

## Le Regole d'Oléron

In base alla Legge dell'Ammiragliato, **le Regole d'Oléron sono il fondamento di tutto il sistema**. Il "salvataggio" è il recupero (salvataggio/recupero della merce). Non esiste alcun recupero della "vita" in base al Diritto Marittimo. Dato che sei "morto", quindi, sarai "recuperato" e sistemato fundamentalmente in un edificio adibito a stoccaggio (magazzino).

Ecco perché ti sistemano in prigione, perché semplicemente sei merce che è depositata in un magazzino. Ma se tu riaffermi d'essere un "essere vivente", allora, in base alle Regole di Oléron ciò implica che tu sia un marinaio sulla nave/vascello dello Stato e devono fornirti cura, e non solo cura, ma la "massima cura". Cura e mantenimento fino a quando la tua salute non si sarà ristabilita.

Ciò che il giudice sta cercando di fare, una volta rientrato in aula, è sostanzialmente lo stabilire una giurisdizione di carattere superiore, ingannando l'imputato affinché non riaffermi la sua posizione e, questo accade nel 90% dei casi ed è quasi sempre male interpretato, perché pur non cambiando nulla apparentemente, ci si trova in una Corte completamente differente, basata esclusivamente sulla Legge dell'Ammiragliato.

Qualora, poi, il giudice uscisse nuovamente dall'aula e rientrasse per la seconda volta, sarebbe sotto la protezione delle Leggi ecclesiastiche e del Diritto canonico, in base alle quali sarebbe trattato come un "Ordinario", quindi sarebbe seduto lì quale rappresentante della Curia.

Se si verifica un errore a quest'altro impercettibile livello, potrebbe risultare gravissimo per il giudice. Cadendo in disonore su questo terzo livello, potrebbe perdere il diritto d'essere giudice per sempre. È solo a questo punto che il fatto di rivendicare la propria sovranità in qualità di "essere vivente" in carne e ossa con riferimento al rapporto tra se stessi e Dio, potrà essere utilizzato. In nessun altro momento può esserci un qualsivoglia "Rimedio". Ciò che accade con la sovranità è un Rimedio effettivo, ma solo in rarissime circostanze.

Tutto ciò fa comprendere come un giudice abbia accesso a diversi livelli di potere, fino a operare nelle vesti di un sacerdote. <sup>1)</sup>

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*Promulgate da Eleonora di Aquitania nel 1160 ca., nuovamente promulgate da Enrico III intorno al 1266 e confermate da Edoardo III nel 1329*

## Article I

When several joint owners make a man master of a ship or vessel, and the ship or vessel departing from her own port, arrives at Bordeaux, Rouen, or any other such place, and is there freighted to sail for Scotland, or some other foreign country; the master in such case may not sell or dispose of that ship or vessel, without a special procuration from the owners: but in case he wants money for the victualling, or other necessary provisions of the said vessel, he may for that end, with the advice of his mariners, pawn or pledge part of the tackle or furniture of a ship.

## Article II

If a ship or other vessel be in a port, waiting for weather, and a wind to depart, the master ought when that comes, before his departure to consult his company, and say to them, Gentlemen, What think you of this wind? If any of them see that it is not settled, and advise him to stay until it is, and others, on the contrary, would have him make use of it as fair, he ought to follow the advice of the major part. If he does otherwise, and the vessel happens to miscarry, he shall be obliged to make good the same, according to the value upon a just appraisement.

## Article III

If any vessel, through misfortune, happens to be cast away, in whatsoever place it be, the mariners shall be obliged to use their best endeavors for saving as much of the ship and lading as possibly they can: and if they preserve part thereof, the master shall allow them a reasonable consideration to carry them home to their own country. And in case they save enough to enable the master to do this, he may lawfully pledge to some honest persons such part thereof as may be sufficient for that occasion. But if they have not endeavored to save as aforesaid, then the master shall not be bound to provide for them in any thing, but ought to keep them in safe custody, until he knows the pleasure of the owners, in which he may act as becomes a prudent master; for if he does otherwise, he shall be obliged to make satisfaction.

