ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. LXXIII.

An Act for preventing the Deſertion of Seamen from *Britiſh* Merchant Ships trading to His Majeſty's Colonies and Plantations in the *Weſt Indies*.

[6th *June* 1797.]

Preamble.

WHEREAS Seamen and Mariners, after entering into Articles to ſerve on Board *Britiſh* Merchant Ships, during the Voyages from *Great Britain* to His Majeſty's Colonies and Plantations in the *Weſt Indies*, and back to *Great Britain*, do frequently deſert from ſuch Ships on their Arrival at or in ſuch Colonies and Plantations, on Account of the exorbitant Wages given by Maſters and Commanders of other *Britiſh* Merchant Ships, by the Run or Groſs, to Seamen and Mariners, when in ſuch Colonies or Plantations, to induce them to enter on Board their Ships: And whereas ſuch Seamen and Mariners, upon entering into Articles for ſuch Voyages from *Great Britain*, uſually receive large Sums of Money in Advance, for the Purpoſe of their Outfit; and Monthly Allowances are frequently paid to their Families, towards their Support and Maintenance, during the Abſence of ſuch Seamen and Mariners: And whereas ſuch Deſertions have been the Means of depriving many Merchant Ships of a ſufficient Number of Seamen and Mariners to navigate them back to *Great Britain*, and thereby occaſioned great Loſſes to the Merchants trading to the ſaid Colonies and Plantations: For Remedy whereof, may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That,

From *July* 1, 1797, Seamen deſerting from Merchant Ships to or from the *Weſt Indies*, to forfeit their Wages.

That, from and after the Firſt Day of *July* One thouſand ſeven hundred and ninety-ſeven, all and every Seaman, Mariner, and other Perſon who ſhall deſert, at any Time during the Voyage, either out or home, from any *Britiſh* Merchant Ship trading to or from the ſaid Colonies or Plantations, ſhall, over and above all Puniſhments, Penalties, and Forfeitures, to which he is now by Law ſubject, forfeit all the Wages he may have agreed for with, or be entitled to during the Voyage from the Maſter or Owner of the Ship on Board of which he ſhall enter, immediately after ſuch Deſertion.

Maſters hiring Seamen who have deſerted from any other Ship, to forfeit 100 *l.*

II. And be it further enacted, That all and every Maſter or Commander of any *Britiſh* Merchant Ship who ſhall, from and after the ſaid Firſt Day of *July* One thouſand ſeven hundred and ninety-ſeven, hire or engage to ſerve on Board his Ship or Veſſel any Seaman, Mariner, or other Perſon who ſhall, to the Knowledge of ſuch Maſter, have deſerted from any other Ship or Veſſel, ſhall forfeit and pay the Sum of One hundred Pounds, to be recovered, levied, and applied, as hereinafter directed.

No Maſter ſailing from *Great Britain* after *July* 1, 1797, to hire Seamen in the *Weſt Indies* at more than Double Wages, unleſs authorized by the Governor, &c.

