

**... An act for the government and regulation of seamen in the merchants service. [New York**

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**Congress of the United States:** AT THE SECOND SESSION, Begun and held at the City of New-York, on Monday the Fourth of January, one thousand seven hundred and ninety.

*An ACT for the Government and Regulation of Seamen in the Merchants Service.*

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*BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the first day of December next, every master or commander of any ship or vessel bound from a port in the United States to any foreign port, or of any ship or vessel of the burthen of fifty tons or upwards, bound from a port in one state, to a port in any other than an adjoining State, shall, before he proceed on such voyage make an agreement in writing, or in print, with every seaman or mariner on board such ship or vessel (except such as shall be apprentice or servant to himself or owners) declaring the voyage or voyages, term or terms of time, for which such seaman or mariner shall be shipped. And if any master or commander of such ship or vessel shall carry out any seamen or mariner (except apprentices or servants as aforesaid) without such contract or agreement being first made and signed by the seamen and mariners, such master or commander shall pay to every such seaman or mariner, the highest price or wages, which shall have been given at the port or place where such seaman or mariner shall have been shipped for a similar voyage, within three months next before the time of such shipping; *Provided* such seaman or mariner shall perform such voyage; or if not, then for such time as he shall continue to do duty on board such ship or vessel, and shall moreover forfeit twenty dollars for every such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the United States: and such seaman or mariner, not having signed such contract, shall not be bound by the regulations, nor subject to the penalties and forfeitures contained in this act.

*And be it enacted,* That at the foot of every such contract, there shall be a memorandum in writing, of the day and the hour, on which such seaman or mariner, who shall so ship and subscribe, shall render themselves on board to begin the voyage agreed upon. And if any such seaman or mariner shall neglect to render himself on board the ship or vessel, for which he has shipped, at the time mentioned in such memorandum, and if the master, commander, or other officer of the ship or vessel, shall on the day on which such neglect happened, make an entry in the log-book of such ship or vessel, of the name of such seaman or mariner, and shall in like manner, note the time that he so neglected to render himself (after the time appointed;) every such seaman or mariner shall

forfeit for every hour, which he shall so neglect to render himself, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. And if any such seaman or mariner shall wholly neglect to render himself on board of such ship or vessel, or having rendered himself on board shall afterwards desert and escape, so that the ship or vessel proceed to sea without him, every such seaman or mariner shall forfeit and pay to the master, owner, or consignee of the said ship or vessel, a sum equal to that which shall have been paid to him by advance at the time of signing the contract, over and besides the sum so advanced, both which sums shall be recoverable in any court, or before any justice or justices of any state, city, town or county within the United States, which, by the laws thereof, have cognizance of debts of equal value, against such seaman or mariner, or his surety or sureties, in case he shall have given surety to proceed the voyage.

*And be it enacted*, That if the mate or first officer under the master, and a majority of the crew of any ship or vessel, bound on a voyage to any

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2 foreign port, shall, after the voyage is begun (and before the ship or vessel shall have left the land) discover that the said ship or vessel is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions or stores, to proceed on the intended voyage, and shall require such unfitness to be enquired into, the master or commander shall upon the request of the said mate, (or other officer) and such majority, forthwith proceed to, or stop at, the nearest or most convenient port or place where such enquiry can be made, and shall there apply to the judge of the district-court, if he shall there reside, or if not, to some justice of the peace of the city, town, or place, taking with him two or more of the said crew who shall have made such request; and thereupon such judge or justice is hereby authorized and required to issue his precept directed to three persons in the neighbourhood the most skilful in maritime affairs that can be procured, requiring them to repair on board such ship or vessel, and to examine the same in respect to the defects and insufficiencies complained of, and to make report to him, the said judge, or justice, in writing under their hands, or the hands of two of them, whether in any, or in what respect the said ship or vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs, or alterations in the body, tackle or apparel will be necessary; and upon such report the said judge or justice shall adjudge and determine, and shall endorse on the said report his judgment, whether the said ship or vessel is fit to proceed on the intended voyage, and if not, whether such repairs can be made, or deficiencies supplied, where the ship or vessel then lays, or whether it be necessary for the said ship or vessel to return to the port from whence she first sailed, to be there refitted; and the master and crew shall, in all things, conform to the said judgment; and the master or commander shall, in the first instance, pay all the costs of such view, report, and judgment, to be taxed and

allowed on a fair copy thereof certified by the said judge or justice. But if the complaint of the said crew shall appear upon the said report and judgment, to have been without foundation, then the said master, or the owner, or consignee of such ship or vessel, shall deduct the amount thereof, and of reasonable damages for the detention, (to be ascertained by the said judge or justice) out of the wages growing due to the complaining seamen or mariners. And if after such judgment, such ship or vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs or alterations as may be directed, the said seamen or mariners, or either of them, shall refuse to proceed on the voyage, it shall and may be lawful for any justice of the peace to commit by warrant under his hand and seal, every such seaman or mariner (who shall so refuse) to the common gaol of the county, there to remain without bail or mainprize, until he shall have paid double the sum, advanced to him at the time of subscribing the contract for the voyage, together with such reasonable costs as shall be allowed by the said justice, and inserted in the said warrant, and the surety or sureties of such seaman or mariner (in case he or they shall have given any,) shall remain liable for such payment, nor shall any such seaman or mariner, be discharged upon any writ of habeas corpus, or otherwise, until such sum be paid by him or them, or his or their surety or sureties, for want of any form of commitment, or other previous proceedings: *Provided* , That sufficient matter shall be made to appear, upon the return of such habeas corpus, and an examination then to be had, to detain him for the causes herein before assigned.