## Article IV

If a vessel departing with her lading from Bordeaux, or any other place, happens in the course of her voyage, to be rendered unfit to proceed therein, and the mariners save as much of the lading as possibly they can; if the merchants require their goods of the master, he may deliver them if he pleases, they paying the freight in proportion to the part of the voyage that is performed, and the costs of the salvage. But if the master can readily repair his vessel, he may do it; or if he pleases, he may freight another ship to perform his voyage. And if he has promised the people who helped him to save the ship the third, or the half part of the goods saved for the danger they ran, the judicatures of the country should consider the pains and trouble they have been at, and reward them accordingly, without any regard to the promises made them by the parties concerned in the time of their distress.

## Article V

If a vessel departing from one port, laden or empty, arrives at another, the mariners shall not leave the ship without the master's consent: if they do, and by that means she happens to be lost or damnified, they shall be answerable for the damage; but if the vessel be moored, and lying at anchor, with a sufficient number of men aboard to keep the decks and lading, they may go without the master's consent, if they come back in good time; otherwise they shall be liable to make satisfaction, if they have wherewithal.

## Article VI

If any of the mariners hired by the master of any vessel, go out of the ship without his leave, and get themselves drunk, and thereby there happens contempt to their master, debates, or fighting and quarreling among themselves, whereby some happen to be wounded: in this case the master shall not be obliged to get them cured, or in any thing to provide for them, but may turn them and their accomplices out of the ship; and if they make words of it, they are bound to pay the master besides: but if by the master's orders and commands any of the ship's company be in the service of the ship, and thereby happen to be wounded or otherwise hurt, in that case they shall be cured and provided for at the costs and charges of the said ship.

## Article VII

If it happens that sickness seizes on any one of the mariners, while in the service of the ship, the master ought to set him ashore, to provide lodging and candlelight for him, and also to spare him one of the shipboys, or hire a woman to attend him, and likewise to afford him such diet as is usual in the ship; that is to say, so much as he had on shipboard in his health, and nothing more, unless it please the master to allow it him; and if he will have better diet, the master shall not be bound to provide it for him, unless it be at the mariner's own cost and charges; and if the vessel be ready for her departure, she ought not to stay for the said sick party-but if he recover, he ought to have his full wages, deducting only such charges as the master has been at for him. And if he dies, his wife or next kin shall have it.

## Article VIII

If a vessel be laden to sail from Bordeaux to Caen, or any other place, and it happens that a storm overtakes her at sea, so violent, that she cannot escape without casting some of the cargo overboard for lightening the vessel, and preserving the rest of the lading, as well as the vessel itself then the master ought to say, Gentlemen, We must throw part of the goods overboard; and, if there are no merchants to answer him, or if those that are there approve of what he says by their silence, then the master may do as he thinks fit; and if the merchants are not pleased with his throwing over any part of the merchandise, and forbid him, yet the master ought not to forbear casting out so many of the goods as he shall see to be for the common good and safety; he and the third part of his mariners making oath on the Holy Evangel-ists, when they arrive at their port of discharge, that he did it only for the preservation of the vessel, and the rest of the lading that remains yet in her. And the wines, or other goods, that were cast overboard, ought to be valued or prized according to the just value of the other goods that arrive in safety. And when these shall be sold, the price or value thereof ought to be divided livre a livre among the merchants. The master may compute the damage his vessel has sustained, or reckon the freight of the goods thrown overboard at his own choice. If the master does not make it appear that he and his men did the part of able seamen, then neither he nor they shall have any thing. The mariners also ought to have one tun free, and another divided by cast of the dice, according as it shall happen, and the merchants in this case may lawfully put the master to his oath.

## Article IX

If it happen, that by reason of much foul weather the master is like to be constrained to cut his masts, he ought first to call the merchants, if there be any aboard the ship, and such as have goods and merchandise in the vessel, and to consult them, saying, Sirs, it is requisite to cut down the mast to save the ship and lading, it being in this case my duty. And frequently they also cut their mooring cables, leaving behind them their cables and anchors to save the ship and her lading; all which things are reckoned and computed livre by livre, as the goods are that were cast overboard. And when the vessel arrives in safety at her port of discharge, the merchants ought to pay the master their shares or proportions without delay, or sell or pawn the goods and employ the money he raises to satisfy by it the same, before the said goods be unladen out of the said ship: but if he lets them go, and there happens controversies and debates touching the premises if the master observes collusion therein, he ought not to suffer, but is to have his complete freight, as well for what goods were thrown overboard, as for what he brought home.