III. And be it further enacted, That no Maſter or Commander of any Merchant Ship or Veſſel which ſhall, from and after the Firſt Day of *July* One thouſand ſeven hundred and ninety-ſeven, ſail or proceed from any Port or Place in *Great Britain*, ſhall hire or engage, or cauſe or procure to be hired or engaged, any Seaman, Mariner, or other Perſon, at any Port or Place within His Majeſty's Colonies or Plantations in the *Weſt Indies*, to ſerve on Board any ſuch Merchant Ship or Veſſel at or for greater or more Wages or Hire for ſuch Service than according to the Rate of Double Monthly Wages, contracted for with the Seamen, Mariners, and other Perſons, hired or engaged to ſerve on Board ſuch Ship or Veſſel at the Time of her then laſt Departure from *Great Britain*, being in the ſame Degree and Station in which ſuch Seaman, Mariner, or other Perſon, ſhall be ſo hired or engaged at any ſuch Port or Place as aforeſaid, unleſs the Governor, Chief Magiſtrate, Collector, or Comptroller of ſuch Port or Place in the ſaid Colonies or Plantations ſhall think that greater or more Wages or Hire than Double the Monthly Wages aforeſaid ſhould or ought to be given to ſuch Seaman, Mariner, or other Perſon as aforeſaid, and do and ſhall accordingly authorize or direct the ſame to be given by Writing under his Hand; that then and in ſuch Caſe the Maſter or Commander of ſuch Ship or Veſſel ſhall and may be at Liberty to pay, and the Seaman, Mariner, or other Perſon on Board ſuch Ship or Veſſel to receive, ſuch greater or higher Wages as ſuch Governor, Chief Magiſtrate, Collector, or Comptroller, ſhall direct, as aforeſaid; and that all Contracts, Bonds, Bills, Notes, and other Securities, Promiſes, and Undertakings, which ſhall be made, entered into, or given, contrary to the Intent and Meaning of this Act, ſhall be null and void to all Intents and Purpoſes; and that the Maſter or Commander of any ſuch Merchant Ship or Veſſel, or other Perſon or Perſons whomſoever, who ſhall make, enter into, or give, or cauſe or procure to be made, entered into, or given, any ſuch Contract, Bond, Bill, Note, or other Security, Promiſe, or Undertaking, or who ſhall hire or engage, or cauſe or procure to be hired or engaged, any Seaman, Mariner, or other Perſon, to enter on Board any Ship or Veſſel contrary to the Intent and Meaning of this Act, or who ſhall pay, or cauſe or procure to be paid or given,

Contracts contrary to this Act void, and

Perſons entering into them, &c. to forfeit 100 *l.*

given, any greater or more Hire or Wages, or other Gratuity or Advantage whatſoever, to or for any Seaman, Mariner, or other Perſon ſo hired or engaged at any ſuch Port or Place within His Majeſty's Colonies or Plantations in the *Weſt Indies* as aforeſaid, than is allowed or directed by this Act, ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds; to be recovered, levied, and applied, in the Manner herein-after directed.

Every Ship trading to the *Weſt Indies* to have an Apprentice under 17 Years old, for every 100 Tons Burthen, &c.

IV. And be it further enacted, That all and every Maſter and Maſters of any Merchant Ship or Merchant Ships trading to His Majeſty's Colonies and Plantations in the *Weſt Indies*, ſhall have on Board his or their Ship or Ships at the Time of ſuch Ship or Ships clearing out from *Great Britain*, One Apprentice, who ſhall be under the Age of Seventeen Years, duly indented for Three Years, for every One hundred Tons Admeaſurement of ſuch Ship or Ships, and ſo in Proportion for every One hundred Tons which ſuch Ship or Ships ſhall admeaſure, according to the Certificate of Regiſtry, and the Indenture or Indentures of every ſuch Apprentice ſhall be duly enrolled at the Cuſtom Houſe of the Port from whence any ſuch Ship ſhall clear out, with the Collector or Comptroller, within One Month after the Date or Execution thereof; which ſaid Apprentice and Apprentices ſhall be, and is and are hereby exempt from ſerving in His Majeſty's Navy for the Space of Three Years from the Date of ſuch Indenture or Indentures; and all and every Owner or Owners, or Maſter and Maſters neglecting to enroll the ſame as aforeſaid, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds, to be paid in Manner following; (that is to ſay), One Moiety by the Owner or Owners of ſuch Ship or Ships, and the other Moiety by the Maſter or Maſters thereof, to be levied, recovered, and applied, in Manner herein-after mentioned.

Apprentices exempt from ſerving in the Navy for Three Years. Penalty of 10*l.* for not enrolling them.

