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GEORGII III. REGIS.

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C A P. LVIII.

An Act for facilitating the Recovery of the Wages of Seamen in the Merchant Service.

[2d *July* 1819.]

WHEREAS the Seamen and Mariners employed in the Merchant Service, and in the Coasting Trade of this Kingdom, are exposed to great Difficulties, Expence, and Inconvenience in suing for or obtaining Payment of their Wages, in Cases of Dispute with the Masters or Owners of Vessels in which they may have served; and it is expedient that greater Facility should be given for Recovery of such Wages: May it therefore 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 and after the First Day of *August* in the Year of our Lord One thousand eight hundred and nineteen, it shall be lawful for any Seaman, Mariner, or other Person (except Masters or Apprentices), who shall have served on board any Ship or Vessel trading from any Port or Place,

Justices empowered, on Complaint of Seamen, to hear and settle Disputes about Wages, not exceeding 20*l*.

Place, or Ports or Places, in that Part of the United Kingdom called *England*, to Ports beyond the Seas, or to any other Port or Place in *Great Britain*, by virtue or in pursuance of any Contract or Engagement, in Writing or not in Writing, and whether the same be by Parol, or by Deed under Seal, or otherwise, in case the Master or Commander, or other Person having or taking the Charge of any such Ship or Vessel, after the Expiration of Two Days from the Time of Entry of such Ship or Vessel at the Custom House, or from the Delivery of her Cargo, or from the Time when such Seaman, or Mariner, or other Person (except as aforesaid), shall be discharged, which shall first happen (unless an Agreement shall have been made and entered into to the contrary, and in that Case, after the Expiration of the Time so stipulated or agreed for the Payment of such Wages as aforesaid), neglect or refuse to pay to any such Seaman, Mariner, or other Person (except as aforesaid), his or their Wages, or any Part thereof, to complain to any Justice or Justices of the Peace residing in or near to the Place where such Ship or Vessel shall have ended her Voyage, or been cleared at the Custom House, or delivered her Cargo, or to any Justice or Justices of the Peace residing in or near to the Place where such Master or Commander, or other Person having or taking the Charge of any such Ship or Vessel, or (in case of there being no Master or Commander, or other Person in charge of any such Ship or Vessel) where any Owner or Owners thereof shall then happen to be, and thereupon it shall be lawful for any such Justice or Justices of the Peace respectively, and they are hereby required, upon such Complaint made to them upon Oath or Affirmation, to issue a Summons to such Master or Commander, or other Person having or taking the Charge of any such Ship or Vessel, or (in case of there being no Master or Commander or other Person in Charge of any such Ship or Vessel) to such Owner or Owners thereof, to appear before them at such Time and Place to be in such Summons specified; and upon the Party or Parties appearing in pursuance of such Summons, or not appearing after having been so summoned, the said Justice or Justices shall, and they are hereby empowered to examine upon Oath such Seaman, Mariner, or other Person (except as aforesaid), or any other Witness or Witnesses, touching any such Complaint, or any Difference or Dispute respecting such Wages, and to make such Order for Payment of so much Wages to such Seaman, Mariner, or other Person as aforesaid, as to such Justice or Justices shall seem reasonable and just; provided that the Sum in question do not exceed Twenty Pounds so claimed to be due to any one Seaman, Mariner, or other Person as aforesaid; and in case of Refusal to pay, or Non-payment of any Sum or Sums of Money so ordered, by the Space of Two Days next after such Order and Determination, such Justice or Justices shall and may issue forth their Warrant to levy the same by Distress and Sale of the Goods and Chattels of such Master or Commander or other Person having or taking the Charge or Command of any such Ship or Vessel, or (in case of there being no Master or Commander, or other Person in Charge of any such Ship or Vessel) of any such Owner or Owners as aforesaid,

On Refusal to comply with Justices Determination, how Wages to be recovered.

aforesaid, rendering the Overplus (if any there be) after deducting all the Costs, Charges, and Expences of any Summonses, Informations, Complaints, Hearings, Warrants, and of such Distress, and the Keeping, Appraisement, or Sale thereof, or otherwise relating thereto, unto the Person or Persons whose Goods and Chattels shall be so distrained and sold; and in case sufficient Distress shall not be found for Payment and Satisfaction of the Amount of Wages so ordered to be paid by such Justice or Justices, and the same, with such Costs, Charges, and Expences as aforesaid, shall not be paid within the said Period of Two Days, it shall and may be lawful for such Justice or Justices of the Peace, and they are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to levy the Amount of the Wages so ordered to be paid, together with such Costs, Charges, and Expences as aforesaid, on the Ship or Vessel for the Service on board which such Wages shall be so ordered to be paid, or any of the Tackle, Furniture, or Apparel thereof, rendering the Overplus thereof (if any), after Payment of such Expences as aforesaid, to the Master or Commander or Owner thereof; and the Decision of such Justice as aforesaid shall be final and conclusive, as well on such Seaman, Mariner, or other Person, as upon such Master or Commander, or other Person taking the Charge or Command of such Ship or Vessel, and the Owner or Owners thereof; save and except in such Cases in which an Appeal shall be interposed by either Party to the High Court of Admiralty, such Appeal to be interposed within the Space of Seven Days after the Order of the said Justice or Justices so to be made as aforesaid.

