

Reward to Insurer, discovering.

XVI. And be it further enacted by the Authority aforesaid, That if the Insurer, Conveyor, or Manager of such Fraud, be the Discoverer of the same, he shall not only keep and enjoy the Insurance Money or Reward given him, and be discharged of the Penalties to which he is liable by reason of such Offence, but shall also have to his own Use one Half of the Forfeitures hereby imposed upon the Party or Parties making such Insurance or Agreement, or receiving the Goods as aforesaid; and in case no Discovery shall be made by the Insurer, Conveyor, or Manager as aforesaid, and the Party or Parties insured or concerned in such Agreement shall make Discovery thereof, he shall recover and receive back such Insurance Money or *Premium*, as he hath paid upon such Insurance or Agreement, and shall have to his own Use one Moiety of the Forfeitures imposed upon such Insurer, Conveyor, or Manager as aforesaid, and shall also be discharged of the Forfeitures hereby imposed upon him or them.

Manner of recovering the Penalty.

XVII. And be it enacted, That all the said Penalties and Forfeitures shall be recoverable according to the Course of the Court of *Exchequer*, in like Manner as other Penalties and Forfeitures in like Cases are recoverable.

Proviso.

XVIII. Provided, That no Penalty hereby inflicted shall be recoverable, unless the same be prosecuted within twelve Months after the Time such Fact was committed; any thing in this Act to the contrary notwithstanding.

Application of the Duties.

XIX. And for preventing Doubts touching the Application of Monies, which shall accrue to their Majesties for the Custom of Prize-goods, be it declared and directed by the Authority aforesaid, That all Duties, as well Customs as Imposts, and by what Act or Acts soever, that shall accrue and be payable to their Majesties at the Custom-house after the five and twentieth Day of *March* one thousand six hundred ninety-three, for any Goods or Merchandize taken, condemned, and sold as Prize, shall be applied intirely to the Credit of an Act of this present Session of Parliament, intituled, *An Act for granting to their Majesties certain additional Impositions upon several Goods and Merchandize, for the prosecuting the present War against France*, any other Act to the contrary in any wise notwithstanding.

4 & 5 W. & M. c. 5.

### C A P. XVI.

#### An Act to prevent Frauds by clandestine Mortgages.

WHEREAS great Frauds and Deceits are too often practised by necessitous and evil-disposed Persons in borrowing of Money, and giving Judgments, Statutes, and Recognizances privately, for securing the Repayment of the said Money, and the same Persons do afterwards borrow Money upon Security of their Lands of other Persons, and do not acquaint the latter Lender thereof with the same, wherby such late Lender is very often in Danger to lose his whole Money, or forced to pay off the Debts secured by the said Judgments, Statutes, and Recognizances, before they can have any Benefit of the said Mortgages: And whereas divers Persons do many Times mortgage their Lands more than once, without giving Notice of their first Mortgage, whereby Lenders of Money upon Second or after Mortgages do often lose their Money, and are put to great Charges in Suits and otherwise. For Remedy whereof, and preventing the same as much as may be for the future.

Debtor upon Judgment, &c. taking up Money of another upon a Mortgage, without Notice of the Judgment to the Mortgagee, shall lose his Equity to redeem.

II. Be it enacted by the King's and Queen's most Excellent Majesties, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons, from and after the first Day of *May* which shall be in the Year of our Lord one thousand six hundred ninety and three, shall borrow any Money, or for any other valuable Consideration, for the Payment thereof, voluntarily give, acknowledge, permit, or suffer to be entred, against him or them, one or more Judgment or Judgments, Statute or Statutes, Recognizance or Recognizances, to any Person or Persons, Creditor or Creditors; and if the said Borrower or Borrowers, Debtor or Debtors, shall afterwards take up or borrow any other Sum or Sums of Money of any other Person or Persons, or for other valuable Consideration become indebted to such Person or Persons, and for securing the Repayment and Discharge thereof, shall mortgage his, her, or their Lands or Tenements, or any Part thereof, to the said second or other Lender or Lenders of the said Money, Creditor or Creditors, or to any other Person or Persons in Trust for, or to the Use of, such second or other Lender or Lenders, Creditor or Creditors, and shall not give Notice to the said Mortgagee or Mortgagees of the said Judgment or Judgments, Statute or Statutes, Recognizance or Recognizances, in Writing under his, her or their Hand or Hands, before the Execution of the said Mortgage or Mortgages; unless such Mortgager or Mortgagers, his, her, or their Heirs, upon notice to him, her or them, given by the Mortgagee or Mortgagees of the said Lands and Tenements, his, her, or their Heirs, Executors, Administrators, or Assigns, in Writing under his, her, or their Hands and Seals, attested by two or more sufficient Witnesses, of any such former Judgment or Judgments, Statute or Statutes, Recognizance or Recognizances, shall within six Months pay off and discharge the said Judgment or Judgments, Statute or Statutes, Recognizance or Recognizances, and all Interest and Charges due thereupon, and cause or procure the same to be vacated or discharged by Record; that then the Mortgager or Mortgagers of the said Lands and Tenements, his, her, or their Heirs, Executors, Administrators, or Assigns, shall have no Benefit or Remedy against the said Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Administrators, or Assigns, or any of them, in Equity or elsewhere, for Redemption of the said Lands and Tenements, or any Part thereof; but the said Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Administrators, and Assigns, shall and may hold and enjoy the said Lands and Tenements for such

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Estate and Term therein, as were or was granted and settled to the said Mortgagee or Mortgagees, against the said Mortgager or Mortgagers, and all Person and Persons lawfully claiming from, by, or under him, her, or them, freed from Equity of Redemption, and as fully to all Intents and Purposes whatsoever, as if the same had been purchased absolutely and without any Power or Liberty of Redemption.

