Recited Act to apply to Trusts, at whatever Time constituted.

**1.** The recited Act is and shall be applicable to all Trusts constituted by virtue of any Deed or Local Act of Parliament under which gratuitous Trustees are nominated, at whatever Time such Trusts may have been or may be constituted.

Acts to extend to gratuitous Trustees ex officio.

**2.** The Expression "gratuitous Trustees" in the recited Act and this Act shall extend to and include gratuitous Trustees who are appointed or who hold *ex officio*.

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## CAP. CXVI.

An Act to provide for the Appointment of Navy Prize Agents, and respecting their Duties and Remuneration. [28th *July* 1863.]

'WHEREAS it is desirable that Provisions should be made for the Appointment of 'Navy Prize Agents, and respecting their Duties and Remuneration:' 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:

Short Title.

**1.** This Act may be cited for all Purposes as "The Navy Prize Agents Act, 1863."

Commencement of Act.

**2.** This Act shall come into operation on the First Day of *October* One thousand eight hundred and sixty-three.

Interpretation of Terms.

**3.** In the Construction of this Act, unless the contrary is expressed or is to be inferred from the Context,

"Her Majesty" shall include Her Majesty, Her Heirs and Successors:

"Lords of the Admiralty" shall mean and include the Lord High Admiral, and also the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* for the Time being:

"Court of Admiralty" shall mean and include the High Court of Admiralty of *England*, and any Admiralty, Vice Admiralty, or other Court within Her Majesty's Dominions which shall be duly authorized to take cognizance of and judicially to proceed in Matters of Prize:

"Government Accountant" shall mean and include any Officer in charge of Public Money, whether belonging to the Commissariat, Customs, or any other Department, who may have been or may be appointed by the Lords of the Treasury or Admiralty, or by One of Her Majesty's Principal Secretaries of State:

"Her Majesty's Ships and Vessels of War" shall mean and include all Ships and Vessels belonging to Her Majesty:

"Officers and Crew" shall mean and include all Flag and other Officers, Engineers, Seamen, Marines, Soldiers, and others on board any of Her Majesty's Ships and Vessels of War:

"Captain or Commanding Officer" shall mean the Captain or other Officer for the Time being in command of any of Her Majesty's Ships and Vessels of War.

Appointment of Agent.

**4.** Each of Her Majesty's Ships and Vessels of War shall at all Times after the Commencement of this Act have an Agent, to be appointed as herein-after provided, who shall at all Times have an Office or Place of Business within Five Miles of the General Post Office, *London*, and who shall represent and act for such Ship or Vessel and the Officers and Crew thereof as herein-after mentioned.

Agent to be appointed after passing of Act.

**5.** The several Agents for Her Majesty's Ships and Vessels of War which shall be in Commission at the Time this Act shall come into operation shall be appointed forthwith after that Date, and the Agents for all Ships and Vessels of War of Her Majesty which shall hereafter be placed in Commission shall be appointed as soon as conveniently may be after the same shall respectively be so placed in Commission.

**6.** Whenever

As to filling up Vacancy of Agent.

**6.** Whenever a Vacancy shall occur in the Office of Agent to any such Ship or Vessel of War by reason of Death or Retirement of the Agent, or from any other Cause, such Vacancy shall forthwith be filled up by the Appointment of some other Person as Agent to such Ship or Vessel.

Agent to be nominated by Captain.

**7.** The Agent for each Ship or Vessel of War shall be nominated and appointed by the Captain or Commanding Officer thereof, and every such Appointment shall be made by a Power of Attorney, duly stamped, executed by such Captain or Commanding Officer under his Hand and Seal, and attested by One Witness at the least.

Power to remove Agent.

**8.** The Captain or Commanding Officer of any Ship or Vessel of War may at any Time remove the Agent for the Time being of such Ship or Vessel from his Office, and may appoint some other Person as Agent in his Stead, and such Revocation and new Appointment shall in like Manner be made by Deed under Seal, duly stamped, executed, and attested as aforesaid: Provided always, that until the Power of Attorney or Deed appointing such new Agent shall have been registered in the High Court of Admiralty in *England*, as herein-after mentioned, and also until Notice of such new Appointment shall have been given to the Accountant General of the Navy, as herein-after provided, the former Agent shall not be deemed to have been removed from his Office and may and shall continue to act as Agent for such Ship or Vessel.

Agent to act until Power revoked.

**9.** The duly appointed Agent of any Ship or Vessel of War shall continue to be and act as such, notwithstanding any Change of the Captain or Commanding Officer of such Ship or Vessel, unless such new Captain or Commanding Officer shall remove him from his Office as Agent and appoint another in his Stead under the Provisions herein-before contained.

No Person holding Office under the Crown to act as Agent.

**10.** No Person holding any Office, Appointment, or Employment in any of Her Majesty's Services, or under the Crown, shall be appointed or be capable of acting as Agent to any Ship or Vessel of War as aforesaid, and if any Person being at the Time Agent to any such Ship or Vessel shall accept any such Office, Appointment, or Employment in any of Her Majesty's Services, or under the Crown, his Office as Agent shall immediately and *ipso facto* become vacant.

Agent before acting to register Power of Appointment in Court of Admiralty.

**11.** Every Agent shall, before acting in any respect under the Provisions of this Act, exhibit the Power of Attorney by which he shall have been appointed, and cause the same to be registered in the High Court of Admiralty, and shall also give Notice of his Appointment to the Accountant General of the Navy.

Agent to take all Proceedings.