Justice's Determination to be final, unless appealed against to the High Court of Admiralty.

II. And be it further enacted, That in case the Seaman or Mariner, or other Person so claiming to be entitled to such Wages as aforesaid, or the Party or Parties who is or are ordered to pay the same, or their Agents respectively, shall be dissatisfied with such Order and Decision of the Justice or Justices touching such Wages as aforesaid, it shall be lawful for either of them respectively, within Forty-eight Hours after the making such Order as aforesaid, but not afterwards, to give Notice in Writing to the Justice or Justices so making such Order, of his, her, or their Desire of obtaining the Judgment of the High Court of Admiralty respecting the said Wages and the Order so made thereon as aforesaid, by delivering the same to such Justice or Justices, or leaving the same at their last or most usual Place of Abode; and thereupon the Party so resisting or disputing the Claim to such Wages, or the Order to be made by such Justice or Justices thereon, shall be compelled to proceed within Thirty Days from the Date of such Order, by taking out a Monition against the adverse Party, and shall, on the Service of such Notice, give good and sufficient Bail in double the Amount of the Wages so ordered to be paid as aforesaid, and which Bail shall be taken by a Commissioner for taking Examinations in Prize Causes, if there shall be One in the Port or Place where such Difference shall arise or Order be made, but if there shall be no such Commissioner there, then the said Justice or

If Seamen or others are dissatisfied, to give Notice of Intention to appeal.

or Justices who shall pronounce such Order, or any other of His Majesty's Justices of the Peace, are hereby authorized to take the same; and the Commissioner, Justice or Justices, who shall take such Bail, shall certify the same according to the Form contained in the Schedule hereunto annexed, and transmit the same without Delay to the High Court of Admiralty, and also a Copy of the Order so made by such Justice or Justices, on unstamped Paper, certified under the Hand or Hands of such Commissioner, Justice or Justices taking the Bail as aforesaid, and the same shall be admitted by such Court of Admiralty as Evidence in the Cause.

Seamen not to be deprived of Agreements entered into before the passing of this Act.

III. And be it further enacted, That no Seaman or Mariner or other Person, by entering into or signing any Contract or Agreement as required by the several Statutes now in force for that Purpose, or into any Covenant, Stipulation, or Agreement to be comprised in any such Contract or Agreement, which shall have the Effect, or be designed or intended to have the Effect, of depriving such Seaman, Mariner, or other Person of the Remedies by this Act given for Recovery of Wages so due to him or them as aforesaid, shall be deprived of or hindered from using any Method or Means for Recovery of Wages, against any Ship, or the Masters or Owners thereof, which immediately before the passing of this Act he might, and which after the said First Day of *August* he may make use of; and that in all Cases where it shall or may be necessary, in resorting to the Remedies by this Act given for Recovery of such Wages as aforesaid, that the Agreement or Agreements in Writing aforesaid should be produced before such Justice or Justices as aforesaid, no Obligation shall be on any Seaman, Mariner, or other Person as aforesaid, to produce the same, but such Obligation shall lie on the Master or Commander, or other Person having the Charge or Command, or the Owner or Owners of the Ship or Vessel for which the Wages shall be demanded; and no Seaman or Mariner shall fail in any Complaint or Proceeding before any Justice or Justices for Recovery of Wages for want of such Agreement or Agreements being produced, but shall and may proceed therein as if no such Agreement in Writing had been made.

Not to deprive Seamen of any Remedy which may now be resorted to.

IV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to deprive any Seaman, Mariner, or other Person as aforesaid, of any Remedy, Means, or Process which may now be resorted to or used against any Ship or Vessel, or the Master or Commander or Person having the Charge of such Ship or Vessel, or the Owner or Owners thereof, for the Recovery of Wages due for serving on board of any such Ship or Vessel.

Act not to extend to Scotland.

V. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to that Part of the United Kingdom of *Great Britain* and *Ireland* called *Scotland*.

VI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others whomsoever, without being specially pleaded. Public Act.

VII. And be it further enacted, That this Act shall continue in force for Seven Years from the passing hereof. Continuance of the Act.

The SCHEDULE referred to by this ACT.

to wit. } ON the Day of in the Year of our Lord One thousand eight hundred and before at in the County of *A.B.* and *C.D.* appeared personally, and produced themselves as Sureties for the Master of the Ship and for the Owners thereof, and submitting themselves to the Jurisdiction of the said Court of Admiralty of *England*, bound themselves, their Heirs, Executors, and Administrators, for the said Master and Owners of the said Ship, in the Sum of each of lawful Money of *Great Britain*, unto *E.F.* a Seaman having served on board the said Ship, to answer the Amount of such Wages as shall be hereafter decreed by the said Court to be due to the said *E.F.*, according to the Tenor of the Act in that Case made and provided; and unless they shall so do, they hereby consent that Execution shall issue forth against them, their Heirs, Executors, and Administrators, Goods and Chattels, whereon the same shall be found, to the Value of the Sum above mentioned.

This Bail was duly taken, acknowledged, and received at the Time herein-before above written, before me the undersigned Commissioner, [*or*, as the undersigned Justice or Justices of the Peace] and I [*or*, we] do believe and consider the Persons above mentioned sufficient Security for the Sum above mentioned.

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