Maſters of ſuch Ships out and home, within 10 Days after Arrival, to deliver Liſts containing certain Particulars, on Penalty of 50*l.*

V. And be it further enacted, That all and every Maſter and Maſters of ſuch Ship or Ships ſhall, within Ten Days after their Arrival out at any Port or Ports in the ſaid Colonies or Plantations, and alſo within Ten Days after their Arrival home at any Port or Ports in *Great Britain*, deliver, upon Oath, to be made before the Collector or Comptroller of ſuch Port or Ports reſpectively, (who is hereby authorized to adminiſter the ſame), a true and exact Liſt and Deſcription of all and every the Crew on Board ſuch Ship or Ships at the Time of their clearing out from any Port or Ports in *Great Britain*, and alſo of the Crew on Board the ſame at the Time of their Arrival in any Port or Ports in the ſaid Colonies or Plantations, and alſo a true and exact Liſt and Deſcription of all and every Seaman, Mariner, or other Perſon who has or have deſerted from ſuch Ship or Ships, or who has or have died during the Voyage; and alſo a true Account of the Wages due to each Seaman, Mariner, or other Perſon ſo dying, at the Time of his Death, and all and every Maſter and Maſters omitting, neglecting, or refuſing ſo to do, ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds; and for which ſaid Liſt and Account ſo delivered, ſuch Collector or Comptroller ſhall be entitled to demand and receive, from the Perſon ſo delivering the ſame, the Fee of Two Shillings and Sixpence, and no more; and it ſhall and may be lawful to and for all and every Maſter and Maſters of any Ship or Ships, or other Perſon or Perſons, to inſpect ſuch Liſt and Liſts, from Time to Time, as he or they may think proper; for which Inſpection the

Collector, &c. entitled to 2*s.* 6*d.* on Delivery of Liſts, which may be inſpected on Payment of 1*s.*

ſaid Collector or Comptroller ſhall be entitled to demand and receive from the Perſon making the ſame, the Sum of One Shilling, and no more.

No Seaman entering on Board any Veſſel in the *Weſt Indies* which ſailed from *England* after *July* 1, 1797, to be entitled to greater Wages than herein authorized.

VI. And be it further enacted by the Authority aforeſaid, That no Seaman, Mariner, or other Perſon, who ſhall, at any Port or Place within His Majeſty's Colonies or Plantations in the *Weſt Indies*, hire or engage himſelf to ſerve, or who ſhall in the ſaid Colonies or Plantations enter on Board any Merchant Ship or Veſſel which ſhall ſail from *Great Britain* after the Firſt Day of *July* One thouſand ſeven hundred and ninety-ſeven, ſhall be entitled to, nor ſhall he ſue for, recover, or receive, any greater or more Wages or Hire, or other Gratuity or Advantage whatſoever, on Account of or for ſuch his Service, than ſuch Wages or Hire as herein-before authorized or directed to be paid or received.

Wages of dead Men to be paid to the Receiver of the 6*d.* Duty for *Greenwich* Hoſpital, on Penalty of 50*l.* and Double the Wages.

VII. And be it further enacted, That all and every Sum and Sums of Money which ſhall be due for Wages to any Seaman, Mariner, or other Perſon hired or engaged on Board any *Britiſh* Merchant Ship for any Voyage from any Port or Ports in *Great Britain* to any Port or Ports in the ſaid Colonies or Plantations, and who has or have died on Board during the Voyage, ſhall, within Three Calendar Months after the Arrival of ſuch Merchant Ship in any Port or Ports in *Great Britain*, be paid to the Receiver of the Sixpenny Duty for *Greenwich* Hoſpital for the Time being, to the Uſe of the Executor or Executors, Adminiſtrator or Adminiſtrators, of the Seaman, Mariner, or other Perſon ſo dying; and if any Maſter of any ſuch Merchant Ship ſhall neglect or refuſe to pay over, or tender to the ſaid Receiver, all and every ſuch Sum and Sums of Money within the Time herein-before limited, he ſhall forfeit and pay, for every ſuch Offence, the Sum of Fifty Pounds, and alſo Double the Amount of the Sum or Sums of Money ſo due to any Seaman, Mariner, or other Perſon, for Wages, as aforeſaid.

