

Law, Usage, or Custom to the contrary thereof in any wise notwithstanding.

II. And it is hereby further enacted by the Authority aforesaid, That if several Freighters or Proprietors of any such Gold, Silver, Diamonds, Jewels, Precious Stones, or other Goods or Merchandize, shall suffer any Loss or Damage by any of the means aforesaid in the same Voyage, and the Value of the Ship or Vessel with all her Appurtenances, and the Amount of the Freight due or to grow due during such Voyage, shall not be sufficient to make full Compensation to all and every of them, then such Freighters or Proprietors shall receive their Satisfaction thereout in Average, in Proportion to their respective Losses or Damages: And in every such case it shall and may be lawful to and for such Freighters or Proprietors, or any of them, on behalf of himself and all other such Freighters or Proprietors, or to and for the Owners of such Ship or Vessel, or any of them, on behalf of himself and all the other Part-Owners of such Ship or Vessel, to exhibit a Bill in any Court of Equity for a Discovery of the total Amount of such Losses or Damages, and also of the Value of such Ship or Vessel, Appurtenances, and Freight, and for an equal Distribution and Payment thereof amongst such Freighters or Proprietors, in Proportion to their respective Losses or Damages, according to the Rules of Equity.

III. Provided always, That if any such Bill shall be exhibited by or on the behalf of the Part-Owners of such Ship, the Plaintiff or Plaintiffs shall annex an Affidavit to such Bill or Bills, that he or they do not collude with any of the Defendants thereto, and shall thereby offer to pay the Value of such Ship or Vessel, Appurtenances, and Freight, as such Court shall direct; and such Court shall thereupon take such Method for **724** *ascertaining such Value, as to them shall seem just, and shall direct the Payment thereof in like manner as is now used and practised in cases of Bills of Interpleader.

IV. Provided always, and it is hereby declared and enacted, That nothing in this present Act contained shall extend, or be construed to extend, to impeach, lessen, or discharge any Remedy, which any Person or Persons now hath, or shall or may hereafter have, against all, every, or any of the Masters and Mariners of such Ship or Vessel, for or in respect of any Imbezzlement, secreting, or making away with any Gold, Sil-