into under the Authority of and in conformity with any such Order in Council, shall be void.

Exemption from Stamp Duty.

16. All Bills, Orders, Receipts, and other Instruments drawn, given, or made under the Authority or in pursuance of any such Order in Council by, to, or upon any Officer or Person in the Service of Her Majesty or of the Lords of the Admiralty, shall be exempt from Stamp Duty.

Forfeited Shares and Deduction of 5 per Cent. to be carried to Naval Prize Cash Balance.

17. All forfeited and unclaimed Shares and Balances of Prize Money, and a Per-entage of Five Pounds in every One hundred Pounds out of the Proceeds of all Prizes, and out of all Grants to the Royal Navy and Marines, and out of all Bounty Money, and also out of all other Money distributable in the several Cases aforesaid among the Officers and Crew of any of Her Majesty's Ships of War out of which such Per-centage is at the Commencement of this Act by Law deducted, shall, under the Direction of the Lords of the Admiralty, continue to be carried to and to form Part of the Naval Prize Cash Balance.

So much of the Naval Prize Cash Balance as the Lords of the Admiralty think expedient shall from Time to Time by Her Majesty's Paymaster General, under the Authority and Direction of the Lords of the Admiralty, be paid and transferred to the Consolidated Fund of the United Kingdom.

In case at any Time a Claim in respect of Prize or Bounty Money is made which the Naval Prize Cash Balance is not sufficient to meet, there shall be paid out of the said Consolidated Fund a sufficient Sum to meet such Claim.

Agent may be furnished with Copies of Accounts.

18. A Ship's Agent shall be entitled, on Request, and on Payment of reasonable Expenses, to be furnished with Copies of or Extracts from any official Accounts kept under or for the Purposes of this Act in relation to any of Her Majesty's Ships of War for which he is Agent.

Remuneration of Ship's Agent.

Agent to receive Per-centage of 2½ per Cent.

19. Before any such Money as aforesaid is distributed among the Officers and Crew of any of Her Majesty's Ships of War there shall be paid, under the Direction of the Lords of the Admiralty, to the Ship's Agent a Per-centage of Two and a Half *per Centum* on the net Amount actually distributable, as the sole and full Remuneration of the Ship's Agent for his Services in the Case.

Apportionment of Per-centage where more than One Ship, or on Change of Agent.

20. In the following Cases,—

Where more than One of Her Majesty's Ships of War are entitled to participate in any such Money,—

Where the Ship's Agent is changed pending Proceedings,—

the Ship's Agent's Per-centage shall, in case of Difference, be apportioned between or among the respective Agents of the several Ships, or the several Persons having been and being the Ship's Agent (as the Case may be), in such Manner as the Registrar of the High Court of Admiralty thinks just, having regard to the Duration and Character of the Services of

of the several Agents in the Case, subject to Objection to the Registrar's Award to be taken before the Judge of the Court.

Investment of Salvage, Bounty, Prize, and other Money.

Power to Admiralty to direct Investment pending Distribution.

21. Any Money for the Time being awaiting Distribution, but for any Reason not immediately distributable as aforesaid, may, under the Direction of the Lords of the Admiralty, be invested in or on any proper Stocks, Funds, or Securities; and the Proceeds of those Stocks, Funds, or Securities, and any Dividends or Interest accrued due thereon, shall be distributed as the Money invested would have been distributed if an Investment had not been made:

Provided that no such Investment shall be made of any Money pending any adverse Claim thereto, except with the Consent of the Claimant.

Decision as to Distribution or Investment.

Power to High Court of Admiralty to decide Questions relative to Distribution, &c.

22. Where any Question (whether in respect of asserted joint Capture, or in respect of Flag Shares, or in respect of any other Matter) arises concerning the Distribution of any Money distributable as aforesaid, or concerning any Investment thereof, actual or intended, the High Court of Admiralty shall have exclusive Jurisdiction to hear and determine the same; and any Person claiming an Interest in such Money, or the Lords of the Admiralty, may apply to the High Court of Admiralty for a Judgment on that Question; and the Court, after hearing the Parties interested, shall decide thereon, and such Decision shall be final, and shall be binding on all Persons concerned.

