ANNO QUARTO

GEORGII IV. REGIS.

C A P. XXV.

An Act for regulating the Number of Apprentices to be taken on board *British* Merchant Vessels; and for preventing the Desertion of Seamen therefrom. [12th *May* 1823.]

WHEREAS by an Act passed in the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third, 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, it is 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 whereas it is expedient to repeal the said Provisions in respect to Apprentices on board Merchant Ships trading to His Majesty's Colonies and Plantations in the *West Indies*, and to make other Provisions in lieu thereof: Be it therefore 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 so much of the said in part recited Act as requires the Master of any Ship trading to His Majesty's Colonies and Plantations in the *West Indies* to have on board an Apprentice or Apprentices shall be and the same is hereby repealed.

37 G.3. c.73.

So much of recited Act as requires the Masters of Vessels trading to the West Indies to have Apprentices on board repealed.

II. And be it further enacted, That from and after the First Day of *January* One thousand eight hundred and twenty-four, all and every Master and Masters of any Merchant Ship or Merchant Ships, exceeding the Burthen of Eighty Tons, shall have on board his or their Ship or Ships, at the Time of such Ship or Ships clearing out from any Port of the United Kingdom called *Great Britain*, One Apprentice or Apprentices, in the following Proportion to the Number of Tons of her Admeasurement, according to the Certificate of Registry; that is to say, For every Ship or Vessel exceeding Eighty Tons and

After Jan. 1. 1824, the Number of Apprentices shall be proportioned to the Tonnage as herein mentioned.

 under

under Two hundred Tons, One Apprentice at least; for every Ship or Vessel of Two hundred Tons and under Four hundred Tons, Two Apprentices at least; for every Ship or Vessel of Four hundred Tons and under Five hundred Tons, Three Apprentices at least; for every Ship or Vessel of Five hundred Tons and under Seven hundred Tons, Four Apprentices at least; for every Ship or Vessel of Seven hundred Tons and upwards, Five Apprentices at least; who shall, at the Period of being indentured, respectively be under the Age of Seventeen Years: Provided that every Apprentice so to be employed on board any Ship or Vessel, as above described, shall be duly indented for at least Four Years; and the Indenture or Indentures of every such Apprentice shall be duly enrolled with the Collector and Comptroller at the Custom-house of the Port from whence any such Ship or Vessel shall first clear out after the Execution of such Indenture or Indentures.

Not to affect any Act not amended or repealed by this Act, by which Vessels are required to have Apprentices on board.

III. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to alter or in anywise affect any Act now in force, and not amended or repealed by this Act, whereby any Ships or Vessels are required to have on board Apprentices, and that such Apprentices as shall be on board any Ships or Vessels conformably to the Rules and Regulations of any such Act, shall be counted, deemed, and reckoned in the Number required by this Act.

Apprentices exempted from Impressment.

IV. And be it further enacted, That every Apprentice so enrolled shall be and is hereby exempted from serving in His Majesty's Navy, until he shall have attained the Age of Twenty-one Years, provided he is regularly serving his Time either with his first Master or Ship-owner, or some other Master or Ship-owner to whom his Indentures shall have been regularly transferred; and all and every Owner or Owners, or Master or Masters, neglecting to enrol such Indenture or Indentures as aforesaid, or who shall suffer any such Apprentice to leave his Service, except in case of Death or Desertion, Sickness, or other unavoidable Cause, to be certified in the Log Book, after the Vessel shall have cleared outwards on the Voyage upon which such Ship or Vessel may be bound, 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 Vessel, and the other Moiety by the Master or Masters thereof, to be levied, recovered, and applied in Manner herein-after mentioned.

Apprentice may be employed in any Ship of which his Master is Captain or Owner, and may be transferred.

V. And be it further enacted, That every Person to whom such Apprentice shall have been bound may employ him at any Time in any Vessel of which such Person may be the Master or Owner, and may also, with the Consent of such Apprentice, if above the Age of Seventeen, and if under that Age, with the Consent of his Parents or Guardians, transfer the Indentures of such Apprentice, by Endorsement thereon, to any other Person who may be the Master or Owner of any registered Ship or Vessel.

No Stamp Duty on Transfers.

VI. And be it further enacted, That no Stamp Duty shall be charged on any such Transfer by Endorsement.

Mates of Ships of a certain Burthen exempt from Impressment.

VII. And be it further enacted, That the First Mate of every Ship or Vessel exceeding the Burthen of Eighty Tons, and the First and Second Mate of every Vessel exceeding Three hundred Tons Burthen, shall be and they are hereby exempt from being impress to serve in His Majesty's Navy, provided they are regularly entered as such upon the Articles entered into by and between the Master, Seamen, and Mariners of such Merchant Ship or Vessel.

VIII. And

VIII. And be it further enacted, That the Forfeiture given as above 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 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 Merchant Seamen's Fund at such Port, or in case there shall be no such Establishment there, by the Magistrates or Overseers 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 Forfeiture shall be recovered 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 United Kingdom, 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 Offender's Goods; and in case no Distress can be found, to commit the Offender or Offenders to the Common Gaol at 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.