Diſpoſition of ſuch Wages if not demanded of the Receiver in Three Years.

VIII. Provided always, and be it further enacted, That all and every ſuch Sum and Sums of Money which ſhall not be lawfully demanded of the ſaid Receiver within the Term of Three Years after Payment thereof to him in Manner aforeſaid, ſhall be forfeited, and ſhall go and be paid to the Uſe of the Seamen's Hoſpital of the Port to which ſuch Ship belongs; but in caſe there ſhall be no Seamen's Hoſpital at the Port to which ſuch Ship belongs, then to and for the Uſe and Benefit of the old and diſabled Seamen of the ſame Port, and their Families, to be diſtributed at the Diſcretion of the Magiſtrates for the County where ſuch Port ſhall be ſituate, or any Two or more of them.

Diſpoſition of Penalties.

IX. And be it further enacted by the Authority aforeſaid, That the Penalties and Forfeitures given by this Act ſhall be paid and applied in Manner following; that is to ſay, One Third Part thereof for and towards the Support of *Greenwich* Hoſpital; One other Third Part thereof for and towards the Support of the Seamen's Hoſpital at the Port to which the Ship or Veſſel in reſpect of which the Forfeiture ſhall ariſe belongs; but in caſe there ſhall be no Seamen's Hoſpital at the Port to which ſuch Ship or Veſſel belongs, then to and for the Uſe and Benefit of the old and diſabled Seamen of the ſame Port and their Families, to be diſtributed at the Diſcretion of the Perſons having the Direction of the

Merchants Seamen's Fund at ſuch Port, or in caſe there ſhall be no ſuch Eſtabliſhment there, by the Magiſtrates or Overſeer of the Poor of ſuch Port; and the other Third Part thereof to and for the Perſon or Perſons who ſhall inform and ſue for the ſame; and that ſuch Penalty ſhall be recovered by Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, or ſuch of them as do not exceed the Sum of Twenty Pounds, upon Information, on the Oath of One or more Witneſſes, before any One or more of His Majeſty's Juſtice or Juſtices of the Peace in any Part of the Kingdom of *Great Britain*, who ſhall not reſide more than Ten Miles from the Place of Abode of the Perſon or Perſons complained of, which Juſtice and Juſtices is and are hereby authorized and required to iſſue out his or their Warrant or Warrants, to bring before him or them every Perſon charged with any Offence under this Act; and in caſe he or they ſhall refuſe or neglect to pay ſuch Penalties or Forfeitures as aforeſaid, to iſſue his or their Warrant or Warrants to levy the ſame by Diſtreſs and Sale of the Offenders Goods, and in caſe no Diſtreſs can be found, to commit the Offender or Offenders to the Common Gaol of the City, Town, or Place, within the Juriſdiction of ſuch reſpective Juſtice or Juſtices, there to remain for the Space of Three Calendar Months, or until he or they ſhall pay the ſame.

Recovery of Penalties.

