REGLAMENTO PROVISIONAL

DE

CORSO.

A PROVISIONAL ORDINANCE

TO REGULATE

PRIVATEERING.

EL DIRECTOR SUPREMO DE LAS PROVINCIAS-UNIDAS DE SUD-AMERICA.

La guerra sangrienta que el rey D. Fernando VII. desde su restitucion al trono de sus padres ha continuado por medio de tiranos contra todos los pueblos del nuevo mundo que han reclamado su inmunidad natural, exige las medidas de retaliacion que permite el derecho de gentes, y hacer sentir á la nacion española las consecuencias de la bárbara obstinacion de su monarca fascinado por ministros corrompidos contra el justo clamor de los americanos injuriados. La humanidad insultada por los crueles agentes de la corte de Madrid, y la infraccion de las leyes divinas y humanas que ha garantido hasta aqui la devastacion y el incendio ejecutado por jefes españoles en todos los ángulos de la América que desgraciadamente han llegado á pisar, justificarian en el concepto de todo el orbe cualquiera golpe derivado de la represalia; pero huyendo de manchar los principios santos en que descansa la emancipacion de las Provincias-Unidas del Sud con determinaciones indignas de la ilustracion del siglo, tratando de ajustar mis pasos al sistema de guerra, que está en uso entre naciones civilizadas, y convencido de

BY THE SUPREME DIRECTOR OF THE UNITED PROVINCES OF SOUTH AMERICA.

The bloody war which king Ferdinand VII. has, since his restoration to the throne of his ancestors, prosecuted through his myrmidons against all the inhabitants of the New World, who have claimed their natural freedom, demands that a recourse should be bad to the measures of retaliation, which the law of nations permits; in order to make the Spanish nation sensible of the consequences attending the barbarous obstinacy of her monarch, fascinated by corrupted ministers against the just claims of the injured Americans. The insults offered to mankind by the cruel agents of the court of Madrid, and the approbation by which she has until now warranted all the acts of devastation, which in contempt of divine and human laws, the Spanish leaders have laid both with fire and sword, throughout all the quarters of America unluckily visited by them, would in the opinion of all the world justify any step towards reprisals. But being myself unwil-

los progresos adquiridos por los corsarios de los gobiernos libres de América, he resuelto dar la extension conveniente á las hostilidades en la mar y hacer mas expectables les perjuicios que el rey D. Fernando en su decreto de 8 de Febrero del año corriente confiesa haberse ya inferido contra sus vasallos por esta clase de guerra, sosteniéndola vigorosamente mientras que la España no reconozca la independencia proclamada por el CONGRESO SOBERANO DEL ESTADO, de cuya direccion y seguridad me hallo encargado; y á efecto de interceptar la navegacion y comercio de uno y otro pais por la oposicion de las fuerzas navales habilitadas en forma regular de cuenta de la nacion ó armadores particulares, he resuelto que en lo sucesivo se continúe el corso contra los súbditos de Fernando VII. y sus propiedades con arreglo á los artículos que contiene el reglamento provisional que sigue.

ling to tarnish by acts unworthy the illustration of the present era, the holy principles on which the emancipation of the United Provinces of the South rests, and resolved to regulate my conduct by that system of war, which is received among civilized nations; being likewise aware of the advantages obtained by the privateers of the free governments of America, I have determined to give a suitable encouragement and extent to the hostilities by sea, in order to increase the damages, which king Ferdinand himself, in his decree of the eighth of February of this present year, avows to have already been caused to his subjects by this kind of warfare: which is to be vigorously prosecuted until Spain shall acknowledge the Independence proclaimed by the Sovereign Congress of these Provinces; with the direction of which I am entrusted.

And for the purpose of intercepting the navigation and commerce of both countries, by opposing the naval forces authorised in regular due form by this state or by the private individuals, I have resolved, that privateering shall henceforth be continued against the subjects of Ferdinand VII, and their properties; and that the same be done, strictly observing the provisions and regulations laid down and enacted in the following Provisional Ordinance.

REGLAMENTO PROVISIONAL DE CORSO.

ARTÍCULO. 1.

El gobierno concederá patente de corso á todo individuo que solicite armar algun buque contra bandera enemiga, previa la fianza que estime conveniente ante la comisaria de marina; explicando en la instancia la clase de embarcacion, que tuviese destinada, su porte, armas, pertrechos, y gente de dotacion.

2

Concedido el permiso para armar en corso facilitará el comandante de marina la pronta habilitacion del buque por todos los medios, que dependan de sus facultades, consintiéndole reciba toda la gente que quisiere á excepcion de la que estuviere nombrada para servicio del estado, ó actualmente en él. Concluida la habilitacion entregará al capitan copia de este reglamento y de las prevenciones, que se le comunicaren por la via reservada de marina sobre el modo con que debe comportarse en algunos casos con las embarcaciones neutrales, especialmente con las naciones cuyas banderas gozaren de inmunidades, ó privilegios fundados en los tratados ó convenios hechos con ellas, para su puntual observancia en la parte que le tocare.

A PROVISIONAL ORDINANCE TO REGULATE PRIVATEERING.

ARTICLE 1st.

This Government will grant commissions or letters of marque, to those persons who may apply for the same, to arm any vessel in order to act as privateer against all vessels sailing under the enemy, s flag: the requisite bond being previously given therefor at the Naval Department. In such applications a description must be made of the kind of the vessel intended for that purpose, her tonnage, arms, ammunitious and crew.

2

A commission being granted to arm any vessel as a privateer, the naval commander will give by all the means within his power, every facility to expedite the fitting out of any such vessel; allowing her to receivs all the men she may require, excepting such as be appointed for the service of the State, or actually employed therein. The equipment of the vessel being finished, the same commander must deliver to her captain a copy of this Ordinance; together with all other regulations made known to him through the private way of communications of the Naval Department, touching the manner in which he is to act in particular cases with neutral vessels, more especially of such nations the flags of whicg may be entitled to certain immunities or privileges, arising from the treaties or agreements made with them, for the most punctual observance thereof in the part within his province.

3

Los oficiales de los buques corsarios quedán baxo la proteccion de las leyes del Estado, y gozarán aunque sean extrangeros de los privilegios é inmunidades, que qualquier ciudadano americano mientras permanezcan en servicio.

4

Los armadores están facultados para celebrar las contratas que les agraden con la oficialidad, y tripulacion de los corsarios con tal que no contengan eláusulas que estén en oposicion con los decretos é instrucciones del Gobierno; debiendo dejar constancia en la comandancia general de Marina de la que hicieren, la que cuidará de su mas exacto cumplimiento.

5

Bajo la correspondiente fianza se franquearán de los almacenes del Estado los cañones, fusiles pólvora y municiones, que faltaren á los armadores para el completo de la habilitacion del corsario, con cargo de devolver, concluido el corso, los articulos suplidos, no estando obligados á abonar el demérito ó consumo causado por el servicio, y quedará absuelto de toda responsabilidad, justificando naufragio ú apresamiento del corsario.

3

The officers of the commissioned vessels or privateers are under the protection of the laws of these United Provinces: and they shall enjoy, even if foreigners, all the privileges and immunities of any other citizen thereof, whilst they be employed in their service.

4

The owners of such privateers are at liberty to enter into any agreements, they may please, with the officer and crew of the same; provided they do not contain any clause contrary to the laws and ordinances of these United Provinces. It being the duty of the owners, as aforesaid, to present a copy of the agreements, they may make to the Department of the General Commander of the Navy; where care must be taken that the same must be strictly fulfilled.

5

The owners of privateers, on giving the corresponding bond, will be furnished from the public magazines of the United Provinces with the guns, muskets, gun powder, and ammunitions they may be in want of, for the complete equipment of the privateer; under the condition to return after the expiration of the cruise, the articles thus supplied. They not being obliged to make any allowance for the demerit, or consumption thereof, caused by their use in the service. And in the case of either wreck or capture of the privateer, the same being proved, they shall be freed from all responsibility.

6

Los corsarios serán visitados al tiempo de su salida por una comision de la Comandancia General de Marina, la cual les leerá las leyes penales, de que pondrá constancia en la nota de visita, y se entregará una copia de ellas á los Comandantes para que sean leidas á la tripulacion, cada ocho dias, y si se habilitasen en puertos amigos, serán visitados por los Cónsules ó agentes del Gobierno conforme á sus particulares instrucciones.

7

Los efectos, caldos y demas artículos de consumo del pais que se introduzcan procedentes de cargamentos de presas, deberán ser liquidados por la Aduana como cualquier otro cargamento de comercio, incluyendo todos los ramos agenos; y del total de derechos que resulten, se rebajará la tercera parte en beneficio de los apresadores.

8

Toda presa será remitida á los puertos del Estado para ser juzgada por los trámites legales y de uso en semejantes casos; pero si ocurriere alguna circunstancia extraordinaria que lo embaraze, usará el Comandante del Corsario de todo arbitrio, consultando su seguridad, y reservando los documentos justificativos, que presentará á su tiempo al tribunal competente.

6

The privateers are to be visited at the time of their departure by the commissioners appointed by the Commander General of the Navy; who shall read to them the penal laws, a copy whereof must be given to their Commanders, with injunctions to read them to the crew once a week, a mention of which circumstance is to be made in the certificate of the visit. Should the privateers be cleared, in friendly ports, they shall be visited by the Cnnsuls or agents of these United Provinces in pursuance of their private instructions.

7

All merchandize, liquors, and other articles fit for the consumption of the country, which may be imported, as proceeding from captured cargoes, must be appraised by the Custom-House including all other branches, the same as any other cargo of commerce: and out of the amount total of duties which may result therefrom, a third part shall be deducted for the benefit of the captors.

