

two eighths; but in case such hired armed vessel shall be under the command of a flag or flags, the flag officer or officers being actually on board, or directing or assisting in the capture, shall have one third of the said two eighth parts, the said one third of the two eighth parts to be paid to such flag or flag officers in such proportion, and subject to such regulations as are herein-after mentioned. In case there be acting on board such hired armed vessel, besides the officer commanding the same, one or more commissioned sea lieutenants in His Majesty's pay, such lieutenant or lieutenants shall take one eighth; one eighth shall belong to the master and mate, of which the master shall take two thirds and the mate one third; but in case there shall be acting on board such hired armed vessel one or more midshipmen, in that case the master shall take one half of the eighth, and the other shall be divided equally between the mate and midshipmen; the remaining four eighth parts shall belong to, and, being divided into shares, be distributed among the other petty officers, men, and boys, in the same proportion as herein-before directed with respect to the division of prize money in His Majesty's ships of war. And in the case of prizes taken by any hired armed vessel, not commanded by any of His Majesty's commissioned officers, one eighth shall belong to the flag officers, to be divided as aforesaid, in case such hired armed vessel shall be under the command of a flag: one eighth shall belong to the master and mate, of which the master shall take two thirds and the mate one third.—Four eighths shall belong to and be divided among the petty officers and crew in manner aforesaid. The surplus, the distribution of which is not herein directed, shall remain at Our disposal, and if not disposed of within a year after final adjudication, the same shall belong to and be paid to Greenwich Hospital; and in the case of prizes taken jointly by any of His Majesty's ships of war or any hired armed vessel, His Majesty's commissioned officer or officers on board such hired armed vessel shall share with the commissioned officer or officers of the same rank on board His Majesty's ship or ships of war, being joint captors; the master of such hired armed vessel shall share with the warrant officers; the mate of such hired armed vessel with the first class of petty officers; and the seamen, landmen, and boys of such hired armed vessel with persons of the same description on board His Majesty's said ship or ships of war; save and except that in case such hired armed vessel shall be commanded by one of His Majesty's commissioned officers, having the rank of master and commander, and there shall be none of His Majesty's lieutenants on board, or in case such hired armed vessel shall be commanded by the master, in both those cases the master of such hired armed vessel shall share with the lieutenants of His Majesty's ships of war, and the mate with the warrant officers; and in case any difficulty shall arise in respect to the said distribution, not herein sufficiently provided for, the same shall be referred to the Lords Commissioners of the Admiralty, whose direction

thereupon shall be final, and have the same force and effect as if herein inserted.

Provided, that if any officer being on board any of His Majesty's ships of war at the time of taking any prize, shall have more commissioned officers than one, such officer shall be entitled only to share or shares of the prizes which, according to the abovementioned distribution, shall belong to his superior commission or office.

Provided also, that in all prizes taken by any of His Majesty's squadrons, ships, or vessels, while acting in conjunction with any squadron, ship, or vessel, of any other powers that may be in alliance with His Majesty, a share of such prizes shall be set apart, and be at Our further disposal, equal to that share which the flag and other officers and crews of such squadron, ships, or vessels, would have been entitled to if they had belonged to His Majesty.

And We do hereby strictly enjoin all commanders of His Majesty's ships and vessels of war taking any prize, to transmit as soon as may be, or cause to be transmitted, to the Commissioners of the Navy, a true list of the names of all the officers, seamen, marines, soldiers, and others who were actually on board His Majesty's ships and vessels of war under their command at the time of the capture; which list shall contain the quality of the service of each person on board, together with the description of the men, taken from the description books of the capturing ship or ships, and their several ratings; and be subscribed by the captain or commanding officer, and three or more of the chief officers on board. And We do hereby require and direct the Commissioners of the Navy, or any three or more of them, to examine, or cause to be examined, such lists by the muster books of such ships and vessels of war and lists annexed thereto, to see that such lists do agree with such muster books and annexed lists, as to the names, qualities, or ratings of the officers, seamen, marines, soldiers, and others belonging to such ships and vessels of war; and upon request, forthwith to grant a certificate of the truth of any list transmitted to them, to the agents nominated and appointed by the captors to take care and dispose of such prize; and also upon application to them (the said Commissioners) to give, or cause to be given, to the said agents, all such lists from the muster books of any such ships of war and annexed lists, as the said agents shall find requisite for their direction in paying the produce of such prizes; and otherwise to be aiding and assisting to the said agents, in all such matters as shall be necessary.

We do hereby further will and direct, that the following regulations shall be observed concerning the one third part of the two eighths hereinbefore mentioned to be granted to the flag or flag officers who shall actually be on board at the taking of any prize, or shall be directing or assisting therein.

First—That a captain of a ship shall be deemed to be under the command of a flag, when he shall actually have received some order directly from, or be acting in execution of some order issued by a flag officer; and in the event of his being directed to join a flag officer on any station, he