Application of Penalties.

Recovery thereof.

IX. And whereas the Laws now in force for the Prevention of the Desertion of Persons composing the Crews of Merchant Ships in Foreign Parts, have been found ineffectual for that Object, and further Provision is therefore necessary; be it enacted, That from and after the First Day of *January* One thousand eight hundred and twenty-four, if any Person belonging to the Crew of any registered Ship or Vessel shall desert from the said Ship or Vessel during the Absence of such Ship or Vessel from this Kingdom, contrary to the Articles of Agreement entered into with the Master, or other Person having Charge or Command of such Ship or Vessel, every such Person so deserting shall not only forfeit whatever Wages may be due to him for his Services on board of the Ship or Vessel from which he may have so deserted, but shall also forfeit whatever Wages shall be due or have been agreed to be paid to him by or from the Owner or Owners, or Master or other Person having the Charge or Command of any Ship or Vessel in the Service whereof such Person may have engaged on the Voyage back to this Country.

Deserters from Ships to forfeit all Wages, and all Claims thereto.

X. And be it further enacted, That the Wages which shall have become forfeited for Desertion as aforesaid, shall be applied in the following Manner; *videlicet*, to the Reimbursement, in the First Place, of the Expences thereby occasioned to the Owner or Master or Person having the Charge or Command of any Ship or Vessel from which the said Seamen shall have so deserted; the Remainder to be divided in equal Proportions between *Greenwich* Hospital, and the Hospital for sick and diseased Seamen which may have been established at the Port at which the Vessel belongs, from which such Person shall have so deserted; and in case that no such Hospital shall have been established at the Port, then the whole of the

Application of forfeited Wages.

the Sum forfeited, after deducting the Expences of the Owner or Master, or other Person having the Charge or Command of such Ship or Vessel as aforesaid, shall be paid to and for the Use of *Greenwich* Hospital.

Wages to be paid over to Greenwich Hospital, and applied, if Claim be not established before Two Justices within Six Months after Deposit.

XI. And be it further enacted, That in every such Case of Desertion, it shall and may be lawful for the Owner or Master, or other Person having the Charge or Command of any Ship or Vessel, on board of which any Person having so deserted shall have entered for the Voyage Home, upon receiving Notice in Writing of the Time and Place of such Desertion, from the Owner or Master or other Person having the Charge or Command of the Vessel from which such Person shall have so deserted; and such first-mentioned Owner, Master, or other Person having the Charge or Command of such Ship or Vessel, is hereby required to deposit with the Treasurer of *Greenwich* Hospital the full Amount of the Wages which had been agreed to be paid to such Person for the said Home Voyage, for the Purpose of being applied to the Uses before mentioned, and which Sum shall be applied to those Uses accordingly; provided that such Person shall not, within Six Months from the Date of such Deposit having been made with the Treasurer of *Greenwich* Hospital as aforesaid, have established his just Claim thereto before Two Justices of the Peace residing in or near the Place where such Ship or Vessel shall have ended her Voyage, or been cleared at the Custom House, or delivered her Cargo, or in the High Court of Admiralty, or in any Court of Record in which such Person may have sued for the same: Provided always, that in every Case in which it shall happen that Wages are withheld from any Person by any Owner, Master, or other Person having the Charge or Command of any Ship or Vessel, upon the Plea of Desertion as aforesaid, and such Person shall, within Three Months from the Time when such Ship or Vessel shall have entered and reported at the Custom House, establish by the Decision of Two Justices of the Peace as aforesaid, or by the Decree of the High Court of Admiralty, or of any Court of Record in which he shall have sued for the Recovery thereof, that the Charge of Desertion was false or ill-founded, such Person shall not only be entitled to double the Wages due to him, of which the Amount deposited in the Hands of the Treasurer of *Greenwich* Hospital shall form a Part, but also Treble Costs, and which shall be paid to such Person or his lawful Attorney, by the Owner, Master, or other Person upon whose Notice or at whose Instance the Payment thereof shall have been withheld from him, within Seven Days after the Fact of his not having deserted shall have been so established; to be certified by the said Magistrates, or the Court in which the Decision shall have been pronounced.

Persons unjustly withholding Wages to pay double the Amount, and Treble Costs.

Act not to prevent Seamen entering into His Majesty's Service, or subject them to the Forfeiture of their Wages.

XII. Provided, That nothing in this Act contained shall extend or be construed to extend to debar any Seaman or Mariner, belonging to any Merchant Ship or Vessel, from entering or being entered into the Service of His Majesty, His Heirs and Successors, on board any of His or Their Ships or Vessels; nor shall such Seaman or Mariner, for such Entry, forfeit the Wages due to him during the Term of his Service in such Merchant Ship or Vessel, nor shall such Entry be deemed a Desertion.

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