8

All prizes must be sent to the ports of these United Provinces, there to be judged in the customary lawful way in such cases; but should there occur any extraordinary circumstance, that might prevent it, the commander of the privateer consulting the security, may have recourse to all other means, reserving documents justifying the same, in order to present them in due time before the competent tribunal.

9

La plata y oro en moneda, piña, ó barra satisfará al Estado un seis por ciento en compensacion del beneficio que se dispensa en los artículos 5. y 7. y por ser capital procedente de apresamiento.

10

La plata ú oro en alhajas de lujo, pagarán á su introduccion los mismos derechos, que otro cualquier efecto comercial, segun el aforo particular que sufran.

11

Los corsarios que se tomasen al enemigo comunicaciones interesantes, ú oficios de rango &c. ó hicieren al enemigo otra hostilidad semejante, serán agraciados de un modo digno de la generosidad del gobierno, y en proporcion á la importancia del servicio que hubieren prestado.

12

El Gobierno promete un premio á todo corsario que haga presa de transporte enemigo con tropas, municiones ó útiles de guerra dirijidos á hostilizar los paises libres de América, ó reforzar algun punto de los dominios españoles, el cual se regulará segun el caso y circunstancias, graduándole con arreglo al contenido de la presa.

13

Los comandantes de los corsarios destinados á destruir el comercio español, sin ser crueles en el tratamiento de los prisioneros, incendiarán y destruirán todo buque enemigo de alta mar

9

Silver and gold whether coined or in bars, or bullion, being a capital proceeding from capture, shall pay to the treasury of these Uniten Provinces at the rate of six per centum; as a compensation for the benefits granted in the fifth and seventh articles.

10

Silver and gold manufactured into articles of luxury, shall on their importation pay the same duties as any other commercial article, according to the particular valuation that may be made of them.

11

The privateers that may take from the enemy important communications, officers of rank, &c. or that may cause such like damages to the enemy, shall be rewarded in a manner worthy the generosity of these United Provinces, an in proportion to the importance of the service, they may have thus rendered.

12

The Government of these United Provinces offers a reward to all privateers, that shall capture a transport of the enemy with troops, ammunitions, or other warlike accoutrements, destined to commit hostilities against the free countries of America, or to reinforce any part of the Spanish dominions. Which reward shall be regulated according to the circumstances of the case and in proportion to the amount of the capture.

13

The commanders of the privateers engaged to desiroy the Spanish commerce without being cruel in the treatment of the prisoners, shall burn and sink in the high seas, every enemy's vessell

que por su poco valor no quisieren conducir apresado; y se prohibe á dichos comandantes bajo las penas, que hubiere lugar, la libertad de devolver por pretexto alguno, ni dejar en poder de los enemigos, embarcacion alguna de la clase indicada, reputándose como una hostilidad al pais cualesquiera gracia de esta naturaleza.

14

Los buques apresados serán libres de derechos y pagarán solo los correspondientes al puerto.

15

Los artículos de guerra apresados serán libres de derechos: si el Gobierno los necesitase, los tomará por un diez por ciento menos de sus precios en el mercado.

16

Los negros apresados serán remitidos á nuestros puertos, y el Gobierno gratificará cincuenta pesos por cada uno de los que sean útiles para las armas, de doce años á cuarenta inclusive, con solo el cargo de servir cuatro años en el ejército, y serán libres de derechos. Excediendo aquella edad, bajando de la de doce, ó si fuesen inútiles en la de servicio, serán absolutamente libres, y el Gobierno los distribuirá á tutela.

17

Los negros apresados, que no se puedan introducir en nuestros puertos por su bloqueo, inutilidad del buque &c. serán remitidos á puertos de las naciones libres de América, y entregados allí á

which they may deem unworthy to man as a prize, owing to her small value, And they are prohibited, under the penalties which the case may require, the liberty either to return, or leave in the possession of the enemy under any pretext whatever, any vessel of the aforesaid class: any grace on the contrary being considered as an hostility against the United Provinces.

14

Captured vessels shall be free of all duties, those of the port excepted.

15

All articles of war captured shall be free of duties. In case of the same being wanted by this Government, it may take them at the rate of ten per centum below the current prices in the market.

16

Should any slaves be captured, they must be sent to the ports of these United Provinces, and the Government will allow as a bounty the sum of fifty dollars for each of such slaves as be fit to take up arms, from the age of twelve to forty years inclusively; they being obliged to serve only four years in the armies, and then they shall be free of duties. Should they be either over or under that age, or unfit for the army, they will be absolutely free, and this government will distribute them in guardianship.

17

Any slaves captured, that on account of the blockades, or unfitness of the vessel, &c. cannot be brought into the ports of these United Provinces, shall be sent to those of the free nations of America; and there given up to the disposal of

disposicion de aquellos Gobiernos, con la precisa calidad de no poder ser vendidos como esclavos, bajo las penas de ser excluidos los contraventores de todo privilegio sean cuantos fuesen sus servicios, y del amparo de las leyes de un pais que detesta la esclavitud, y ha prohibido este cruel comercio de la humanidad.

18

El conocimiento de las presas que los corsarios condujeren ó remitieren á nuestros puertos, corresponderá privativamente al tribunal de ellas.

19

Resultando de la sentencia de dicho tribunal no ser legítima la presa ó no haber lugar para su detencion, se pondrá incontinente en libertad sin causarla el menor gasto ni aun con respecto á los derechos de puerto. Y si bajo de este ú otro pretexto se le detuviere por mas tiempo, serán de cargo de los causantes de esta nueva detencion los daños y perjuicios que resultaren á los propietarios.

20

Si el corsario apresador no estuviere satisfecho de la declaracion del tribunal, y quisiere seguir la instancia, se admitirá el recurso á mi persona con poder especial de los interesados precediendo la competente fianza, que deberá dar á satisfaccion del capitan apresado antes de mejorar la apelacion, para responder á este de los daños y

those Governments, with the expressed condition not to sell them as slaves; under the penalties to the transgressors, of being deprived of all their privileges, whatever their services may be, and also of the protection of the laws of these United Provinces, who detest slavery, and have prohibited this cruel trade of human flesh.

18

The cognizance of the prizes which the privateers may bring or send into our ports, shall exclusively belong to the Court appointed therfor.

19

Should it be declared by the sentence of the said Court, that the captured vessel is not a lawful prize, or that there is no reason to detain her, she shall be forthwith set at liberty; without causing her the least expence, being exempted even from the duties of the port. And in case of said vessel being detained any longer, under that or any other pretext, all the damages and detriments which on that score may befall on her owners, shall be laid to the charge of the persons causing the same.

20

If the captor does not acquiesce in the sentence of the court of prizes, and intends to appeal from it, having a special power from the concerned therefor, he is allowed so to do to the Supreme Director: on his giving, previously to the entering of such an appeal, the corresponding bond to the satisfaction of the captured captain, to answer unto him for all the damages and detriments, which this may have a right to claim of the said

perjuicios que por razon de estadias, averias y deterioracion del buque y de la carga, pérdida de tiempo y fletes, y demas ocurrencias reclamare contra dicho apresador despues de confirmada la primera sentencia. Estos perjuicios con las costas del proceso, los deberá pagar este último al capitan apresado antes de su salida del puerto; y si no se hallare en estado de hacer dicho pago se recurrirá á la fianza ó al fiador que hubiese dado, obligándole á lo mismo sin otra formalidad ni espera, y con todo el rigor de las leyes.

21

Ningun individuo que goce sueldo por marina, ha de exigir estipendio ó contribucion por las diligencias en que se hubiere empleado en el juzgado de presas; y se les prohibe se adjudiquen ó apropien mercaderías ú otros efectos de ellas, pena de confiscacion, y de privacion de empleo.

22

Los buques armados en corso podrán reconocer las embarcaciones de comercio de cualquiera nacion, obligándolas á que manifiesten sus patentes, y pasaportes, escrituras de pertenencia, y contratas de fletamento con los diarios de navegacion y roles ó listas de las tripulaciones y pasageros. Esta averiguacion se ejecutará sin usar de violencia ni ocasionar perjuicios ó atraso considerable á las embarcaciones, pasando á reconocerlos á su bordo, ó haciendo venir al patron ó

captor, after the confirmation of the first sentence, on account of the detention and demorage, loss of time and freights, damages and deterioration of both vessel and cargo, and any other occurrences. Which damage, together with the costs of the prosecution, shall be paid unto the captured captain by the captor, before his leaving the port; and in case of his not being in a condition to perform the payment, a recourse shall be had to the bonds or sureties he may have given: who without any further step or delay shall be obliged to do it by all the rigour of the law.

21

No person enjoying a salary from the Naval Department, shall exact any fees, stipend or contribution for services rendered in the Court of prizes. They are also prohibited to take or appropriate to themselves any merchandise, or other articles of prize goods, under the penalty of confiscation, and of the loss of their employment.

22

All privateers and letters of marque are authorised to board all commercial vessels of any nation, and to oblige them to exhibit their sea-letters, passes, commissions and passports, together with the documents showing the ownership of the vessel, charterparties or agreements of freight, the journal or log book, the roll d'equipage and the lists of the crew and passengers. This examination shall be made without employing any violence, or causing any damages or considerable detention to the vessels on board whereof the same is to be performed, and whose mas-

capitan con los papeles expresados, los cuales se examinarán con cuidado por el capitan del corsario, ó por el intérprete que llevare á su bordo para estos casos; y no habiendo causa para detenerlas mas tiempo, se las dejará continuar libremente su navegacion. Si alguna resistiere sujetarse á este regular exámen, podrá obligarla por la fuerza: pero en ningun caso podrán los oficiales ó individuos de las tripulaciones de los corsarios exigir contribucion alguna de los capitanes, marineros y pasageros de las embarcaciones que reconozcan, ni hacerles ni permitir que les hagan extorsion ó violencia de cualquiera clase, pena de ser castigados ejemplarmente, extendiendo el castigo hasta la de muerte, segun la gravedad de los casos.

