

ANNO QUINQUAGESIMO OCTAVO

GEORGII III. REGIS.

CAP. XXXVIII.

An Act to extend and render more effectual the preſent Regulations for the Relief of Seafaring Men and Boys, Subjects of the United Kingdom of *Great Britain* and *Ireland*, in Foreign Parts.

[28th *May* 1818.]

WHEREAS by an Act paſſed in the Eleventh and Twelfth Years of the Reign of King *William* the Third, intituled *An Act for the more effectual Suppreſſion of Piracy*, it is enacted, that in caſe any Maſter of a Merchant Ship or Veſſel ſhould, after the Nine-and-twentieth Day of *September* One thouſand ſeven hundred, during his being Abroad, force any Man on Shore, or wilfully leave him behind in any of His Majeſty's Plantations or elſewhere, or ſhould refuſe to bring Home with him again, all ſuch of the Men which he carried out with him as ſhould be in a Condition to return, when he ſhould be ready to proceed in his Homeward-bound Voyage, every ſuch Maſter ſhould, being thereof legally convicted, ſuffer Three Months Impriſonment without Bail or Mainprize; but no Mode of Proſecution is provided by the ſaid Act in caſe of Offences committed againſt the ſame: For Remedy whereof 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 and after the paſſing of this Act, all Offences committed againſt the ſaid Act of the Eleventh and Twelfth Years of the Reign of King *William* the Third ſhall and may be proſecuted by Indictment or Information, at the Suit of His Majeſty's Attorney General, in His Majeſty's Court of

11 & 12 W. 3. c. 7.

Offences againſt the recited Act to be proſecuted by Indictment in

the Court of King's Bench at Weſtminſter, &c.

of King's Bench at *Weſtminſter;* and that in ſuch Indictment or Information the Offence or Offences ſhall and may be alleged to have been committed at *Weſtminſter* in the County of *Middleſex;* and that the ſaid Court ſhall be and the ſame is hereby authorized to iſſue a Commiſſion or Commiſſions for the Examination of Witneſſes Abroad, and that the Depoſitions taken under ſuch Commiſſion or Commiſſions ſhall be received in Evidence on the Trial of ſuch Indictments and Informations reſpectively.

31 G. 2. c. 10.

II. And whereas by an Act paſſed in the Thirty-firſt Year of the Reign of His late Majeſty King *George* the Second, intituled *An Act for the Encouragement of Seamen employed in the Royal Navy, and for eſtabliſhing a regular Method for the punctual, frequent, and certain Payment of their Wages, and for enabling them more eaſily and readily to remit the ſame for the Support of their Wives and Families, and for preventing Frauds and Abuſes attending ſuch Payments*, it is enacted, that every Maſter or Perſon having Charge of a Merchant Ship or Veſſel that ſhould arrive in Foreign Parts, and be Homeward-bound from thence to any Port in *Great Britain*, ſhould take on board ſuch and ſo many Seafaring Men or Boys, Subjects of *Great Britain*, as ſhould, by Shipwreck, Capture, or other unavoidable Accident, be driven or caſt away to, or that ſhould be diſcharged as unſerviceable from any of the Ships or Veſſels of the Royal Navy, at Foreign Parts or Places where Governors, Miniſters, and Conſuls appointed by His Majeſty, His Heirs or Succeſſors, ſhould reſide, or where none ſuch are reſident, where any Two or more *Britiſh* Merchants ſhould reſide, as the ſaid Governors, Miniſters, Conſuls, or Merchants ſhould direct, not exceeding Four for each One Hundred Tons of which his Ship ſhould conſiſt; but no Penalty or Mode of Proſecution is impoſed or provided by the ſaid Act in caſe of Neglect or Refuſal to obey the Directions therein contained: For Remedy whereof be it enacted, That from and after the paſſing of this Act, any Maſter or Perſon having the Charge of any Merchant Ship or Veſſel belonging to any of His Majeſty's Subjects that ſhall be or arrive in any ſuch Foreign Parts, and be bound from thence to any Port in the United Kingdom of *Great Britain* and *Ireland*, and who ſhall be required in Writing under the Hand or Hands of any ſuch Governor, Miniſter, Conſul, or Merchants, to take on board any ſuch Seafaring Man or Boy, Men or Boys, being a Subject or Subjects of the ſaid United Kingdom, not exceeding the Number mentioned in the ſaid Act, for the Purpoſe of carrying and conveying him or them to the ſaid Port in the ſaid United Kingdom, and who ſhall neglect and refuſe to take on board or to carry and convey him or them accordingly, ſhall for every ſuch Offence forfeit and pay the Sum of One hundred Pounds for each and every ſuch Man or Boy whom he ſhall ſo refuſe or neglect to take on board, and to carry and convey as aforeſaid, to be recovered by Information, at the Suit of His Majeſty's Attorney General, in His Majeſty's Court of King's Bench or Exchequer at *Weſtminſter;* and that in ſuch Information the Offence or Offences ſhall and may be alleged to have been committed at *Weſtminſter* in the County of *Middleſex*, and that the Court in which ſuch Information ſhall be brought ſhall be and the ſame is hereby authorized to iſſue a Commiſſion or Commiſſions for the Examination of Witneſſes Abroad, and that the Depoſitions taken under ſuch Commiſſion or Commiſſions ſhall be received in Evidence on the Trial of ſuch Information.

