

XVIII. And be it enacted, That if several freighters or proprietors of any such goods, wares, or merchandise, 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 the court of chancery 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.

CHAP. XVI.

If several proprietors, to receive satisfaction on average, &c.

XIX. Provided always, That if any such bill shall be exhibited by or on the behalf of the part owners of such ship or vessel, the plaintiff or plaintiffs shall annex an affidavit to such bill, 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 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.

Provido

XX. 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, the master and mariners of such ship or vessel, for or in respect of any imbezzlement, secreting, or making away with any goods, wares, or merchandise, shipped or loaded on board such ship or vessel, or on account of any fraud, abuse, or malversation, of and in such master and mariners respectively; but that it shall and may be lawful to and for every persons or persons, so injured or damaged, to pursue and take such remedy for the same, against the said master and mariners respectively, as he or they might have done before the making of this act.

Provido

XXI. And, To prevent ships or other vessels belonging to the subjects of any state at enmity or war with this state from trading with registers granted in virtue of this act:

XXII. Be it enacted, That the master or person having the charge of any ship or other vessel above thirty feet keel, shall, on his entry and producing the register for his vessel, take the following oath or affirmation before the naval officer, to wit: "I, A. B. do swear (or solemnly, sincerely, and truly, declare and affirm) that the ship or vessel called _____ whereof I am master, or have the charge or command during this present voyage, of the burthen of _____ tons, came _____ last

Masters, &c. to make oath, &c.