23

Cuando los capitanes de las embarcaciones en que se hallaren algunos efectos de enemigos, declaren de buena fé que lo son, se ejecutará su transbordo sin interrumpirles su navegacion, ni detenerlos mas tiempo que el necesario, permitiéndolo la seguridad de la embarcacion; y en el expresado caso se dará á dichos capitanes recibo de los efectos que trasborden, explicando en él todas las circunstancias que ocurran y no pudiendo pagarles en efectivo el flete que les corresponda por dichos efectos hasta el parage de su destino, con arreglo á los conocimientos ó á las contratas de fletamento, se les firmará un pagaré ó

ter or captain, with the above said documents, shall be ordered on board the privateer, that her captain may attentively examine them himself, or cause the same to be done by the Interpreter, he may have for that purpose. And in case of no cause being found to detain the vessel any longer, she shall be permitted freely to continue her navigation. Should any vessel resist this examination, the privateer may oblige her to it by force. But the officers, as well as other individuals belonging to crews of said privateers, can in no case exact or require any contribution from the captains, sailors or passengers of the vessels they may board; neither cause, nor permit to be caused to them any extortion or violence of any kind whatsoever; under the penalty of being exemplarily punished, even unto death according to the enormity of the case.

23

When the captain of the vessels on board of which there should be any articles belonging to the enemies, should *bona-fide* declare them so to be, the removal therof shall be made without interrupting the navigation, or detaining them longer than it shall be necessary, the safety of the vessel permitting the same. In this case the captains shall be furnished with a receipt of the articles thus removed, therein expressing all the circumstances attending the same; and should the privateer be unable to pay them in cash the proportionate amount of freight of said articles up to the place of their destination, according to their bills of lading or agreement of freight, he will furnish them with a note or draft for the same amount, on the owner or agent of

libranza de su importe á cargo del armador ó dueño del corsario que estará obligado á satisfacerlo á su presentacion; teniendo entendido los capitanes de corsarios que en este caso deben traer la declaracion firmada del capitan del buque detenido, y auténtica en la mejor forma posible.

24

Las embarcaciones que se encontraren navegando sin patente legítima de República, Principe ó Estado que tenga facultad de expedirlas, serán detenidas asi como las que pelearen con otra bandera que la del Principe ó Estado de quien fuere su patente, y las que la tuvieren de diferentes Principes ó Estados, declarándose unas y otras de buena presa, y en caso de estar armadas en guerra sus cabos y oficiales serán tenidos por piratas.

25

Serán de buena presa las embarcaciones de piratas y levantados, con todos los efectos de su pertenencia, que se encontraren en sus bordos, pero los que se justificase pertenecer á sujetos, que no hubiesen contribuido directa ó indirectamente á la pirateria, ni sean de enemigos, se les devolverán.

26

No siendo lícito en este estado armar en guerra embarcacion alguna sin mi licencia, ni admitir á este fin patente ó comision de otro Principe ó

the said privateer; who shall be obliged to pay it, on its being presented. The captains or commanders of the privateers being hereby ordered to bring in such cases the declaration made by the captain of the detained vessel, signed by him, and authenticated in the best possible manner.

24

All vessels found navigating without lawful passes, sea-letters, or commissions from the Republics, Provinces or States having authority to grant them, shall be detained; as well as those that may fight under a flag other than that of the prince or state by which their commission may have been granted; as likewise such as may be found holding different commissions from several princes or states. All of which are declared a good prize; and in case of their being armed in war, their commanders and officers must be considered as pirates.

25

Vessels of pirates, and such as may have been taken possession of by their revolted crews, must be declared good prize, together with all the articles appertaining therto, or found on board the same: excepting such as may be proved to belong to persons, who neither directly nor indirectly have contributed to the piracy, nor are enemy's property, as they are to be given up to the owners.

26

It being unlawful within the jurisdiction of these United Provinces, to arm any vessel in order to act as privateer without my permission, as likewise to admit for that purpose a commission

ó República, aunque esté en alianza, cualquiera que se encontrase corriendo el mar con semejantes despachos ó sin alguno, será de buena presa, y su capitan ó patron castigado como pirata.

27

Toda embarcacion de cualquiera especie armada en guerra ó mercancia, que navegue con bandera ó patente de Príncipes ó Estados enemigos, será buena presa con todos los efectos que abordo tuviere, aunque pertenezcan á individuos de este, en caso de haberlos embarcado despues de la declaracion de guerra, y de pasado el tiempo suficiente para poder tener noticia de ella.

28

La embarcacion de comercio de cualquiera nacion que sea, que hiciese alguna defensa despues que el corsario hubiese asegurado su bandera, será declarada de buena presa, á menos que su capitan justifique haberle dado el corsario fundado motivo para resistirle.

29

Cualesquiera embarcacion que careciese de los papeles que se expresan en el artículo 22, ó de los mas principales como son: la patente, los conocimientos de la carga ú otros que acrediten la propiedad neutral de esta y aquella, será declarada de buena presa, á menos que se verifique haberlos perdido por accidente inevitable. Todos los papeles que se presenten deberán ser firmados como corresponde, para ser admitidos.

or letters of marque from other prince or Republic, even if allied with this; any vessel found on the high seas with such commissions, or without any at all, shall be adjudged a good prize, and her captain or commander punished as pirates.

27

All commissioned armed vessels, or letters of marque of any kind soever, navigating under the flag and with commission from princes or states enemies to this Government, shall be a good prize; together with all the articles that may be found on board thereof, even if belonging to citizens of these United Provinces, in case of their having shipped them after the declaration of war, and the requisite time being elapsed for their having notice therof.

28

Merchant vessels belonging to any nation whatsoever, that may make any defence after the privateer's hoisting up her flag, must be declared good prize; unles her captain should prove that the privateer gave him sufficient motive for such a resistance.

29

Such vessels as may be wanting the papers and documents specified in the 22d article, or the most principal of them, to wit: the sea-letter, pass or commission, the bills of lading of the cargo and other documents in order to prove that it, as well as the same vessel are neutral property, shall be declared a good prize: unless it should happen to have lost them by an inevitable accident. All the documents that may be presented must be signed in due form, in order to admit them.

30

Si los capitanes ú otros individuos de las embarcaciones detenidas por los corsarios, y asi mismo por buques de la armada del Estado arrojasen papeles al mar, y esto se justificase en debida forma, serán por solo este hecho declaradas de buena presa, y asi se deben entender el arculo antecedente y otros que tratan de este asunto.

31

Se prohibe á los corsarios que ataquen, hostilicen de manera alguna, ó apresen las embarcaciones enemigas, que se hallaren en los puertos de Principes ó Estados aliados ó neutrales, como asi mismo las que estubieren bajo el tiro de cañon de sus fortificaciones; declarando, para obviar toda duda, que la jurisdiccion del tiro del cañon se ha de entender aun cuando no haya baterias en el parage donde se hiciere la presa, con tal que la distancia sea la misma y que los enemigos respeten igualmente la inmunidad en el territorio de las potencias neutrales ó aliadas.

32

Se declara tambien por de mala presa la embarcacion, que los corsarios hicieren en los puertos, y bajo el alcance del cañon del territorio de los Soberanos aliados ó neutrales, aun cuando ella les viniese persiguiendo, y atacando de mar á fuera, como rendida en parage que debe gozar de inmunidad, siempre que los enemigos las respeten de la misma manera.

30

Should the captains or other individuals of the vessels detained by the privateers, or by any off the vessels belonging to the navy of these United Provinces, throw overboard any papers, if this circumstance should be proved in due form, by that very act they shall be declared a good prize. And the same construction is to be given to the foregoing, and any other articles touching the same matter.

31

The privateers are prohibited to attack, to commit any kind of hostilities or to capture the vessels of the enemies that may be found in the ports of princes, or states, whether they be allies or neutral; as likewise those that may be within cannon-shot of their castles. It being declared, in order to remove all doubts, that the distance, of the cannon-shot must be understood, even if there should be no batteries in the spot where the capture may take place; provided the distance be the same, and that the enemies shall likewise respect this immunity in the jurisdiction of the neutral, or allied powers.

32

The vessels that the privateers should capture in the ports, or within the reach of the cannon-shot of the jurisdiction of allied or neutral powers, even in the case of their being in chase and attacking them from sea, are declared to be a bad prize: as taken in a spot which is entitled to immunity; provided the enemies respect the same in like manner.

33

Todo corsario que represe un buque nacional en término de 24 horas de su apresamiento, será gratificado con la mitad del valor de la presa, quedando la otra mitad al dueño primitivo del barco represado, y haciéndose esta division breve y sumariamente, à fin de moderar cuanto sea dable las costas. Pero si la represa se ha hecho pasadas las 24 horas del primer apresamiento será del corsario apresador todo el valor de él.