**12.** Such Agent shall, by himself or by a proper Sub-Agent appointed and remunerated by him, take all Steps and Proceedings that may be necessary or proper to be taken on behalf and in the Name of such Ship or Vessel of War and the Officers and Crew thereof for or towards procuring the Condemnation of any Prize and the Realization of the Proceeds thereof, and for prosecuting and enforcing the Claims of such Ship or Vessel to such Prize or the Proceeds thereof, or to any Bounty or other Monies: Provided that nothing herein shall deprive any Captain or Commanding Officer of the Right of taking such Proceedings in case of the Absence or Default of any such Agent or Sub-Agent.

Expenses to be paid out of Proceeds of Sale.

**13.** When the Proceeds of any Ships or Goods upon any Sale, or any Bounty or other Monies, shall have been paid in to the Account of Her Majesty's Paymaster General, or into the Hands of some Government Accountant, the Court of Admiralty which may have condemned such Prize, or awarded such Bounty or other Monies, shall direct the Payment thereout of all Costs, Charges, and Expenses which may be chargeable against the same, or which may have been incurred by the Captors or by the Agent under this Act, after such Costs, Charges, and Expenses shall have been taxed or allowed by the Registrar of such Court or his Deputy.

As to Costs and Charges of Sale.

**14.** Such Costs, Charges, and Expenses shall include the reasonable and proper Charges and Expenses of and incident to any such Sale as aforesaid, but shall not include any Charge or Allowance whatsoever in respect of any Services of the Agent of the Ship or Vessel entitled to such Prize or Bounty or other Monies, and such Agent shall be remunerated

nerated for all Labour and Services in connexion with any such Claim solely by the Per-centage or Allowance herein-after provided for.

Allowance to Agent of 2½ per Cent.

**15.** Upon the total Balance of the net Proceeds of any such Prize or of any Bounty or other Monies remaining after Payment of such Costs, Charges, and Expenses as are by Law payable thereout, an Allowance or Per-centage of Two Pounds Ten Shillings *per Centum* of the Amount of such Balance shall be payable to the Agent of the Ship or Vessel of War entitled to such Prize or Bounty or other Monies as and by way of Remuneration for his Service as such Agent, and such Allowance or Per-centage shall be paid to him accordingly immediately after the Time for appealing shall have expired; and where more than One of Her Majesty's Ships and Vessels of War shall be entitled to participate in such Proceeds or Bounty or other Monies, then the total Amount of the Allowance or Per-centage at the Rate aforesaid shall be divided among the several Agents of such Ships and Vessels in the same Proportions as the Ships and Vessels which they respectively represent are entitled to participate in such Proceeds or other Monies, and shall be paid to them respectively accordingly.

Admiralty to distribute Prize Money, &c.

**16.** After Payment to the Agent or Agents of such Allowance or Per-centage, the Residue of such Proceeds or Bounty or other Monies shall, as soon as may be, be distributed by the Lords of the Admiralty to and among the Persons entitled thereto according to their respective Rights and Interests, after the same shall be duly notified in the *London Gazette*.

As to Investment of Prize Money when any Delay in Distribution.

**17.** Whenever the Proceeds of any Prize or the Amount of any Bounty or other Monies have been paid into the Account of Her Majesty's Paymaster General or into the Hands of some Government Accountant as aforesaid, but the same are not immediately distributable, either because an Appeal is pending in respect thereof, or because such Distribution is not to be made until after the Time for appealing has expired, the Court of Admiralty by which such Prize was condemned or such Bounty or other Monies decreed or awarded (as the Case may be) may, on the conjoint Application of the Claimant or his Agent, with the Agent for the Ship or Vessel of War claiming to be entitled thereto, until the Time of Appeal has expired, or after the Expiration of such Time without Appeal, or after final Condemnation, on the Application of the Agent of the Ship or Vessel of War claiming to be entitled thereto, direct such Proceeds or other Amount as aforesaid or any Part thereof to be invested in the Public Funds or Stocks of *Great Britain* and *Ireland*, or upon such other Securities and in such other Manner as such Court may from Time to Time direct, until such Time as the same shall become payable to the Claimant or distributable, and any Interest accruing thereon shall from Time to Time be added to the Principal Monies and shall form Part of the Amount to be afterwards paid or distributed.

Officers not entitled to Prize until granted by Authority.

Powers given to Agents as to Condemnation of Prizes to be subject to Control of Her Majesty, &c.

**18.** Nothing in this Act shall be deemed or construed to entitle the Officers or Crew of any Ship of War to any Prize which shall not have been granted to them by Her Majesty, Her Heirs or Successors, or by the Authority of Parliament; and all the Powers herein-before given to the Agent of any Ship or Vessel of War, to take any Steps or Proceedings for or towards the Condemnation of any Prize, and the Realization of the Proceeds thereof, or for prosecuting and enforcing the Claims of such Ship or Vessel to such Prize, or the Proceeds thereof, or for making or conducting the Sales of any Ships or Goods claimed as Prize after Condemnation thereof, pending any Appeal, or before the Expiration of the Time allowed for appealing against such Condemnation, shall be subject to such and the same Control and Authority of Her Majesty and Her Successors in all respects as has been heretofore possessed or exercised by Her Majesty or any of Her Royal Predecessors in Cases of Prize depending in the High Court of Admiralty.

Act not to extend to Seizures made by Officers of Customs.

**19.** Nothing in this Act contained shall extend or be construed to extend to any Seizure of Ships, Vessels, Goods, or Merchandise made by any Officer or Officers of Customs or of Inland Revenue or Excise, for any Breach of the Laws or Regulations relating to the Customs, Inland Revenue, or Excise, or to Trade and Navigation.