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C A P. CXVI.

An Act for the Protection of Seamen entering on board Merchant Ships. [8th *August* 1845.]

WHEREAS the Seamen of this Kingdom have been for several Years past subjected to grievous Impositions and great Injustice by certain Persons who undertake to procure Seamen to enter on board Merchant Ships who have no Interest in the said Ships: And whereas it is required that further Protection should be afforded to Seamen against the Arts of such Persons: Be it enacted by the Queen'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 *September* next the Lords of the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations shall be and they are hereby empowered to license such Persons as they may deem to be requisite and fit, and who may be desirous to take out such Licences, to hire, engage, supply, or provide Seamen to be entered on board Merchant Ships; and every such Licence shall be granted for such Period, upon such Terms, and upon such

The Board of Trade may license Persons to procure Seamen for Merchant Ships.

Security being given, and shall be revocable upon such Conditions, as the Lords of the said Committee may at any Time or Times appoint.

Manner of granting and revoking Licence.

II. And be it enacted, That every such Licence shall be granted, and every Revocation thereof shall be made, by Minute or Resolution of the Lords of the said Committee, and a Copy of any such Minute or Resolution, certified and signed by One of the Secretaries or Assistant Secretaries of the said Committee, shall be received as Evidence of such Licence or Revocation, without further Proof thereof.

No Person not duly licensed or interested in the Ship to be concerned in procuring Seamen to be entered.

III. And be it enacted, That no Person not licensed as aforesaid, or not being the Owner, Part Owner, Master, or Person in charge of a Merchant Ship, or the Ship's Husband, shall hire, engage, supply, or provide a Seaman to be entered on board any Merchant Ship; and no Person, whether licensed or not, other than the Owner, Part Owner, Master, or Person in charge of a Merchant Ship, or the Ship's Husband, shall demand or obtain the Register Ticket of any Seaman for the Purpose or under the Pretence of engaging him on board of any Merchant Ship.

No Person interested in the Ship shall knowingly receive Seamen hired contrary hereto.

IV. And be it enacted, That no Owner, Part Owner, Master, or Person in charge of any Merchant Ship, or Ship's Husband, shall knowingly receive or accept to be entered on board the said Ship any Seaman who has been hired, engaged, supplied, or provided to be entered on board thereof contrary to the Provisions of this Act.

Penalty on every Person guilty of any of the Offences above described.

V. And be it enacted, That every Person guilty of any of the Offences above described shall forfeit and pay for each and every Seaman hired, engaged, supplied, or provided to be entered on board, and for every Register Ticket demanded or obtained contrary to the Provisions of this Act, or for every Seaman knowingly received or accepted to be entered on board contrary to the Provisions of this Act, any Sum of Money not exceeding Twenty Pounds upon Conviction thereof for each Offence, although several Seamen may be included in the same Contract, or several Tickets may be obtained or several Seamen may be received or permitted to remain at the same Time.

Unlicensed Persons not to be employed for the Purpose of engaging Seamen.

VI. And be it enacted, That it shall be unlawful for any Person to employ any unlicensed Person or Persons for the Purpose of engaging or providing Seamen to be entered on board Merchant Ships; and that any licensed Person knowingly employing any unlicensed Person for the Purposes aforesaid shall forfeit and pay a Sum not exceeding Twenty Pounds, and, in addition thereto, shall forfeit and lose his Licence.

VII. And

No Advance Note or Wages to be given or paid to any Seaman until after the Ship's Articles have been duly signed.

VII. And be it enacted, That the Owner, Part Owner, Master, or Person in charge of any Merchant Ship, or Ship's Husband, shall not pay or advance, nor give any Note in Writing or otherwise in the Nature of and purporting to be an Advance Note for any Part of the Wages of any Seaman hired, engaged, supplied, or provided to be entered on board the said Ship, until Six Hours after the Ship's Articles have been duly signed by the said Seaman on board the said Ship, and by the Master or Owner of the said Ship, and then only to the said Seaman himself, unless such Wages or Advance of Wages be paid in Money, in which Case the Payment thereof may be made to the said Seaman himself at any Period most convenient after the signing of the said Ship's Articles as aforesaid; and all Payments of Wages contrary to the Provisions of this Act shall be and are hereby declared to be null and void, and the Amount thereof shall be recoverable by the said Seaman as if they had not been paid or advanced.

Penalty for receiving Remuneration for hiring Seamen from any other than the Owner, Master, &c.

VIII. And be it enacted, That if any Person shall demand or receive from any Seaman, or from any Person other than the Owner, Part Owner, Master, or Person in charge of a Merchant Ship, or the Ship's Husband, requiring Seamen, any Remuneration whatever, either directly or indirectly, for and on account of the hiring, supplying, or providing any such Seaman, he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Persons not to be admitted on board Merchant Vessels before their Arrival in Dock or at the Place of Discharge without Permission.

IX. And be it enacted, That it shall not be lawful for any Person (other than any Officer or Person in Her Majesty's Service or Employment) to go and be on board any Merchant Vessel arriving or about to arrive at the Place of her Destination before or previous to her actual Arrival in Dock, or at the Quay or Place of her Discharge, without the Permission and Consent of the Master or Person in charge of the said Vessel; and if any Person (other than as aforesaid) shall go and be on board any such Vessel before or previous to her actual Arrival in Dock, or at the Quay or Place of her Discharge, without the Permission and Consent of the said Master or Person in charge of the said Vessel, he shall for every such Offence forfeit and pay a Sum of Money not exceeding Twenty Pounds; and for the better securing the Person of such Offender the Master or Person in charge of the said Vessel is hereby authorized and empowered to take any Person so offending as aforesaid into Custody, and to deliver him up forthwith to any Constable or Peace Officer, to be by him taken before a Justice or Justices, to be dealt with according to the Provisions of this Act.