34

Si alguna embarcacion se encontrare en la mar ó se presentare en nuestros puertos sin conocimientos de la carga, ú otros documentos, por los cuales constare á quien pertenezca, y sin gente de su propia tripulacion, se tomarán declaraciones separadamente á la del apresador, y á su capitan de las circunstancias en que la encontró, y se apoderó de élla. Se hará reconocer tambien la carga por inteligentes, y se practicarán las posibles diligencias para saber quien sea su dueño. En caso de no descubrirse éste, se inventariará el todo y se tendrá en depósito para restituirlo á quien dentro de un año justificare serlo como no haya un motivo para declararla buena presa, adjudicando siempre la 3a. parte de su valor á los recobradores: no pareciendo el dueño dentro de dicho tiempo, se dividirán las dos terceras partes restantes, como bienes abando-

33

The privateers that may retake a national vessel within twenty-four hours after her capture shall be entitled to one half of the value of said prize, the other half being left for the benefit of the original owner of said vessel; which division must be made speedily and summarily in order to abridge the costs as much as possible. But if the re-capture should take place after the twenty-four hours of the capture, the privateer thus retaking her shall be entitled to the whole value of the same.

34

If a vessel should be found on the sea, or brought into the ports of these United Provinces, without the bills of lading of her cargo, or other documents by which the ownership therof may be ascertained, and not having on board persons belonging to her own crew, both the captor, and the captain of said prize, shall be separately examined touching the circumstances in which the said vessel was found, and taken possession of. Her cargo is likewise to be inspected by intelligent persons, and every thing kept deposited, to restore them, to whomsoever shall within a year prove to be such; unless there should be reason to declare the same a good prize; giving in all events the third part of the value to the captors. If the owner does not appear in the above said term, the other two remaining thirds shall be

nados, en tres porciones de las cuales, una se adjudicará á los mismos recobradores, y las otras dos serán pertenecientes al erario.

35

En cualquiera de los casos referidos, luego que el corsario detenga alguna embarcacion, tendrá cuidado de recoger todos sus papeles de cualquier especie que sean, tomando el escribano puntual razon de ellos, dando recibo de todos los substanciales al capitan ó maestre de la embarcacion detenida, y advirtiéndole no oculte alguno de cuantos tuviere, en inteligencia de que solo los que entonces presente, serán admitidos para juzgar la presa. Hecho esto el capitan del corsario cerrará y guardará los papeles en un saco ó paquete sellado, que deberá entregar al cabo de la presa, para que este lo haga al Gobierno. El capitan del corsario ó individuo de la tripulacion, que con cualquier fin que sea, ocultare, rompiere, ó extraviare alguno de dichos papeles, será castigado corporalmente segun lo exija el caso, con obligacion el primero de resarcir los daños, y la pena de diez años de presidio al segundo.

36

Al mismo tiempo cuidará el capitan del corsario de hacer clavar las escotillas de las embarcaciones detenidas, y sellarlas de modo que no puedan abrirse sin romper el sello; recogerá las

divided: as abandoned goods, into three parts; one of which is likewise to be given to the captors, and the other two applied to the state.

35

In any of the afo esaid cases, and on the moment the privateer shall detain a vessel, he is to take care to collect all her papers, of any kind soever they may be, and that her clerk shall make a correct memorandum thereof, giving a receipt to the captain or supercargo of the vessel thus detained for the most essential of them; and warning him not to conceal any of whatever papers he may have, it being declared, that only such as he may then exhibit shall be admitted to judge the capture. This being done, the captain of the privateer, is to secure; and shut up the papers in a bag, or package sealed; which he must deliver to the prize-master, with orders to do the same unto the Government. The captain of the privateer, or any individual of her crew, who prompted by any motive or end whatever, may conceal, break or embezzle any of said papers, must be condemned to corporal punishment, as the circumstances of the case may require, the captain being over and above obliged to indemnify the damages, and other individuals to be sent to the public works for ten years.

36

The captain of the privateer must at the same time take care to have the hatches of the vessels thus detained, nailed up; and to seal them in such a manner as to render it impossible to open them

llaves de las cámaras y otros parages haciendo guardar los géneros, que se hallaren sobre cubiertas, y tomará razon, cuando el tiempo lo permita, de todo lo que facilmente pueda extraviarse, para ponerlo á cargo del que se destinare á mandar la propia embarcacion.

37

No se permitirá saqueo de los géneros que se encontráren sobre cubiertas, en cámaras, camarotes, y alojamientos de las tripulaciones, privándose absolutamente del derecho vulgarmente llamado del Pendolage, el cual solo podrá tolerarse en los casos de haberse resistido la embarcacion hasta esperar que fuese abordada, pero con el cuidado de evitar los desórdenes, que pueda producir la excesiva licencia.

38

Cuando se conduzca la tripulacion de una embarcacion detenida abordo del corsario, tomará el escribano en presencia del capitan de éste, declaracion al de aquella, á su piloto, y demas individuos que convenga, acerca de la navegacion, carga, y demas circunstancias de su viage, poniendo por escrito todas las que puedan conducir á juzgar la presa, preguntándoles tambien si fuera de la carga que conste por los conocimientos, conducen alhajas ó géneros de valor á fin de dar las providencias convenientes para que no se oculten.

without breaking the seals. He must secure the keys of the cabin and other passages, and cause all the articles, that may be found on deck, to be locked up; taking down, if the time should permit it, a memorandum of every thing that may be easily mislaid, in order to put them under the charge of the person, who shall be appointed to command the same vessel.

37

The articles that may be found on deck, or in the cabin, state-rooms or forecastle, shall not be permitted to be plundered, the right of so doing commonly called *pendolage*, being absolutely prohibited; which, however, may be tolerated only in the case of the vessel's having shown resistance, even to the point of being boarded. But care must always be taken to prevent the disorders, that an excessive license may produce.

38

When the crew of a vessel detained as aforesaid, shall be removed on board the privateer, the clerk of this vessel shall in the presence of her captain take a deposition from the captain, mate, and other individuals, as may be deemed necessary out of the same crew of such detained vessel, touching the circumstances of her navigation voyage and cargo, writing down every thing that may be conducive to the judgment on the capture. He is also to interrogate them, whether they have on board any jewels, or other valuables not expressed in the bills of lading of the cargo, in order that proper measures may be taken to prevent their being embezzled.

39

Al cabo destinado para mandar la embarcacion detenida, se le dará noticia individual de lo que constare por estas declaraciones, haciéndole responsable de cuanto, por su culpa ú omision, faltare; y se declara que cualquier individuo que abriese sin licencia las escotillas selladas, arcas, fardos, pipas, sacas ó lacenas en que haya mercadería y géneros, no solo perderá la parte que debiera tocarle siendo declarada de buena presa, sino que se le formará causa, y castigará segun de ella resulte.

40

Para determinar la legitimidad ó ilegitimidad de las presas, no han de admitirse otros papeles que los hallados y manifestados en sus bordos. Con todo, si faltando los documentos precisos para formar el juicio, se ofreciese su capitan á justificar haberlos perdido por accidente inevitable, señalará el tribunal término competente para dicho efecto, segun la brevedad con que deben determinarse estas causas.

41

Si ántes de sentenciar la presa fuese necesario desembarcar el todo ó parte de la carga para evitar que se pierda, se abrirán las escotillas en presencia del comandante de Marina ó comision que nombre, y de los respectivos interesados

39

The prize-master appointed to command any vessel detained as aforesaid, must be furnished with a detailed information comprising every thing that may appear from the above-mentioned depositions; making him responsable for whatever, owing to his omission or fault, may be lost. And it is hereby declared, that any person who shall, without licence, break open the sealed hatches, trunks, bales, casks, packages or cupboards, where there may be any articles of merchandise, shall not only lose that part which of right might belong to him, should they be declared a good prize; but that a prosecution shall be instituted against him, and he himself punished according to the results thereof.

40

No other papers or documents are to be admitted in order to decide upon the lawfulness or unlawfulness of the capture, but those that were manifested, and found on board the same prizes. However, if in case of documents being wanted to determine the cause, the captain of the captured vessel should offer to prove his having lost them by an unavoidable accident, the court will grant him a sufficient term for that purpose; consulting the expeditious manner with which such causes must be determined.

41

If before the sentence be passed on the prize, it should become necessary to unload the whole, or part of the cargo, in order to prevent the loss thereof, the hatches are to be broken open in the presence of the commander of the navy, or commissioners appointed by him, and of the

que deberán concurrir á dicho acto: y formando inventario de los géneros que se descarguen, se depositarán con intervencion del dependiente de rentas, que destine el Administrador de Aduana en persona de satisfaccion ó en almacenes, de los cuales tendrá una llave el capitan ó maestre de la embarcacion detenida.

42

En caso que fuere preciso vender algunos géneros por no ser posible conservarlos, se celebrará la venta á presencia del capitan detenido en almoneda pública, con las solemnidades acostumbradas, y con la misma intervencion del dependiente de rentas, poniéndose el producto en manos de persona abonada, para entregarlo á quien perteneciere, despues de sentenciada la presa.

43

Ninguna persona de cualquiera grado ó condicion que sea, comprará sigilosamente, ni ocultará género alguno que conozca pertenecer á la presa ó embarcacion detenida, pena de restitucion y de multa del triplicado valor de los géneros ocultados ó comprados clandestinamente, y aún de castigo corporal segun lo exija el caso, y este conocimiento será privativo del juzgado de presas, como incidente de ellas.

respective parties concerned, who must be present at that act. An inventory shall then be made of all the articles that may be unladen; which with the assistance and knowledge of the officer of the revenue, appointed by the collector of the custom house, must be deposited either in the hands of a trusty person, or in store-houses, of which the captain or supercargo of the captured vessel is to keep a key.

42

Should the sale of some articles be deemed necessary, owing to the impossibility of preserving them, such sale must be effected at public auction, with all the customary solemnities, in the presence of the captured captain, and with the assistance of the officer of the custom house as aforesaid; and the proceeds thereof are to be deposited with a trusty person to be delivered to whom the same may belong, after the sentence be passed on the capture.