Miscellaneous.

Saving Rights of the Crown, Captors, &c.

23. Nothing in this Act shall—

(1.) authorize a Ship's Agent or his Sub-Agent to practise or act as a Proctor, Attorney, Solicitor, or other legal Practitioner in any Court; or

(2.) affect the Right or Power of the Officers and Crew of any of Her Majesty's Ships of War as Salvors, Seizors, Captors, Re-captors, or otherwise, or of any of such Officers and Crew, to take or cause or procure to be taken any Step or Proceeding, or do or cause or procure to be done any Thing, that may be necessary or proper to be taken or done for any Purpose in any Court or elsewhere, in case of the Absence or Default of the Ship's Agent; or

(3.) affect any Right or Power of Control, or other Authority, that Her Majesty has or may exercise in any Prize Cause or other Proceeding.

Not to affect Appointments of Agents under 26 & 27 Vict. c. 116.

24. Nothing in this Act shall invalidate an Appointment of an Agent made before the Commencement of this Act under The Navy Prize Agents Act, 1863; but every Agent so appointed shall, from the Commencement of this Act, be subject to this Act as if he were appointed under it.

Power to make Orders in Council.

25. Her Majesty in Council may from Time to Time make such Orders as seem meet for the better Execution of this Act.

Orders in Council to be gazetted, &c.

26. Every Order in Council under this Act shall be published in the *London Gazette*, and shall be laid before both Houses of Parliament within Thirty Days after the making thereof, if Parliament is then sitting, and, if not, then within Thirty Days after the next Meeting of Parliament.

Commencement of Act.

27. This Act shall commence on such Day not later than the First Day of *January* One thousand eight hundred and sixty-five, as Her Majesty in Council thinks fit to direct.

SCHE-

SCHEDULE.

Form of Appointment of Ship's Agent.

I, (1) Commanding Officer of Her Majesty's (2)
hereby appoint (3) of (4) to be the Ship's Agent for the Purposes of The Naval Agency and Distribution Act, 1864.

Dated the Day of .

Witness, (Signed) *A. B.*

(Signed) *C.D.*

(1) Name of Officer.
(2) Description and Name of Ship.
(3) Name of Agent.
(4) Adress of Agent.

CAP. XXV.

An Act for regulating Naval Prize of War. [23d *June* 1864.]

'WHEREAS it is expedient to enact permanently, with Amendments, such Provisions concerning Naval Prize, and Matters connected therewith, as have heretofore been usually passed at the Beginning of a War;'

Be it therefore enacted by the Queen'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, as follows:

Preliminary.

Short Title.

1. This Act may be cited as The Naval Prize Act, 1864.

Interpretation of Terms.

2. In this Act—

The Term "the Lords of the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

The Term "the High Court of Admiralty" means the High Court of Admiralty of *England*:

The Term "any of Her Majesty's Ships of War" includes any of Her Majesty's Vessels of War, and any hired armed Ship or Vessel in Her Majesty's Service:

The Term "Officers and Crew" includes Flag Officers, Commanders, and other Officers, Engineers, Seamen, Marines, Soldiers, and others on board any of Her Majesty's Ships of War:

The Term "Ship" includes Vessel and Boat, with the Tackle, Furniture, and Apparel of the Ship, Vessel, or Boat:

The Term "Ship Papers" includes all Books, Passes, Sea Briefs, Charter Parties, Bills of Lading, Cockets, Letters, and other Documents and Writings delivered up or found on board a captured Ship:

The Term "Goods" includes all such Things as are by the Course of Admiralty and Law of Nations the Subject of Adjudication as Prize (other than Ships).

I.—Prize Courts.

High Court of Admiralty and other Courts to be Prize Courts for Purposes of Act.

3. The High Court of Admiralty, and every Court of Admiralty or of Vice-Admiralty, or other Court exercising Admiralty Jurisdiction in Her Majesty's Dominions, for the Time being authorized to take cognizance of and judicially proceed in Matters of Prize, shall be a Prize Court within the Meaning of this Act.

Every such Court, other than the High Court of Admiralty, is comprised in the Term "Vice Admiralty Prize Court," when hereafter used in this Act.

High