X. Provided nevertheleſs, and be it enacted, That nothing in this Act ſhall extend, or be conſtrued to extend, to any Contract or Agreement which ſhall or may be made with any Seaman, Mariner, or other Perſon hired or engaged to ſerve on Board any Merchant Ship or Veſſel, at any Port or Place within His Majeſty's Colonies or Plantations in the *Weſt Indies*, who ſhall, at the Time of ſuch Hiring or Engagement, produce and deliver to the Maſter and Commander of ſuch Merchant Ship or Veſſel a Certificate, under the Hand of the Maſter or Commander of the Ship or Veſſel on Board of which ſuch Seaman, Mariner, or other Perſon had then laſt ſerved, ſigned in the Preſence of One or more Witneſs or Witneſſes, ſtating their uſual Place or Places of Abode, thereby declaring or certifying that ſuch Seaman, Mariner, or other Perſon, had been duly diſcharged from the Ship or Veſſel on Board of which he had ſo laſt ſerved; and which Certificate the ſaid Maſter or Commander ſhall grant within Three Days next after Application made to him by ſuch Seaman, Mariner, or other Perſon, before a Witneſs, or in Default thereof ſhall forfeit and pay the Sum of Twenty Pounds, to be levied, recovered, and applied, in Manner herein-before directed; nor to any Contract or Agreement to be made with any Seaman, Mariner, or other Perſon hired or engaged to ſerve on Board any Merchant Ship or Veſſel, which, through Neceſſity, or on Account of very hazardous Service or extraordinary Duty, require ſuch Contract or Agreement to be made, and more Wages or Hire given, and of which Neceſſity, Service, or extraordinary Duty, Proof ſhall be made on Oath before the Chief Magiſtrate or Principal Officer of any Port or Place, or before any Juſtice or Juſtices of the Peace of the ſaid Colonies or Plantations; and provided alſo that ſuch Seaman, Mariner, or other Perſon ſo hired or engaged to ſerve on Board any Ship or Veſſel, ſo requiring ſuch Service, ſhall not have deſerted from the Ship or Veſſel on Board of which he had then laſt ſerved; and provided alſo, that no greater or higher Wages or Hire ſhall be given by any Maſter or Commander, or taken or received by any Seaman, Mariner, or other Perſon as aforeſaid, except in Caſes of ſuch Neceſſity, very hazardous

Act not to extend to Seamen producing Certificates of Diſcharge.

Maſters to grant ſuch Certificates on Penalty of 20*l.*

Act not to extend to Seamen hired through Neceſſity, &c.

zardous Service, or extraordinary Duty, as aforesaid, than after the Rate of Double the Monthly Wages, or the Wages to be settled or directed by any Governor, Chief Magistrate, Collector, or Comptroller, as hereinbefore directed to be paid or received as aforesaid.

After *July* 1, 1797, Articles to be entered into agreeable to annexed Schedule.

XI. And be it further enacted by the Authority aforesaid, That, from and after the said First Day of *July* One thousand seven hundred and ninety-seven, the Articles to be entered into by and between the Masters, Seamen, and Mariners, of such Merchant Ship or Ships, shall be agreeable and to the Purport and Effect as mentioned in the Schedule hereto annexed, marked with the Letter A.

Publick Act.

XII. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Publick Act; and all Judges and Justices are hereby required to take Notice of it as such, without specially pleading the same.

The SCHEDULE to which this Act refers.

A.

Ship

IT is hereby agreed between the Maſter, Seamen, and Mariners, of the Ship now bound for the Port of and the Maſter or Commander of the ſaid Ship, That in Conſideration of the Monthly or other Wages againſt each reſpective Seaman or Mariner's Name hereunto ſet, they ſeverally ſhall and will perform the above-mentioned Voyage; and the ſaid Maſter doth hereby agree with and hire the ſaid Seamen and Mariners for the ſaid Voyage at ſuch Monthly Wages, to be paid purſuant to the Laws of *Great Britain*; and they the ſaid Seamen and Mariners do hereby promiſe and oblige themſelves to do their Duty, and obey the lawful Commands of their Officers on Board the ſaid Ship or Boats thereunto belonging, as become good and faithful Seamen and Mariners, and at all Places where the ſaid Ship ſhall put in or anchor during the ſaid Ship's Voyage, to do their beſt Endeavours for the Preſervation of the ſaid Ship and Cargo, and not to neglect or refuſe doing their Duty by Day or Night; nor ſhall go out of the ſaid Ship on Board any other Veſſel, or be on Shore under any Pretence whatſoever, till the Voyage is ended and the Ship diſcharged of her Cargo, without Leave firſt obtained of the Maſter, Captain, or Commanding Officer on Board; and in Default thereof they freely agree to be liable to the Penalties mentioned in the Act of Parliament, made in the Second Year of the Reign of King *George* the Second, intituled, *An Act for the better Regulation and Government of Seamen in the Merchants Service*; and the Act, made in the Thirty-ſeventh Year of His preſent Majeſty's Reign, intituled, *An Act for preventing the Deſertion of Seamen from* Britiſh *Merchant Ships trading to His Majeſty's Colonies and Plantations in the* Weſt Indies: And it is further agreed by the Parties to theſe Preſents, That Twenty-four Hours Abſence without Leave ſhall be deemed a Total Deſertion, and render ſuch Seamen and Mariners liable to the Forfeitures and Penalties contained in the Acts above recited; that each and every lawful Command which the ſaid Maſter ſhall think neceſſary to iſſue for the effectual Government of the ſaid Veſſel, ſuppreſſing Immorality and Vice of all Kinds, be ſtrictly complied with under the Penalty of the Perſon or Perſons diſobeying, forfeiting his or their whole Wages or Hire, together with every Thing belonging to him or them on Board the ſaid Veſſel: And it is further agreed, That no Officer or Seaman, or Perſon belonging to the ſaid Ship, ſhall demand or be entitled to his Wages, or any Part thereof, until the Arrival of the ſaid Ship at the above-mentioned Port of Diſcharge, and her Cargo delivered, nor leſs than Twenty Days in caſe the Seaman is not employed in the Delivery: And it is hereby further agreed between the Maſter and Officers of the ſaid Ship, That whatever Apparel, Furniture, and Stores, each of them may receive into their Charge, belonging to the ſaid Ship, ſhall be accounted for on her Return; and in caſe any Thing ſhall be loſt or damaged through their Careleſsneſs or Inſufficiency, it ſhall be made good by ſuch Officer or Seaman by whoſe Means it may happen to