## Article X

The master of a ship, when he lets her out to freight to the merchants, ought to shew them his cordage, ropes and slings, with which the goods are to be hoisted aboard or ashore; and if they find they need mending, he ought to mend them; for if a pipe, hogshead or other vessel, should happen

by default of such cordage or slings to be spoiled or lost, the master and mariners ought to make satisfaction for the same to the merchants. So also if the ropes or slings break, the master not shewing them before hand to the merchants, he is obliged to make good the damage. But if the merchants say the cordage, ropes or slings are good and sufficient, and notwithstanding it happens that they break, in that case they ought to divide the damage between them; that is to say, the merchant to whom such goods belong, and the said master with his mariners.

## **Article XI**

If a vessel being laden at Bordeaux with wines, or other goods, hoists sail to carry them to some other port, and the master does not do his duty as he ought, nor the mariners handle their sails, and it happens that ill weather overtakes them at sea; so that the main yard shakes or strikes out the head of one of the pipes or hogsheads of wine; this vessel being safely arrived at her port of discharge, if the merchant alleges, that by reason of the main yard his wine was lost; and the master denies it: In this case the master and his mariners ought to make oath (whether it be four or six of them, such as the merchant hath no exception against) that the wine perished not by the main yard, nor through any default of theirs, as the merchants charge them, they ought then to be acquitted thereof but if they refuse to make oath to the effect aforesaid, they shall be obliged to make satisfaction for the same, because they ought to have ordered their sails aright before they departed from the port, where they took in their lading.

## **Article XII**

A master, having hired his mariners, ought to keep the peace betwixt them, and to be as their judge at sea; so that if there be any of them that gives another the lie, whilst they have wine and bread on the table, he ought to pay four deniers; and if the master himself give any the lie, he ought to pay eight deniers; and if any of the mariners impudently contradict the master, he also ought to pay eight deniers; and if the master strike any of the mariners, he ought to bear with the first stroke, be it with the fist or open hand; but if the master strikes him more than one blow, the mariner may defend himself but if the said mariner doth first assault the master, he ought to pay five sols, or lose his hand.

## **Article XIII**

If a difference happens between the master of a ship, and one of his mariners, the master ought to deny him his mess thrice, ere he turn him out of the ship, or discharge him thereof but if the said mariner offer, in the presence of the rest of the mariners, to make the master satisfaction, and the master be resolved to accept of no satisfaction from him, but to put him out of the ship; in such case the said mariner may follow the said vessel to her port of discharge, and ought to have as good hire or wages, as if he had come in the ship, or as if he had made satisfaction for his fault in the sight and presence of the ship's company; and if the master take not another mariner into the ship in his stead, as able as the other, and the ship or lading happens thereby to be, through any misfortune, damnified, the master shall be obliged to make good the same, if he hath wherewithal.

## **Article XIV**

If a vessel, being moored, lying at anchor, be struck or grappled with another vessel under sail, that is not very well steered, whereby the vessel at anchor is prejudiced, as also wines, or other merchandise in each of the said ships damnified. In this case the whole damage shall be in common, and be equally divided and appraised half by halt and the master and mariners of the vessel that struck or grappled with the other, shall be bound to swear on the Holy Evangelists, that they did it not willingly or wilfully. The reason why this judgment was first given, being, that an old decayed vessel might not

purposely be put in the way of a better, which will the rather be prevented when they know that the damage must be divided.

### **Article XV**

Suppose two or more vessels in a harbor, where there is but little water, so that the anchor of one of the vessels lie dry; the master of the other vessel ought, in that case, to say unto him whose anchor lies dry; Master, take up your anchor, for it is too nigh us, and may do us a prejudice: if neither the said master nor his mariners will take up the said anchor accordingly, then may that other master and his mariners (who might be otherwise thereby damnified) take up the said anchor, and let it down at a farther distance from them; and if the others oppose or withstand the taking up of their anchor, and there afterwards happens damage thereby, they shall be bound to give full satisfaction for the same: but if they put out a buoy or anchor-mark, and the anchor does any damage, the master and mariners to whom it belongs are not bound to make it good; if they do not, they are; for all masters and mariners ought to fasten such buoys or anchor-marks, and such cables to their anchors, as may plainly appear and be seen at full sea.