Penalty on Maſters of Veſſels at Foreign Ports refuſing to take on board Seafaring Men being His Majeſty's Subjects,

Regulations to be obſerved in caſe of leaving Seafaring Men at Foreign Ports on account of Sickneſs.

III. And be it further enacted, That if any Maſter or other Perſon having Charge of any Merchant Ship or Veſſel belonging to any of His Majeſty's Subjects ſhall leave any Seafaring Man or Boy on Shore at any Foreign Port or Place, on account of Sickneſs or any other Inability to proceed on the Voyage, every ſuch Maſter or Perſon having the Charge of ſuch Ship or Veſſel ſhall deliver to the Governor, Miniſter, or Conſul, if any there, or if not, then to Two reſpectable Merchants at ſuch Port or Place, a true and juſt Account of the Wages due to ſuch Seafaring Man or Boy, and pay the Amount thereof, either in Money, or by a Bill upon the Owner or Owners of ſuch Ship or Veſſel, to ſuch Governor, Miniſter, Conſul, or Merchants, as the Caſe may be; and in default of his ſo doing, or in caſe of the Owner or Owners not accepting and paying ſuch Bill when due, ſuch Owner or Owners ſhall be liable to an Action for the Amount, with Intereſt at the Rate of Five Pounds *per Centum per Annum*, to be brought in any of His Majeſty's Courts of Record at *Weſtminſter* or *Dublin*, or in His Majeſty's Court of Exchequer in *Scotland*, at the Suit of the Holder or Holders of ſuch Bill, as for Money had and received by ſuch Owner or Owners to his or their Uſe; but, in caſe of Payment of ſuch Wages being duly made as required by this Act, the ſame, when received by the ſaid Governor, Miniſter, Conſul, or Merchants, as the Caſe may be, ſhall be applied by him or them towards the Payment of any Hoſpital Expences of ſuch Seafaring Man or Boy as aforeſaid (except the Charges for his Subſiſtence), and alſo towards the Payment of the Expences of Clothing, Bedding, or other Neceſſaries that may be ſupplied to him, and the Remainder (if any) ſhall be paid to ſuch Seafaring Man or Boy.

Penalty on Maſters neglecting to deliver an Account of Wages due to ſuch Seafaring Perſons.

IV. And be it further enacted, That if any ſuch Maſter or other Perſon having Charge of any ſuch Ship or Veſſel, and leaving any ſuch Seafaring Man or Boy on Shore as aforeſaid, ſhall neglect or refuſe to deliver a juſt and true Account of the Wages due to ſuch Seafaring Man or Boy as aforeſaid, and to pay the Amount thereof in Money, or by ſuch Bill as aforeſaid; or ſhall deliver a falſe Account of ſuch Wages or Pay, leſs than the full and true Amount thereof in manner aforeſaid; every ſuch Maſter or other Perſon ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Twenty Pounds, to be recovered with full Coſts of Suit by any Perſon or Perſons who will ſue for the ſame by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed; and that in ſuch Action, Bill, Plaint, or Information, it ſhall be ſufficient to allege that the Offence or Offences was or were committed at *Weſtminſter* in the County of *Middleſex*; and that the Court in which ſuch Action, Bill, Plaint, or Information is brought, ſhall be and the ſame is hereby authorized to iſſue a Commiſſion or Commiſſions for the Examination of Witneſſes Abroad, and that the Depoſitions taken under ſuch Commiſſion or Commiſſions ſhall be received in Evidence on the Trial of ſuch Action, Bill, Plaint, or Information reſpectively.

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