43

No person, whatever his rank or condition may be, is permitted secretly to buy or conceal any thing knowing it to belong to the prize or detained vessel; under the penalty to restore the same, and to be fined in triple the value of the goods concealed, or clandestinely bought, and even of corporal punishment as the case may be. The cognizance of which causes shall exclusively belong to the courts of prizes as incidental thereunto.

44

Si la embarcacion detenida no se diere judicialmente por buena presa, se restablecerá inmediatamente en posesion de ella al capitan ó dueño, con sus oficiales y gente, á quienes se restituirá todo cuanto les pertenezca sin retener la menor cosa. Se la proveerá del salvoconducto conveniente para que sin nueva detencion continue su viage, sin obligarla á la paga de los derechos de puerto, y al contrario se le satisfarán por el apresador, antes de su salida del puerto, los gastos, daños y perjuicios que se le hubieren causado, y reclamare en justicia; si se hallare comprendida en los casos prevenidos en los artículos 22 y 30. Pero no habrá lugar á semejante reclamacion si hubiere dado dicha embarcacion justos motivos de sospecha, ú otros declarados en este reglamento, y por los cuales se le hubiere formado proceso lo que deberá precisamente constar de los autos que se han seguido en su consecuencia.

45

Declarada la embarcacion detenida por de buena presa, se permitirá su libre uso á los apresadores despues de pagados los derechos debidos á la hacienda del Estado.

Del total valor que resulte de la venta de las presas hechas por buques de guerra, se harán dos porciones, la una de los tres quintos para la

If the vessel detained should not be judicially declared good prize, her captain or owner, together with her officers and crew, must be forthwith reinstated in the possession of the same; restoring unto them whatever may belong to her, without retaining the least thing. She is to be furnished with the suitable safe conduct, in order that she may prosecute her voyage without any new detention; she is declared free of the duties of the port; and before her departure she is to be indemnified by the captor of all the expenses, damages and detriments that may have been caused to her, and she may have a right to claim with justice, should her case be comprehended among those specified in the 22d and 30th articles. But such claim is not to be admitted, if he should have given just motives for suspicion to the capturing vessel, or incurred some other penalties comprised in this ordinance, in consequence of which a prosecution may have been instituted against her; all of which may appear from the proceedings held thereon.

45

Should the captured vessel be declared a good prize, the captors shall be permitted the free use of her, previously paying the duties due to the treasury of this government.

The whole amount resulting from the sales of captures made by vessels of war, shall be divided into two parts; one of them containing three-fifths for the crew and mariners, and the other two fifths for the officers. No person, whether

tripulacion y guarnicion, y la otra de dos quintos para la oficialidad. A ningun individuo sea de marina ù otro cuerpo, que se halle embarcado de transporte ó de pasage en los citados buques al tiempo del apresamiento, se le incluirá bajo pretesto alguno en el reparto, pero será obligacion del comandante del bagel, dar cuenta al gefe de marina, si algun individuo de los embarcados de transporte ó pasage, ha contraido mérito muy distinguido en la accion, para que si le pareciere justo mande se le dé la parte correspondiente á su clase, como si hubiese sido de la dótacion del buque.

46

Por el presente reglamento provisional quedan sin valor alguno cualesquiera decretos, órdenes, ó reglamentos anteriores que se contrarien con este.

Dado en la fortaleza de Buenos Aires á 15 de Mayo de 1817.—Juan Martin de Pueyrredon.—Matias de Yrigoyen, secretario de la guerra y marina.

Es copia del original.

Yrigoyen.

belonging to the navy or army, being a passenger, or going as a transport on board said vessels, at the time of the capture, shall, under any pretext whatever, be comprehended in the distribution. But it shall be the duty of the commander of such vessel, to inform the chief officer of the Naval Department, whether any of the persons going on board as passenger, or otherwise, has distinguished himself by a special service in the action; to the end, that if he should deem it just, he may order such person to have that part corresponding to his class, as if he had been comprehended amongst the number belonging to the complement of the vessel.

46

Any other decrees, orders or regulations prior, or contrary to this present provisional ordinance, are by virtue hereof declared void and without any effect.

(Signed.) JUAN MARTIN PUEYRREDON.
(Signed.) MATHIAS DE IRIGOYEN,
Secretary of War and of the Navy.

The foregoing is a copy from the original.
(Signed.) IRIGOYEN.

LEYES PENALES EXTENSIVAS A OFICIALES DE GUERRA.

ARTICULO I.

El que arriare la bandera sin órden expresa del comandante, dada personal y directamente, ó disimulare é indugere á que así se verifique, sufrirá la pena de muerte; como tambien todo aquel que violentare al capitan á rendirse, ó promoviere la reunion de otros para concurrir á este atentado, que justificado por el comandante, como el haber sido inútiles sus esfuerzos de todas clases para mantener el órden y subordinacion, quedará exento del cargo.

2

Por cualquiera pérdida marinera de un buque se pondrá en consejo de guerra á su comandante, que resultará libre del cargo si se justificáre haber sido irremediable á pesar de los medios regulares para evitar el fracaso; pero provándose malicia en el hecho, será sentenciado á muerte; si ignorancia, perderá el empleo; y si omision y falta de cuidado, se le impondrá ademas el tiempo de presidio que el consejo de guerra le señaláre.

3

Si algun oficial ocultáre, rompiere ó extraviare, con cualquier fin ó motivo que sea, las cartas partidas, contratos de fletamento de las embar-

PENAL LAWS EXTENDING TO THE OFFICERS OF THE NAVY.

ARTICLE 1.

Any person striking down the flag, without an express order from the commander, given by this in person and direct to him, or who may allow or invite to do it, shall be punished with death: as likewise whoever may use violence on the captain to force him to surrender, or who may cause others to unite together to put into execution the aforesaid unlawful act; but the commander, proving that all his efforts, of every kind, were useless, to maintain order and subordination, shall be exempt from the charge.

2

Should there happen the loss of a vessel of war, her commander is to be arraigned before a court martial, who are to acquit him on his proving that the misfortune was unavoidable, notwithstanding the recourse he had to all the usual means to prevent it. But it being proved that the same happened through malice, he is to be sentenced to death; if through ignorance, he is to be broke of his commission, and if through omission or want of care, he is besides to be sent to the public works (*presidio*) for such time as the court martial shall deem proper.

3

If any officer should conceal, destroy or mislay, under any pretext or motive whatever, the charterparties, and agreements of freight of the vessels that they may search, detain or capture,

caciones que se reconozcan, detengan ó apresen, y los conocimientos ó pólizas de su carga, ú otro instrumento relativo á ella, al buque, á su patron ó capitan, ó á la gente de su dotacion ó transporte, y cartas ú otros papeles que encuentren, será privado de su empleo. Este y mayor castigo, segun el caso lo pida, recaerá en el oficial que obligue á los capitanes y equipages de las embarcaciones que reconociesen á que le paguen cosa alguna, ó les haga voluntaria extorsion; procediéndose ademas de la privacion de empleo, á la pena de confiscacion con el que exija derechos ó contribucion.

4

Expresamente se prohibe á todo gefe, de cualquier dignidad ó grado que sea, usar jamas con sus oficiales, ni con algun otro de sus súbditos palabra ó accion que pueda humillarlos, injuriarlos ó insultarlos, bajo la pena de ser declarado incapaz de mando.

5

Al comandante, ó al oficial que maltratáre la gente de la tripulacion, ó guarnicion del bajel de su destino, ó violentamente la obligáre á emplearse en ejercicios serviles, que no sean de su instituto, lo sentenciará el consejo de guerra á suspension del empleo, y á mayor pena segun las consecuencias que hubiere ocasionado, si del mal tratamiento resultare sedicion ó desercion

or the bills of lading of their cargoes, or any other instrument relative to them, or to the masters or captains thereof, or to the persons belonging to their crews, or going as transports; or any letters or writing found on board, he is to be broke of his commission. Which, and even greater punishment, together with the confiscation, shall be inflicted on the officer who may constrain the captains, or crews of the vessel he may board, to pay him any thing, or cause them otherwise any voluntary extortion.

4

All commanders, whatever be their rank or dignity, are expressedly prohibited ever to make use of any word or action, that may in any wise degrade, depreciate, injure or insult their officers, or any other person subject to them; under the penalty of being declared incapable of command.

5

The commander, or any other officer, who may ill treat the crew, marines or troops on board the vessel under his command, or who wantonly may oblige them to be employed in menial service, other than their duty, shall by the court-martial be sentenced to be suspended from the exercise of his commission; and even to greater penalty, and to make good the damages and losses he may have unjustly occasioned, if in conse-

considerable, ademas de obligarle á la reparacion de los daños y pérdidas que hubiere injustamente ocasionado.

6

Asimismo se prohibe á todos los oficiales tomar las armas unos contra otros abordo ó en tierra, pena de ser privados de sus empleos, y de muerte cantra el que se justificare agresor.

7

Cuando la inconsideracion de algunos comandantes de los bageles, de cuerpos ó destacamentos diere márgen para que alguno de ellos aníme á sus súbditos á que obren ofensivamente contra los de otro bagel ó cuerpo, se prohibe á los oficiales, soldados y marineros que obedezcan, pena de ser diezmados para perder la vida; y el comandante del bagel, cuerpo ó destacamento sufrirá el mismo castigo, si con su gente obrare ofensivamente contra la de otros, conocidos por tales.

8

Cualquiera de los comandantes de un buque, estando sobre cubierta, corregirá los defectos, así en la maniobra, como en la disciplina y policia en que incurriere el oficial de guardia; y este le obedecerá, pena de ser castigado por insubordinacion. Por igual motivo será penado todo oficial que no obedeciere la órden de arresto

quence of such ill treatment there should happen a revolt or considerable desertion.