Penalty for soliciting Sailors to become Lodgers in Houses of unlicensed Persons, or

X. And be it enacted, That if any Person shall, on board any Merchant Ship, within Twenty-four Hours of her Arrival at any Port as aforesaid, solicit any Seaman to become a Lodger at the House of any Person not so licensed as aforesaid, and letting Lodgings for

removing Sailors Effects from on board.

for Hire, or shall take from and out of such Ship any Chest, Bedding, or other Effects of any Seaman, except under the personal Direction of such Seaman, and without having the Permission of the Master or Person in charge of such Ship, he shall be liable to forfeit and pay for every such Offence the Sum of Five Pounds.

Penalty for receiving Remuneration for Board of Sailors for longer Period than is due, or for neglecting to return Monies or Effects belonging to Seamen.

XI. And be it enacted, That if any Person shall demand and receive of and from any Seaman Payment in respect of his Board or Lodging in the House of such Person for a longer Period than such Seaman shall have actually resided and boarded therein, or shall receive or take into his Possession or under his Control any Monies, Documents, or Effects of any Seaman, and shall not return the same or pay the Value thereof when required so to do by such Seaman, after deducting therefrom what shall be justly due and owing in respect of the Board and Lodging of such Seaman, he shall forfeit and pay a Sum not exceeding Ten Pounds, over and above the Amount or Value of such Monies, Documents, or Effects, after such Deductions as aforesaid, which shall be adjudged to be forthwith paid to such Seaman under the Conviction by the Justices before whom such Offence shall be heard and determined.

Recovery and Application of Penalties.

XII. And be it enacted, That all Penalties and Forfeitures imposed by this Act shall and may be recovered, with Costs, by summary Proceedings before any Two Justices of the Peace residing in or near to the Place where the Offence shall be committed or where the Offender shall be; and if the Sum imposed as a Penalty or adjudged to be paid as aforesaid by any such Justices shall not be paid, either immediately after the Conviction or within such reasonable Time as such Justices shall at the Time of the Conviction appoint, it shall be lawful for the Justices to commit the Offender or Offenders to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, according to the Discretion of such Justices, for any Term not exceeding Six Calendar Months, the Commitment to be determinable upon Payment of the Amount and Costs; and all such Penalties and Forfeitures shall be paid and applied in manner following; (that is to say,) One Moiety of such Penalty shall be paid to the Informer or Person upon whose Discovery or Information the same shall be recovered, and the Residue thereof shall be paid to the Seaman's Hospital Society: Provided always, that in all Cases of Complaint made by or on the Behalf of any Seaman under this Act the Evidence of such Seaman shall be received and taken notwithstanding he may be interested in the Matter: Provided also, that such Seaman shall not in any such Case where he shall have been so examined receive any Part of any Penalty to be imposed, but only such Sum as the Magistrates before whom the Case shall be heard shall adjudge him to receive for any Monies or Effects which shall appear to have been deposited by him with any such Person as aforesaid.

XIII. And

Form of Conviction.

XIII. And be it enacted, That the Justices before whom any Person shall be summarily convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall require; (that is to say,)

'BE it remembered, That on the Day of in the Year of our Lord at in the County of [*or* Riding, Division, Liberty, City, *&c., as the Case may be*], *A.O.* is convicted before us [*naming the Justices*], Two of Her Majesty's Justices of the Peace for the said County, [*or* Riding, *&c.*,] for that he the said *A.O.* did [*specify the Offence, and the Time and Place when and where the same was committed, as the Case may be*]; and we the said Justices adjudge the said *A.O.* for his said Offence to forfeit and pay the Sum of [*here state the Amount of the Fine imposed, and, when necessary, add the Words* "over and above the Sum of £ ,] which we the said Justices do hereby adjudge to be forthwith paid to the said *E.F.* [*the Seaman*], the same being the Value of Monies, Documents, or Effects of the said *E.F.* received by or taken into the Possession or under the Control of the said *A.O.*"]; and we the said Justices do also adjudge the said *A.O.* to pay the Sum of for Costs, and in default of immediate Payment of the said Sums of to be imprisoned in the for the Space of unless the said Sums shall be sooner paid [*or*, and we order that the said Sums of shall be paid by the said *A.O.* on or before the Day of]; and we direct that the Sum of Part of the said Penalty, together with the said Sum of for Costs, shall be paid to *C.D.* [*the Party informing*], and the Residue of the said Penalty shall be paid to the Seamen's Hospital Society. Given under our Hands, the Day and Year first above mentioned.'

No Certiorari, &c.

XIV. And be it enacted, That no such Conviction shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Explanatory Clause.

XV. And be it enacted, That the Words "Merchant Ships" inserted in this Act shall be understood to include every Description of Sea-going, Trading, or Passage Vessel lying and being within the United Kingdom of *Great Britain* and *Ireland*.

Commencement of Act.

XVI. And be it enacted, That this Act shall come into operation at the following Times; (that is to say,) on the First Day of *September*,

September, so far as respects the Power of licensing herein-before given to the Lords of the said Committee of Privy Council, and on the First Day of *November*, so far as respects all other Enactments of this Act.

Alteration of Act.

XVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

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