### **Article XVI**

When a ship arrives with her lading at Bordeaux, or elsewhere, the master is bound to say to his company, when she is ready to load again, Gentlemen, will you freight your own share yourselves, or be allowed for it in proportion with the ship's general freight? the mariners are bound to answer one or the other. If they take as the freight of the ship shall happen, they shall have proportionably as the ship bath; and if they will freight by themselves, they ought to freight so as the ship be not impeded or hindered thereby. And if it so happen, that they cannot let out their freight, or get goods themselves, when he has tendered them their share or stowage, the master is blameless; and if they will there lade a tun of water instead of so much wine, they may: and in case there should happen at sea, an ejection or a casting of goods overboard, the case shall be the same for a tun of water, as for a tun of wine, or other goods, livre by livre. If they let out their proportion of freight to merchants, what freedom and immunity the said mariners have, the said merchants shall also have.

### **Article XVII**

The mariners of Britany ought to have but one meal a day from the kitchen, because they have beverage going and coming. But those of Normandy are to have two meals a day, because they have only water at the ship's allowance; and when the ship arrives in a wine country, there the master shall procure them wine to drink.

### **Article XVIII**

When a vessel is unladen, and the mariners demand their freight, some of them having neither bed, chest, nor trunk aboard, the master may lawfully retain part of their wages, till they have brought back the ship to the port from whence she came; unless they give good security to serve out the whole voyage.

### **Article XIX**

If the master hire the mariners in the town to which the vessel belongs, either for so much a day, week or month, or for such a share of the freight; and it happens that the ship cannot procure freight in those parts where she is arrived, but must sail further to obtain it: in such case, those that were hired for a share of the freight, ought to follow the master, and such as are at wages ought to have their wages advanced course by course, that is, in proportion to the length of the voyage, in what it was longer than they agreed for, because he hired them to one certain place. And if they go not so far

as that place for which the contract was made, yet they ought to have the whole promised hire, as if they had gone thither; but they ought likewise to bring back the vessel to the place from whence she at first departed.

## **Article XX**

When a vessel arrives at Bordeaux, or any other place, two of the mariners at a time may go ashore, and take with them one meal of such victuals as are in the ship, therein cut and provided; as also bread proportionably as much as they eat at once, but no drink: and they ought very speedily, and in season, to return to their vessel, that thereby the master may not lose his tide; for if so, and damage come thereby, they are bound to make satisfaction; or if any of their company be hurt for want of their help, they are to be at such charge for his recovery, as one of his fellow mariners, or the master, with those of his table shall judge convenient.

## **Article XXI**

If a master freight his ship to a merchant, and set him a certain time within which he shall lade his vessel, that she may be ready to depart at the time appointed, and he lade it not within the time, but keep the master and mariners by the space of eight days, or a fortnight, or more, beyond the time agreed on, whereby the master loses the opportunity of a fair wind to depart; the said merchant in this case shall be obliged to make the master satisfaction for such delay, the fourth part whereof is to go among the mariners, and the other three-fourths to the master, because he finds them their provisions.

## **Article XXII**

When a merchant freights a vessel at his own charge, and sets her to sea, and the said vessel enters into an harbor, where she is wind-bound, so that she stays till her monies be all spent, the master in that case ought speedily to write home to his own country for money; but ought not to lose his voyage on that account; for if so happen, he shall be obliged to make good to the merchant all damages that shall ensue. But the master may take part of the wines or other merchant goods, and dispose thereof for his present necessities; and when the said vessel shall be arrived at her port of discharge, the said wines that the master hath so disposed of, ought to be valued and appraised at the same rate as the other wines shall be commonly sold for, and accordingly be accounted for to the merchant. And the master ought to have the freight of such wines, as he hath so taken and disposed of, for the use and reason aforesaid.

## **Article XXIII**

If a pilot undertakes the conduct of a vessel, to bring her to St. Malo, or any other port, and fail of his duty therein, so as the vessel miscarry by reason of his ignorance in what he undertook, and the merchants sustain damage thereby, he shall be obliged to make full satisfaction for the same, if he hath wherewithal; and if not, lose his head.

## **Article XXIV**

And if the master, or any one of his mariners, or any one of the merchants, cut off his head, they shall not be bound to answer for it; but before they do it, they must be sure he had not herewith to make satisfaction.