6

All officers are likewise prohibited to take up arms against each other, both on board and on shore; under the penalty of being deprived of their commissions, and that of death to be imposed on him, who may be proved the agressor

7

If any commander of a vessel, body of troops or detachments, should inconsiderately incite the persons under him, to act offensively against those of another national vessel or body of troops, the officers, marines, soldiers and sailors, are hereby forbid to obey him, under the penalty of being decimated to lose their lives. The commander of the other vessel, body of troops or detachment, shall be subject to the same punishment, should he act offensively with the persons under him against the other national vessel or troops, knowing them to be such.

8

Any of the commandérs of a vessel, who may happen to be on deck, is authorized to correct any faults the officers on duty may commit, either in the manœuvre. discipline or policy of said vessel: the latter being bound to obey him, under the penalty of being punished for insubordination. On the same principles any officer shall

dada por cualquier otro de superior grado, el que deberá dar inmediatamente cuenta á su comandante.

9

Ningun comandante puede castigar corporalmente á oficiales de guerra, ni á los de la clase de mayores ó de mar fijos, ni á los sargentos, sino con arresto ó prision proporcionada á sus clases; bien que en caso de desobediencia podrá suspender del empleo á todo el que no fuere oficial de guerra, dando parte al comandante en gefe para que el delincuente sea examinado en consejo de guerra; lo mismo que siempre que se cometan crímenes que deban juzgarse por este tribunal.

10

Ningun buque corsario hará ni recibirá saludo, sin su propia bandera, ni combatirá con bandera falsa, pena de privacion de empleo al oficial que le mande, y de mayor castigo si conviniere.

be punished, who should not obey the order of arrest given by another of a higher rank, who must forthwith acquaint the commander with such circumstance.

9

No commander may sentence to corporal punishment any of the warrant officers, or of those considered of the high class, or whose stations are permanent at sea, neither the sergeants, except with an arrest, or prison, corresponding to their respective rank: but in case of disobedience he may suspend from the exercise of their employment all those that are not warrant officers, informing the chief commander thereof, in order that the delinquent may be examined and tried before the court-martial; which is likewise to be done in case of crimes to be judged by the same court.

10

No privateer shall make or receive a salute, without having his own flag hoisted up, neither fight under an assumed flag; the officer commanding such vessel being subject thereby to be deprived of his commission, and to greater punishment if necessary.

PENAS POR DELITOS COMUNES Á TROPA Y MARINERIA EMBARCADA.

ARTICULO 1.

Todo oficial de mar, sangento, cabo ó soldado de marina y del ejército, tropa de artilleria y gente de mar, debe obedecer á los oficiales de guerra de la armada y del ejército con quienes están empleados en todo lo que les manden perteneciente al servicio siendo de su profesion, pena de la vida.

2

El oficial de mar, ó marinero de cualquier clase, el soldado, cabo, ó sargento que maltratare de obra á cualquier oficial de guerra á bordo ó en tierra, ó lo amenazase poniendo mano á la espada ú otra arma contra él, ó levantare la mano para herirle, aun ejecutándolo por haber sido maltratado por el oficial, será castigado con pena de la mano cortada, y en seguida con la de horca.

3

Cuando los soldados ó marineros á bordo ó en tierra tuvieren las armas en las manos para reñir, y que algun oficial de guerra les diga que se separen, estarán obligados á ejecutarlo inmediatamente, pena de ser puestos en consejo de guerra; el cual podrá segun las circunstancias extender la sentencia hasta la de muerte; y si á

PENAL LAWS
FOR THE ORDINARY CRIMES OF SEAMEN & MARINES
ON BOARD THE VESSELS.

ARTICLE 1.

All warrant officers, sergeants, corporal or privates of the marines, or of the army, or artillery as well as the sailors are bound to obey, on pain of death, the commissioned officers of both the navy and army, under whose orders they be placed, in whatever they may command relative to the service, the same belonging to their duty.

2

The warrant officer, or seaman of any class whatever, as well as the private, corporal or sergeant, who shall by work of deed, whether on board, or on shore, ill treat any commissioned officer, or threaten him by drawing his sword or other weapon against him, or lifting up his arm to wound him even in case of so doing in consequence of his having been ill treated by the officer, is to be punished by having his hand cut off, and afterwards being hanged.

3

If the marines or sailors either on board or on shore, having the arms in their hands ready to fight, be commanded by a commissioned officer to disperse, they shall be obliged to comply immediately with the order; under the penalty of being arraigned before the court martial, who, according to the circumstances, may extend the

bordo se dispusiese algun hombre de tropa ó de mar á hacer resistencia contra el sargento ó cabo de escuadra de guardia, se condenará á diez años de presidio, y á muerte si hiciere armas contra ellos; igualmente que todos los cómplices de cualquiera jurisdiccion que sean: como tambien todo aquel que incitase á quimera, ó pendencia, suscitada á bordo entre las tripulaciones ó guarniciones, llamáse á otros para que acudan à sostenerla; diese voces ó ejecutase accion inductiva á sedicion ó á motin, será sentenciado á muerte; y asi mismo el que en cualquiera ocasion amotinase la gente de un buque, ocasionando desobediencia, ó excitando á resistir á los oficiales, será ahorcado; y si alguno echare mano á las armas á bordo ó en tierra para favorecer el motin, se le cortará la mano.

4

Todo súbdito de cualquiera calidad que fuese, que faltare al debido respeto á sus superiores, bien sea con razones descompuestas, ó con insulto, amenaza ú obra, se pondrà irremisiblemente en consejo de guerea, aun siendo en caso no señalado expresamente en este reglamento, en el cual juzgará ese tribunal la pena que corresponda á las circunstancias de la culpa, y calidad del superior y del inferior, pudiendo agravarla hasta la de muerte, y en precaucion estos lances desapacibles se encarga á los su-

sentence even unto death. If a private, or seaman, should on board attempt to make any resistance to the sergeant or corporal on duty, shall be sentenced to ten years hard labour in the public works; or to death in the case of his using arms against them, together with all his accomplices, whatever their jurisdiction may be. The same sentence of death is to be passed on any persons inciting quarrels among the crew, marines or troops on board, or who in the contentions that may take place between them, should call other persons to maintain the same, give alarm or do other things conducive to sedition or rebellion. Whoever on any occasion should induce the people of any vessel to rebel, by causing disobedience or exciting them to resist the officers, shall be hanged: and such persons as may favor the rebellion, whether on board or on shore, by the use of arms, shall have their hands cut off.

4

Any subordinate person of any rank whatever, that may be wanting in due respect to the superior officers, whether by improper words, insult, threat or deed, must be irremissibly arraigned before a court martial, even in cases not expressedly pointed out in this ordinance; to the end that said court may award condign punishment to the crime, even unto death; taking into consideration the respective ranks of both the agrieved and the agressor. And the better to prevent that such things should take place, the superior officers are hereby enjoined not to exceed the proper bounds, so as to cause ill treatment, when

periores que cuando reprendan y reconvengan á sus súbditos, no se excedan en términos que verifiquen mal trato pues todo abuso de autoridad será castigado severamente.

5

Todo individuo de la tripulacion ó guarnicion deberá recibir el dinero ó racion con que se le socorre en el dia, en atencion á que si no se le dá el todo que por ordenanza le corsesponde, habrá motivos que lo embaracen, y siempre le queda recurso para satisfaccion del agravio que rezelare; por lo que si alguno lo rehusáre será castigado, y aun con pena de muerte si se valiese de palabras ó demostraciones sediciosas que puedan ser causa de motin.

6

Tendrá facultad todo individuo de la dotacion de los buques para presentar con sumision á los comandantes de ellos cualquier queja que pupudiese ocurrirles, y para elevarla, en caso de no ser atendida en justicia, al comandante general de marina á quien corresponde; pero si se quejase infundadamente de sus superiores, ó manifestase en el modo insubordinacion, será castigado con severidad; y si suscitare alboroto sufrirá el castigo que considere justo el consejo de guerra: teniéndose entendido que cuando los soldados ú hombres de la mar de la tripulacion tuvier en que representar sobre pagas, viveres,

they reprehend and reprimand persons subordinate to them; as the abuse of authority shall be always severely punished.

5

Every individual whether belonging to the crew or marines on board the vessel, is to receive the pay and ration, which at present is allowed to each a day; considering that if he is not paid what by the ordinance he ought to receive, there are weighty motives that do not permit the same; and that he has always the recourse to ask satisfaction for the injury he may think is done unto him. Wherefore if any person shall raise objections to the same, he is to be punished even with death, if he should make use of seditious words or actions, that may be the cause of riot or revolt.

6

Any individual belonging to the crew or marines of the vessel, or otherwise, is allowed, with due respect, to present to the commander thereof any complaint he may have; and to carry the same up to the commander general of the Navy, to whom its cognizance does correspond, in case of his not having received justice. But if such complaint against his superiors should prove unfounded, or shew any kind of insubordination in the manner thereof, the person so doing is to be severely punished: and if a riot should proceed therefrom, he is to suffer punishment at the discretion of the court martial. It is to be understood, that whenever the marines or seamen on board any vessel, may have any thing to complain about, either respecting their pay, provisions, ill treatment or otherwise, they are to

mal tratamiento ú otros asuntos, diputarán cuatro ó cinco que con el mayor respecto presenten la queja al comandante de su buque, á cuya disposicion se sujetarán pena de la vida; en inteligencia de que se les dará satisfaccion siempre que éste les haya hecho agravio ó extorsion.