the Maſter and Owner of the ſaid Ship: And whereas it is cuſtomary for the Officers and Seamen on the Ship's Return Home in the River, and during the Time their Cargoes are delivering, to go on Shore each Night to ſleep, greatly to the Prejudice of ſuch Ship and Freighters; be it further agreed by the ſaid Parties, That neither Officer nor Seaman ſhall, on any Pretence whatſoever, be entitled to ſuch Indulgence, but ſhall do their Duty by Day in Diſcharge of the Cargo, and keep ſuch Watch by Night as the Maſter or Commander of the ſaid Ship ſhall think neceſſary, in order for the Preſervation of the above: And whereas it often happens that Part of the Cargo is embezzled after being delivered into Lighters, and as ſuch Loſſes are made good by the Owners of the Ships; be it therefore agreed by theſe Preſents, That whatever Officer or Seaman the Maſter ſhall think proper to appoint, ſhall take Charge of the Cargo in the Lighters, and go with the ſame to the lawful Quay, and there deliver his Charge to the Ship's Huſband, or his Repreſentative, or ſee the ſame ſafely weighed at the King's Beam, and in conſequence of their true Fidelity, ſuch Officer or Seaman ſhall be entitled to Two Shillings and Sixpence each Lighter, excluſive of their Monthly Pay; and ſhould it ſo happen that Lighters are detained a conſiderable Time at the Quay before they can be unloaded, ſuch Officer and Seaman ſo appointed ſhall in that Caſe be entitled to Two Shillings and Sixpence for every Twenty-four Hours, excluſive of their ſaid Monthly Pay; that each Seaman and Mariner who ſhall well and truly perform the above-mentioned Voyage (provided always that there be no Plunderage, Embezzlement, or other unlawful Acts committed on the ſaid Veſſel's Cargo or Stores) ſhall be entitled to their Wages or Hire that may become due to him, purſuant to this Agreement; that for the due Performance of each and every the above mentioned Articles and Agreements, and Acknowledgement of their being voluntary and without Compulſion, or any other clandeſtine Means being uſed, the ſaid Parties have hereto ſubſcribed their Names, the Day and Month ſet oppoſite to their reſpective Names.

Place and Time of Entry.	Men's Names.	Quality.	Witneſs to each Man's Signing.	Pay in the River.		Wages *per* Month, or by the Run for the Voyage.	Whole Wages.
				Whole.	Half.		

FINIS.