## **Article XXV**

If a ship or other vessel arriving at any place, and making in towards a port or harbor, set out her flag,

or give any other sign to have a pilot come aboard, or a boat to tow her into the harbor, the wind or tide being contrary, and a contract be made for piloting the said vessel into the said harbor accordingly; but by reason of an unreasonable and accursed custom, in some places, that the third or fourth part of the ships that are lost, shall accrue to the lord of the place where such sad casualties happen, as also the like proportion to the salvors, and only the remainder to the master, merchant and mariners: the persons contracting for the pilotage of the said vessel, to ingratiate themselves with their lords, and to gain to themselves a part of the ship and lading, do like faithless and treacherous villains, sometimes even willingly, and out of design to ruin ship and goods, guide and bring her upon the rocks, and then feigning to aid, help and assist, the now distressed mariners, are the first in dismembering and pulling the ship to pieces; purloining and carrying away the lading thereof contrary to all reason and good conscience: and afterwards that they may be the more welcome to their lord, do with all speed post to his house with the sad narrative of this unhappy disaster; whereupon the said lord, with his retinue appearing at the places, takes his share; the salvors theirs; and what remains the merchant and mariners may have. But seeing this is contrary to the law of God, our edict and determination is, that notwithstanding any law or custom to the contrary, it is said and ordained, the said lord of that place, salvors, and all others that take away any of the said goods, shall be accursed and excommunicated, and punished as robbers and thieves, as formerly hath been declared. But all false and treacherous pilots shall be condemned to suffer a most rigorous and unmerciful death; and high gibbets shall be erected for them in the same place, or as high as conveniently may be, where they so guided and brought any ship or vessel to ruin as aforesaid, and thereon these accursed pilots are with ignominy and much shame to end their days; which said gibbets are to abide and remain to succeeding ages on that place, as a visible caution to other ships that shall afterwards sail thereby.

#### **Article XXVI**

If the lord of any place be so barbarous, as not only to permit such inhuman people, but also to maintain and assist them in such villainies, that he may have a share in such wrecks, the said lord shall be apprehended, and all his goods confiscated and sold, in order to make restitution to such as of right it appertaineth; and himself to be fastened to a post or stake in the midst of his own mansion house, which being fired at the four corners, all shall be burnt together, the walls thereof shall be demolished, the stones pulled down, and the place converted into a market place for the sale only of hogs and swine to all posterity.

#### **Article XXVII**

A vessel being arrived at her port of discharge, and hauled up there into dry ground, so as the mariners deeming her to be in good safety, do take down her sails, and so fit the vessel aloof and aft, the master then ought to consider an increase of their wages kenning by kenning; and if in hoisting up wines, it happens that they leave open any of the pipes or other vessels, or that they fasten not the ropes well at the ends of the vessel, by reason whereof it slips, and falls, and so is lost, and falling on another, both are lost; in these cases the master and mariners shall be bound to make them good to the merchants, and the merchants must pay the freight of the said damnified or lost wines, because they are to receive for them from the master and mariners, according to the value that the rest of the wines are sold; and the owners of the ship ought not to suffer hereby, because the damage happened by default of the master and mariners, in not making fast the said vessels or pipes of wine.

#### **Article XXVIII**

If two vessels go on a fishing-design in partnership, as for mackarel, herrings, or the like, and do set their nets or lay their lines at Olonne, St. Gilles, Survie, or elsewhere; the one of the vessels ought to employ as many fishing engines as the other, and so shall go in equal shares, as to the gain,

according to the agreement betwixt them made. And if it happens that one of the said vessels, with her fishing-instruments, engines and crew, perish, and the other escaping, arrives in safety; if the surviving friends of those that perished, require of the other to have their part of the gain, as also of their fish, fishing-instruments, and boat, they are to have, upon the oaths of those that escape, their part of the fish, and fishing-instruments; but they shall not have any part or share in the vessel itself.