7

Todos los cómplices en levantamiento ó rebelion, sea el que fuere el motivo que aleguen, echarán suertes para que de cada diez uno sea ahorcado, y los primeros factores, como los que se hubieren puesto á la cabeza de los amotinados, y los que hayan sido instrumentos de formar ó mantener la sedicion serán ahorcados en cualquier número que sean, sin excepcion de persona, aunque no tenga plaza en el servicio, y vaya solo de pasagero; y si en un buque suelto hubiere habido motin ó levantamiento, y su comandante juzgase indispensable á su seguridad sucesiva el pronto castigo de algunos cabezas de él mandará formar inmediatamente proceso por uno de sus oficiales, ó por el contador del buque, si pareciese conveniente, para que haya mayor número de jueces en el consejo de guerra que celebrará con todos sus oficiales y con las formalidades ordinarias, y hará ejecutar la sentencia que resultare. Si el motin sucediere á vista del enemigo ó en otro lance urgente en que convenga atajarlo, consultará el capitan con sus

depute a committee consisting of four or five of them, to present with the utmost respect their complaint to the commander of the vessel, as aforesaid, in whose decision they are to acquiesce on pain of death, being assured, that ample justice shall be done unto them, in the case that said commander may have wronged, or otherwise injured them.

7

All the accomplices in any riot, mutiny or rebellion, whatever may be the motive therefor, must be decimated, and every tenth one of them hanged. All the ring-leaders as well as those that may have headed the rioters, and such as may have been instrumental to form and maintain the riot, meeting, or rebellion as aforesaid, shall be hanged, without any consideration to their number or exception of persons, even should they not be employed in the service, but going only as passengers. If in a detached vessel there should happen a riot or rebellion, and her commander should deem it indispensible for the future safety, the immediate punishment of some of the leaders or promoters thereof, he may forthwith cause a prosecution to be instituted against them by one of the officers, or by the purser of the vessel, if this step should be resorted to in order to have a greater number of officers in the court martial, which he is to hold with all of them, observing therein the usual formalities; and the same commander is to cause the sentence passed by them to be put in execution. Should the riot happen having the enemy in sight, or in other critical circumstances, the commander will consult with his officers about

oficiales sobre la determinacion que deba tomar; pero si el caso es tal que no dá lugar á esta consulta, prenderán los oficiales algunos de los sediciosos; y si se resistieren á nombrar prontamente los autores, se les hará echar suertes para ser pasados por las armas.

8

A juicio del consejo de guerra sufrirá la muerte ó la pena que hallase justa este tribunal cualquier individuo que sabedor de algun designio de perfidia ó de motin, lo ocultare, ó expresiones tumultuarias que otro hubiese proferido en menoscabo del servicio, ò cualesquiera palabras ó conato con direccion á trastornar el órden y la obediencia, y no lo descubriese por sí mismo al comandante, ó si presenciando alguna sedicion ó motin no se esforzase por todos los medios posibles á sosegarlo.

9

El que, estando su bagel empeñado en combate, desamparase cobardemente su puesto con el fin de esconderse, será condenado á muerte; la misma pena sufrirá el que en la accion, ò antes de empezarla, levantase el grito pidiendo que cese, ó no se emprenda, y el que arriare la bandera sin órden expresa del comandante, dada personal y directamente, ó disimulase ó indugese á que asi se verifique, aunque no tenga plaza á bordo, y vaya solo de pasagero; y cualquiera

the determination he must take; but if the case be such as not to permit time for such consultation, the officers will seize on some of the rioters, and if they should resist to name immediately the ringleaders, they shall be obliged to cast lots to be shot.

8

If a person, having knowledge of any wicked design or rebellion, or of seditious words or expressions proffered with the intention to hurt the service, or tending to overturn the order and obedience, should conceal the same, and not to give himself notice thereof to the commander; or if present to any riot or rebellion, should not exert himself by all possible means to quiet the same, shall be doomed to suffer death, or such sentence as the court martial may think proper to pass upon him.

9

Whoever cowardly may abandon his post for the purpose of secreting himself, whilst his vessel is engaged in a combat, shall be condemned to death. The same penalty is to be passed on whomsoever, either before, or in the actual engagement, should cry out for the same not to be undertaken or to cease; as also he who may strike down the flag, unless by an express order from the commander, by the latter in person communicated direct to him, or who may allow, or induce to have the same done, even if he should not be employed in the service, but going on board as a mere passenger. And any person, who, in such occasions, may see or hear any one inciting others to oppose the orders of the commander, and does not without delay, inform him of it, or

que en estas ocasiones viere ú oyere á alguno que incite á los demas á que se opongan á la resolucion del comandante, y no le dé parte sin dilacion, ó al oficial, sargento de artilleria ó de batallones que se halláre mas cercano ó si en combate ó naufragio estando la lancha ó botes en el agua, sus patrones se desatracaren sin órden del comandante, desamparando el buque, incurrirán en la misma pena : pero si estos justificaren haber sido violentados por sus tripulaciones quedarán libres de cargo y tendrán pena de muerte los que cooperaren á esta violencia.

10

En faenas grandes de levarse, dar fondo, amarrarse el buque, de preparase á combate, en caso de peligro por temporal ú otro accidente ha de considerarse de guardia toda la oficialidad, guarnicion y tripulacion, y si algun hombre de tropa ó de marineria faltase à su puesto, en semejantes ocasiones ó en las de su guardia ordinaria, se pondrá durante toda la siguiente sobre un estay con dos palanquetas á los pies, ó se castigará con privacion de vino, por algunos dias, siendo de la marineria ; pero si fuere individuo de tropa, se le dará castigo igualmente con privacion de vino, ó con cepo ó grillos si se separa de los parages señalados, estando de guardia ó de faccion; debiendose á unos y á otros pasarse frecuentes listas de dia y de noche, para precaver ó encontrar su falta, y castigarla.

the nearest officer, sergeant of artillery or marines: as well as the cockswains whose boats being on the water, either in an engagement or wreck, bear away, and abandon the vessel without an order from the commander, shall incur the same penalty. But should the latter prove, that they were forced by their crews, they will be free from the charge, and the penalty of death shall be passed on the co-operators of such violence.

10

All the officers, and every individual both of the crew and marines, are to be considered on duty, in the hoisting up and casting down the anchors, mooring the vessels, preparing for an engagement, and in case of a storm, or any other accident or great work or manœuvre on board. If any person, on such occasions, or on his ordinary duty, should be out of his post, is to be placed on a stay with two bar-shots on his feet during the next watch time, or deprived of his allowance of wine for some days, if belonging to the crew. The marines or troops on board by the same fault of being out of their posts when on duty, or otherwise, shall be punished by depriving them of wine, or putting them on the stocks, or in irons. And in order to prevent such faults, and to detect and punish them, their rolls are to be frequently called both by day and night.

11

Si barado el bagel, acosado de enemigos, determináre su comandante defenderle, se impondrá pena de la vida al que sin orden expresa lo desamparase; pero barado el buque en la costa por temporal ú otro accidente, se condenará al que saliere de su bordo sin orden del comandante, á 10 años de presidio; y el que en naufragio, incendio ú otro conflicto en que pueda hallarse el buque, faltáre del puesto sin necesidad grave, ó avandonáre el trabajo á que le hayan destinado sus superiores, será sentenciado por el consejo de guerra, á proporcion de las resultas de su desobediencia, á la pena correspondiente que segun las circunstancias podrá extenderse hasta la de muerte.

21

El que maliciosamente pegase ó ayudase á pegar fuego á algun buque, ó almacen: el que cortase los cables con el fin de que se pierda el bagel, perderá la vida: y todos los cómplices en estos delitos, aunque no sean de la jurisdiccion de marina, serán juzgados y condenados por su consejo de guerra: se sentenciará tambien á muerte al que solicitase la pérdida del buque, dándole barreno, descalzando costura de su fondo, cortando ó despasando maliciosamente cabos principales, estando empeñado en combate, en la costa ó entre bajos; y se impondrá la misma pena al timonel que hubiere ocasionado la pérdida

11

If a vessel, chased by the enemy, should run aground, and the commander should determine to defend her, the pain of death is to be passed on any person who may abandon her without his express order. But if the vessel should be stranded on the coast by a storm, or other accident, the person leaving her, without her commander's orders, shall be sentenced to ten years labour in the public works. Any person who may be missing from his quarters or post, unless constrained by urgent necessity; or who may abandon the work to which his superiors may have ordered him in case of wreck, fire, or any conflict in which the vessel may be, is to be sentenced by the court martial according to the consequences attending his disobedience; extending the penalty even unto death.

12

Whoever maliciously may set, or assist to set fire to any vessel, or magazine, or cut off the cables, to the end that the vessel may be lost, shall be punished with death. All the accomplices in this kind of crimes, even if they shoud not belong to the jurisdiction of the naval department, being judged and sentenced by the court martial thereof. Any person who may procure the loss of the vessel by boring her, forcing open the seams of her bottom, or cutting off, or unreeving her principal rigging, while she is engaged in a combat, or on the coast, or among shoals shall be sentenced to death. The same penalty is to be passed on the helmsman who may occasion the loss of the vessel, by his not having followed the course

del buque, por no haber seguido el rumbo mandado por su comandante ú oficial de guardia: asi mismo se juzgará en consejo de guerra, á proporcion de la malicia que se averiguare y de las resultas, el que con barreno ó de otro modo vaciase maliciosamente parte de la aguada del buque, de suerte que ponga en riesgo grave á su tripulacion; y al que hiciere con los viveres mezclas indebidas, de que redunden enfermedades en los equipages, ó atraso en la expedicion.

13

Si por ocasion de disputa entre oficiales ó comandantes de bageles, cuerpos ó destacamentos en tierra ó abordo sucediere que alguno de ellos dé motivo para animar á los que mandan á que obren ofensivamente contra los de otro bagel ó cuerpo, serán diezmados para perder la vida los individuos de tropa ó de mar que en estos casos obedecieren.