III. And be it further enacted by the Authority aforesaid, That if any Person or Persons, who have or hath once mortgaged, or from and after the said first Day of *May* shall mortgage, any Lands or Tenements to any Person or Persons, for Security of Money lent, or otherwise accrued or become due, or for other valuable Considerations; and if the said Mortgager or Mortgagers shall again mortgage the same Lands or Tenements, or any Part thereof, to any other Person or Persons for valuable Considerations (the said former Mortgage being in Force and not discharged) and shall not discover to the said second or other Mortgagee or Mortgagees, or some or one of them, the former Mortgage or Mortgages, in Writing under his or their Hands; that then and in those Cases also, the said Mortgager or Mortgagers, his, her, or their Heirs, Executors, Administrators, or Assigns, shall have no Relief or Equity of Redemption against the said second or after Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Administrators, or Assigns, upon the said After Mortgage or Mortgages, but that such Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Administrators, and Assigns, shall and may hold and enjoy such more than once mortgaged Lands and Tenements, for such Estate and Term therein, as were or was granted and conveyed by the said Mortgager or Mortgagers, against him, her, or them, his, her, or their Heirs, Executors, or Administrators respectively, freed from Equity of Redemption, and as fully to all Intents and Purposes, as if the same had been an absolute Purchase, and without any Power or Liberty of Redemption.

IV. Provided always, and be it further enacted by the Authority aforesaid, That nevertheless if it so happen there be more than one Mortgage at the same Time made by any Person or Persons, to any Person or Persons, of the same Lands and Tenements, the several late or under Mortgagees, his, her, or their Heirs, Executors, Administrators, or Assigns, shall have Power to redeem any former Mortgage or Mortgages, upon Payment of the Principal Debt, Interest, and Costs of Suit, to the prior Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Administrators, or Assigns; any thing herein contained to the contrary thereof in any wise notwithstanding.

V. Provided always, That nothing in this Act contained shall be construed, deemed, or extended, to bar any Widow of any Mortgager of Lands or Tenements from her Dower and Right in or to the said Lands, who did not legally join with her Husband in such Mortgage, or otherwise lawfully bar or exclude herself from such her Dower or Right.

C A P. XVII.

An Act for the regaining, encouraging, and settling the *Greenland* Trade.

WHEREAS the Trade to *Greenland* and the *Greenland* Seas, in the fishing for Whales there, hath been heretofore a very beneficial Trade to this Kingdom, not only in the employing great Numbers of Seamen and Ships, and consuming great Quantities of Provisions, but also in the bringing into this Nation great Quantities of Oil, Blubber, and Fins:

II. And whereas neighbouring Nations do yearly make great Advantage thereby, not only supplying themselves with that Sort of Oil and Fins, but by vending into other Parts great Quantities thereof, and particularly into this Kingdom, where the said Trade is now quite decayed and lost.

III. And whereas several Merchants of this Kingdom did heretofore endeavour to settle and regain the said Trade, and for their Encouragement therein, it was by an Act of Parliament made in the five and twentieth Year of the Reign of his late Majesty King *Charles* the Second, intituled, *An Act for the Encouragement of the Greenland and Eastland Trades, and for the better securing the Plantation Trade* (amongst other Things) enacted, That in regard there was then great want of Harponiers and Seamen skilled and exercised in the Trade of Whale-fishing, it should and might be lawful for any Ship or Vessel truly belonging to *England*, *Wales*, or the Town of *Berwick upon Tweed*, and whereof the Master should be an *Englishman*, and inhabiting within the Places aforesaid, from and after the first Day of *May* which was in the Year of our Lord one thousand six hundred seventy and three, and until the five and twentieth Day of *March* which was in the Year of our Lord one thousand six hundred ninety and three, employed for the catching of Whales, during such Voyage, to be navigated with one Moiety of the Harponiers and one Moiety of the rest of the Mariners only *English*, and yet to pay no further or other Custom for the Oil, Blubber, or Fins, caught or imported in such Ship or Vessel, than if such Ship or Vessel had been navigated with three Fourths of the Mariners *English*; which said Act was by another Act of Parliament made in the second Year of their present Majesties Reign, intituled, *An Act for granting to their Majesties a Subsidy of Tonnage and Poundage, and other Sums of Money payable upon Merchandizes exported and imported*, continued for four Years:

IV. And whereas several Merchants and other Persons of this Kingdom were by the first recited Act encouraged to fit out and send to the said *Greenland* Seas some Ships or Vessels for the catching of Whales, whereby some small Quantities of Oil, Blubber, and Whale-fins were imported into this Kingdom, but they not being able to carry on the said Trade upon their single or separate Interest, in regard that the neighbouring Nations did yearly send far greater Numbers of Ships into those Seas, the said Merchants and other Persons of this Kingdom were forced to desist from following the said Trade, which is now