### **Article XXIX**

If any ship or other vessel sailing to and fro, and coasting the seas, as well in the way of merchandizing, as upon the fishing account, happen by some misfortune through the violence of the weather to strike herself against the rocks, whereby she becomes so bruised and broken, that there she perishes, upon what coasts, country or dominion soever; and the master, mariners, merchant or merchants, or any one of these escape and come safe to land; in this case the lord of that place or country, where such misfortune shall happen, ought not to let, hinder, or oppose such as have so escaped, or such to whom the said ship or vessel, and her lading belong, in using their utmost endeavors for the preservation of as much thereof as may possibly be saved. But on the contrary, the lord of that place or country, by his own interest, and by those under his power and jurisdiction, ought to be aiding and assisting to the said distressed merchants or mariners, in saving their shipwrecked goods, and that without the least embezzlement, or taking any part thereof from the right owners; but, however, there may be a remuneration or consideration for salvage to such as take pains therein, according to right reason, a good conscience, and as justice shall appoint; notwithstanding what promises may in that case have been made to the salvors by such distressed merchants and mariners, as is declared in the fourth article of these laws; and in case any shall act contrary hereunto, or take any part of the said goods from the said poor, distressed, ruined, undone, shipwrecked persons, against their wills, and without their consent, they shall be declared to be excommunicated by the church, and ought to receive the punishment of thieves; except speedy restitution be made by them: nor is there any custom or statute whatsoever, that can protect them against the aforesaid penalties, as is said in the 26th article of these laws.

### **Article XXX**

If a ship or other vessel entering into harbor, happens by misfortune to be broken and perish, and the master, mariners and merchants, which were on board her, be all drowned; and if the goods thereof be driven ashore, or remain floating on the sea, without being sought after by those to whom they belong, they being ignorant of this said disaster, and knowing nothing thereof in this most lamentable case, the lord of that place or country ought to send persons to save the said goods, which he ought to secure and to put into safe custody; and give the relations of the deceased persons who were drowned, notice of it, and to satisfy for the salvage thereof, not out of his own purse, but of the goods saved, according to the hazards run, and the pains taken therein; and what remains must be kept in safe custody for one year or more; and if in that time they to whom the said goods appertain, do not appear and claim the same, and the said year be fully expired, he may publicly sell and dispose thereof to such as will give most, and with the monies proceeding of the sale thereof, he ought to give among the poor, and for portions to poor maids, and other charitable uses, according to reason and good conscience. But if he assumes the said goods either in whole or in part unto himself, he shall incur the curse and malediction of our mother the holy church, with the aforesaid pains and penalties, without ever obtaining remission, unless he make satisfaction.

### **Article XXXI**

If a ship or other vessel happens to be lost by striking on some shore, and the mariners thinking to save their lives, reach the shore, in hope of help, and instead thereof it happens, as it often does, that in many places they meet with people more barbarous, cruel, and inhuman than mad dogs, who to



gain their monies, apparel, and other goods, do sometimes murder and destroy these poor distressed seamen; in this case, the lord of that country ought to execute justice on such wretches, to punish them as well corporally as pecuniarily, to plunge them in the sea till they be half dead, and then to have them drawn forth out of the sea, and stoned to death.

#### **Article XXXII**

If by reason of tempestuous weather, it be thought expedient, for the lightening of any ship or vessel at sea, or riding at anchor in any road, to cast part of the lading overboard, and it be done accordingly for the common safety, though the said goods so ejected, and cast over-board, do become his that can first possess himself thereof, and carry them away: nevertheless, it is here to be further understood, that this holds true only in such cases, as when the master, merchant, and mariners have so ejected or cast out the said goods, as that they give over all hope or desire of ever recovering them again, and so leave them as things utterly lost and given over by them, without ever making any enquiry or pursuit after them: in which case only the first occupant becomes the lawful proprietor thereof.

#### **Article XXXIII**

If a ship, or any other vessel, hath cast overboard several goods or merchandises, which are in chests well locked and made fast; or books well clasped and shut close, that they may not be damnified by salt water; in such cases it is to be presumed, that they who did cast such goods overboard, do still retain an intention, hope, and desire of recovering the same: for which reason, such as shall happen to find such things, are obliged to make restitution thereof to him who shall make a due enquiry after them; or put them to pious uses, according to his conscience and the advice of some prudent neighbor.

#### **Article XXXIV**

If any man happens to find any thing in the sea, or in the sand on the shore, in floods or in rivers, if it be precious stones, fishes, or any treasure of the sea, which never belonged to any man in point of property, it belongs to the first finder.

#### **Article XXXV**

If any searches the sea-coasts to fish, or find gold or silver, and he finds it, he ought to restore it all without any diminution.

#### **Article XXXVI**

If any going along the sea-shore to fish, or otherwise, happens to find gold or silver, he shall be bound to make restitution thereof, deducting for his own pains; or if he be poor he may keep it to himself that is, if he knows not to whom to restore it; yet he shall give notice of the place where he found it, to the neighborhood and parts next adjacent, and advise with his superiors, who ought to weigh and take into consideration the property of the finder, and then to give him such advice as is consonant to good conscience.