14

Cualquier individuo del buque que de caso pensado matase ó hiriese á otro gravemente, será castigado de muerte, como el que diere con ventaja ó alevosia una herida grave de que resulte morir el herido; pero si no muriese, se impondrá por el consejo de guerra al agresor la pena de 10 años de presidio, siendo grave la herida; y si fuese leve, la pena proporcionada á las circunstancias.

ordered him by the commander or officer on duty. Whoever may bore or otherwise maliciously empty part of the provision of water, so as to expose her crew to great danger; and also the person who may make unlawful mixtures in the provisions, from which sickness may befall on her crew, or delay in the expedition, shall be arraigned before the court martial, and by it judged and sentenced in proportion to the degree of malice that it may disclose, and to the consequence of such deeds and intentions.

13

If there should happen, that owing to disputes between the officers and commanders of vessels, or other bodies or detachments, whether on shore or on board, any of them should incite the persons under his command to act hostilly against those of another vessel or detachment, all the individuals of the crew, and of the marines, who may in such case obey his order, shall be decimated to lose their lives.

14

Any individual, belonging to any vessel, who designedly should kill, or mortally wound, any other person on board, shall be punished with death; as likewise whoever may with treachery dangerously wound another, who may happen to die in consequence thereof. Should the person not die, and the wound being dangerous, the court martial is to sentence the aggressor to ten years hard labour in the public works; or to other condign punishment, according to the circumstances, should it be but a slight wound.

15

El que abordo sacare el cuchillo ú otra arma para herir á alguno, será condenado á sufrir inmediatamente, comprobado el hecho, veinticinco palos siendo individuo de tropa, y si de mar, igual número de revencazos en las espaldas, aunque no llegue á efectuarse la herida; pero verificada ésta, se le impondrá por el consejo de guerra la pena correspondiente á que no perjudicará ninguna de las ejecutivas de que se trata en este y otros artículos; y deberán aplicarse, justificado el caso por sumaria, á mas de que ha de pagar el agresor los gastos de la curacion, y el de subsanar los jornales ó sueldos del herido en ese tiempo.

16

Cualquiera que abordo hiciere armas contra algun centinela, ó se valiese de piedra, palo ó manos para atropellarla, será condenado á muerte; y si fuere paisano, será juzgado por el consejo de guera de oficiales, con inhibicion del tribunal á quien competa; bien entendido, que todo centinela que descubriese en alguno el intento de insultarlo ó atropellarlo, le advertirá que se modere, gritando á su cabo para que dé parte al oficial de guardia; y si no obstante continuase el designio manifestado de forzar la centinela ó atropellarla de cualquiera manera que sea, usará de su arma.

15

If any person on board should draw a knife, or other weapon, to wound another, the offence being proved, he shall immediately be sentenced to suffer twenty-five stripes with a cane, if belonging to the marines, or the like number of lashes, with a rope's-end on his back, if belonging to the crew, even in the case of the wound not being given. But should this have taken place, the court martial is to sentence the offender to the corresponding penalty; which is not to be abated, because of the immediate application of those spoken of in this and other articles; which must be put into execution after a summary trial of the case. The aggressor being over and above obliged to pay the expenses of the cure, and to indemnify the salary and wages of the wounded person during that time.

16

Whoever on board a vessel should employ offensive arms against a centinel, or make use of stones, stick or even his own hands to insult him shall be condemned to death: and even in the case of his not being a military man, he is to be judged by the court martial of the officers with exclusion of any other court to whom the same may correspond. And it is to be observed, that any centinel that may discover in any one the intention to insult, or beat him, is to warn him to be moderate, and call the corporal to inform thereof the officer on duty. If notwithstanding these measures the manifested design of forcing, beating, or insulting the centinel shouldcontinue, he may make use of his arms.

17

El que abordo ó en tierra desafiare ó aceptare desafio ó satisfacciones privadas, estará á lo dispuesto en las pracmáticas sobre esta materia.

18

Se pondrá en el cepo por cuatro dias á pan y agua al que se embriagare: y si fuere frecuente en el vicio se le quitará la racion de vino hasta que se enmiende, dándole cada vez que reincida seis zambullidas en el agua desde el penol de la verga mayor.

19

A todo individuo de mar se prohibe que oculte, rompa ó extravie, con cualquier fin que sea, las cartas, partidas de fletamento, polizas ó conocimientos de la carga, patente de navegacion, ni algun otro documento de las embarcaciones que reconozcan, detengan ó apresen, pena de diez años de presidio á los oficiales de mar é individuos de tropa y marineria, y privacion de empleo á cualquier otro: asi mismo se prohibe que se obligue á los capitanes y equipage de las embarcaciones que se reconociesen á que les contribuyan en cosa alguna ó se les haga extorsion, pena de pribacion de empleo ó de castigo ejemplar que se extenderá hasta el de muerte, segun el caso lo pida y lo estime justo el consejo de guerra.

17

Persons challenging, or accepting challenges or private satisfactions, whether on board or on shore, are to be judged in conformity with the laws of the matter.

18

Any person who may get drunk, shall be put in the stocks for four days, to subsist on bread and water. If the vice should become frequent, he is to be deprived of his allowance of wine, till he be reformed: and every time he should relapse into the same fault, he is to be ducked from the main yard-arm.

19

Every person belonging to the navy is prohibited to conceal, destroy or mislay, for any purpose whatever, the charter-parties of the freight, bills of lading of the cargo, sea-letters and passes for the navigation, or any other documents of the vessels they may search, detain or capture, under the penalty of ten years hard labour at the public works, to all warrant officers and other individuals of the marines and crew, and of the loss of the employment to any other person. It is also forbid to oblige the captains or crews of the vessels they may visit, to make any contribution to them, or to cause them any extortion: under the penalty of losing the employment; and also an exemplary punishment, which may be extended even to death, as the case may require, and the court martial should deem it just.

20

El que sin licencia del oficial de la presa, ó de embarcacion detenida, y marinada abriese en ella escotilla sellada, arca, fardo, pipa, saco ó alacena en que haya gèneros, perderá la parte que le corresponda de presa, si lo fuese, y los sueldos de toda la campaña; se le formará causa como á ladron, y se le condenará por el consejo de guerra segun resulte á presidio: juzgandose por el mismo tribunal al que despojase de sus vestidos á alguno de los individuos de la presa, los robase ó maltratase de modo alguno.

21

Será responsable el encargado de la presa de lo que por su culpa ú omision faltase y se le hubiere entregado, bajo la pena de privacion de empleo, y de la parte de presa que le corresponda, y ademas se le confiscará cuanto usurpe á todo el que exija derechos ó contribucion, ó se apropie mercaderias ú otros efectos de la presa, ni aun con el pretesto de recompensarse las diligencias en que se hubiere empleado relativas á ella.

22

Ninguna persona de cualquier grado ó condicion que sea deberá comprar ú ocultar género alguno que conozca pertenecer á presa, antes de haber sido juzgada por buena, pena de restitucion, y de multa de tres tantos del valor de los géneros comprados ú ocultados, y aun de castigo corporal si lo exigiere el caso.

20

Whoever without the permission of the prize-master of the vessel detained and manned as aforesaid, should break open the sealed hatches or trunks, bales, casks, bags or cupboards containing goods, shall lose his part in the capture, should it be declared good prize, and also his wages during all the cruise. A prosecution is to be instituted against him as a thief, and the court martial will sentence him to labour at the public works, according to the merits of the case. The same court must take cognizance of the persons who take away the cloths of the individuals on board the captured vessels, or in any manner rob, or ill treat them.

21

The prize-master shall be held responsible for every thing that through his fault or omission should be wanting out of the articles delivered to him; under the penalty of being deprived of his employment, and that of losing the part that may belong to him in the prize. And whoever may exact duties, or contribution, or appropriate to his own use any articles of merchandize, or otherwise, from the prize; even under the pretext to compensate the services in which he may have employed himself, relative to the same, shall have all such articles confiscated.

22

No person of any rank or condition whatever, is allowed to buy or conceal any articles, he may know to belong to a prize before the same is declared to be good, under the penalty of restoring the same; and of being fined in triple the value of the articles thus bought or concealed; and even of corporal punishment should the case require it.

23

Los castigos de retencion de vino, cepo, grillos, cadena, baquetas, y cañon de que hablan los artículos anteriores, podrán providenciarse por los comandantes de corsarios solo en la mar, y no en puerto, en donde su imposicion corresponde privativamente al gefe de marina.

24

Los azotes que se entienden bajo el nombre de cañon se darán solamente con rebenque ó mogel del menor grueso, como bastaria para tomar un rizo al juanete de un navio; pero no podrá verificarse tal castigo sino á presencia del oficial que el comandante destine é instruya del grado de rigor con que se deba ejecutar en proporcion con la culpa; y el hombre de mar que mandado por el contramaestre ó guardian reusare amarrar al delincuente, ó tomar el rebenque ó mogel para azotarle sufrirá la misma pena que èl.

23

The captains of the Privateers may impose the punishments of privations of wine, stock, irons, chain, gantlet and lashes spoken of in the foregoing articles, only whilst they are at sea, and by no means in the ports, where such authority exclusively belongs to the chief officer of the navy.

24

The lashes must be given with ropes of the smallest size; such as would be requisite to take a reef in the top-gallant-sail of a ship: and this punishment must not be effected but in the presence of the officer appointed by the commander, and acquainted by him with the degree of rigour with which the same must be done in proportion to the crime. And the seaman who should refuse to tie up the delinquent, or to take the rope's-end to flog him, when commanded so to do by the boatswain or his mate, shall be subject to suffer the same penalty.