#### **Article XXXVII**

Touching great fishes that are taken or found dead on the sea-shore, regard must be had to the custom of that country where such great fishes are taken or found. For by the custom, the lord of that country ought to have his share, and with good reason, since the subject owes obedience and tribute to his sovereign.

## Article XXXVIII

The lord ought to have his share of oil fish, and of no other, according to the laudable custom of the country where they are found; and he that finds them is no farther obliged than to save them, by bringing them without the reach of the sea, and presently to make it known to the said lord of the place, that he may come and demand what is his right.

## Article XXXIX

If the lord of the place pleases, and if it be the custom of the country where the fish is found, he may cause the same to be brought by him that found it, to the public and open market place, but no where else; and there the said fish shall be appraised by the said lord, or his deputy according to custom. And the price being set, the other party that made not the price, shall have his choice, either to take or leave it at that price; and if either of them, whether per fm or nefm be an occasion of loss or damage to the other, though but to the value of a denier, he shall be obliged to make him restitution.

## Article XL

If the costs and charges of carrying the said fish to the said market place would amount to a greater sum than the fish itself may be worth, then the said lord shall be bound to take his share at the place where such fish was found.

## Article XLI

The said lord ought likewise to pay his part of the aforesaid costs and charges, because he ought not by another's damage to enrich himself.

## Article XLII

If by some chance or misfortune the said fish happens to be stolen away, or otherwise lost from the place where it was found, after or before the said lord has visited it; in this case he that first found it shall not any ways be obliged to make it good, *Casus fortuiti in quibus est aggressura latronum anemine praestantur l. quae fortuitis. C. pignoratitia actione.*

## Article XLIII

In all other things found by the sea side, which have formerly been in the possession of some one or other, as wines, oil, and other merchandize, although they have been cast overboard, and left by the merchants, and so ought to appertain to him that first finds the same; yet herein also the custom of the country is to be observed as well as in the case of fish. But if there be a presumption that these were the goods of some ship that perished, then neither the said lord, nor finder thereof, shall take any, to convert any part of it to their own use; but as has been said, distribute the money it produces amongst the poor and needy.

## Article XLIV

If any ship or other vessel at sea, happens to find an oil fish, it shall be wholly theirs that found it, in case no due pursuit be made after it; and no lord of any place ought to demand any part thereof though they bring it to his ground.

## Article XLV

If a vessel by stress of weather be constrained to cut her cables or ropes by the end, and so to quit

and leave behind her both cables and anchors and put to sea at the mercy of the wind and weather; in this case the said cables and anchors ought not to be lost to the said vessel, if there were any buoy at them; and such as fish for them, shall be bound to restore them, if they know to whom they belong; but they ought to be paid for their pains, according to justice. And if they know not to whom to restore them, the lords of the place shall have their shares, as well as the salvors; but for preventing further inconveniences, every master of a ship shall cause to be engraven, or set upon the buoys thereof, his own name, or the name of his ship, or of the port or haven to which she belongs: and such as detain them from him shall be reputed thieves and robbers.

## Article XLVI

If any ship, or other vessel, by any casualty or misfortune happens to be wrecked and perish, in that case, the pieces of the hulk of the vessel, as well as the lading thereof, ought to be reserved and kept in safety for them to whom it belonged before such disaster happened, notwithstanding any custom to the contrary. And all takers, partakers, or consenters of, or to the said wreck, if they be bishops, prelates or clerks, they shall be deposed and deprived of their benefices respectively; and if they be laymen they shall incur the penalties aforesaid. De his autem quos diripuisse probatum sit, praesides ut de latronibus, gravem sententiam dicere convenit. I. ne quid. I. quo Naufrag. D. Incendio, ruina, & naufragio. I. navigia, C. furtis. The penalties aforesaid are in the 25th, 26th and 29th articles.

## Article XLVII

This is to be understood only when the said ship or vessel so wrecked, did not exercise the trade of pillaging, and when the mariners thereof were not pirates, sea-rovers, or enemies to our holy Catholic faith; but if they are found to be either the one or the other, every man may then deal with such as with rogues, and despoil them of their goods without any punishment for so doing.

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**Fonte** del testo: 30 cause federali 1171-1187

*Staff di Extrapedia Freedom*

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*Indice*

<sup>1)</sup>

Tratto da *Frank O'Collins*

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