*And be it enacted* , That if any person shall harbor or secrete any seaman or mariner belonging to any ship or vessel, knowing them to belong thereto, every such person, on conviction thereof, before any court in the city, town or county, where he, she or they may reside, shall forfeit and pay ten dollars for every day which he, she or they shall continue so to harbor or secrete such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the United States; and no sum exceeding 3 one dollar, shall be recoverable from any seaman or mariner by any one person, for any debt, contracted during the time such seaman or mariner shall actually belong to any ship or vessel, until the voyage, for which such seaman or mariner engaged, shall be ended.

*And be it enacted*, That if any seaman or mariner, who shall have subscribed such contract as is herein before described, shall absent himself from on board the ship or vessel in which he shall so have shipped, without leave of the master, or officer commanding on board; and the mate, or other officer having charge of the log-book, shall make an entry therein, of the name of such seaman or mariner, on the day on which he shall so absent himself, and if such seaman or mariner shall return to his duty within forty-eight hours, such seaman or mariner shall forfeit three day's pay, for every day which he shall so absent himself, to be deducted out of his wages; but if any seaman or mariner shall absent himself for more than forty-eight hours at one time, he shall forfeit all the wages due to him, and all his goods and chattels which were on board the said ship or vessel, or in any store

where they may have been lodged at the time of his desertion, to the use of the owners of the ship or vessel, and moreover shall be liable to pay him or them, all damages, which he or they may sustain, by being obliged to hire other seamen or mariners in his or their place, and such damages shall be recovered with costs in any court, or before any justice or justices, having jurisdiction of the recovery of debts, to the value of ten dollars or upwards.

*And be it enacted* , That every seaman or mariner shall be entitled to demand and receive from the master, or commander, of the ship or vessel to which they belong, one third part of the wages which shall be due to him, at every port where such ship or vessel shall unlade and deliver her cargo, before the voyage be ended, unless the contrary be expressly stipulated in the contract, and as soon as the voyage is ended, and the cargo or ballast be fully discharged at the last port of delivery, every seaman or mariner shall be entitled to the wages which shall be then due according to his contract; and if such wages shall not be paid within ten days after such discharge, or if any dispute shall arise between the master and seamen or mariners touching the said wages, it shall be lawful for the judge of the district where the said ship or vessel shall be, or, in case his residence be more than three miles from the place, or of his absence from the place of his residence, then, for any judge or justice of the peace, to summon the master of such ship or vessel to appear before him, to shew cause, why process should not issue against such ship or vessel, her tackle, furniture and apparel, according to the course of admiralty courts, to answer for the said wages; and if the master shall neglect to appear, or appearing, shall not shew that the wages are paid, or otherwise satisfied or forfeited, and if the matter in dispute shall not be forthwith settled, in such case, the judge or justice shall certify to the clerk of the court of the district, that there is sufficient cause of complaint, whereon to found admiralty-process, and thereupon the clerk of such court shall issue process against the said ship or vessel, and the suit shall be proceeded on in the said court, and final judgment be given, according to the course of admiralty courts in such cases used, and in such suit, all the seamen or mariners (having cause of complaint of the like kind, against the same ship or vessel) shall be joined as complainants, and it shall be incumbent on the master or commander, to produce the contract, and log-book, if required, to ascertain any matters in dispute, otherwise the complainants shall be permitted to state the contents thereof, and the proof of the contrary, shall lie on the master or commander; but nothing herein contained shall prevent any seaman or mariner from having, or maintaining any action at common law, for the recovery of his wages, or from immediate process out of any court having admiralty-jurisdiction, wherever any ship or vessel may be found, in case she shall have left the port of delivery where her voyage ended, before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days, next after the delivery of her cargo or ballast.

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**An Act for the Government & regulations of Seamen in the Merchants Services.**

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Passed July 20 th 1790.

*And be it enacted* , That if any seaman or mariner, who shall have signed a contract to perform a voyage, shall, at any port or place, desert, or shall absent himself from such ship or vessel without leave of the master, or officer commanding in the absence of the master, it shall be lawful for any justice of peace, within the United States (upon the complaint of the master) to issue his warrant to apprehend such deserter, and bring him before such justice, and if it shall then appear by due proof, that he has signed a contract within the intent and meaning of this act, and that the voyage agreed for is not finished, altered, or the contract otherwise dissolved, and that such seaman or mariner has deserted the ship or vessel, or absented himself without leave, the said justice shall commit him to the house of correction, or common gaol of the city, town or place, there to remain until the said ship or vessel shall be ready to proceed on her voyage, or till the master shall require his discharge, and then to be delivered to the said master, he paying all the cost of such commitment, and deducting the same out of the wages due to such seaman or mariner.

*And be it enacted* , That every ship or vessel belonging to a citizen or citizens of the United States, of the burthen of one hundred and fifty tons or upwards, navigated by ten or more persons in the whole, and bound on a voyage without the limits of the United States, shall be provided with a chest of medicines, put up by some apothecary of known reputation, and accompanied by directions for administering the same; and the said medicines shall be examined by the same or some other apothecary, once at least in every year, and supplied with fresh medicines, in the place of such as shall have been used or spoiled; and in default of having such medicine chest so provided, and kept fit for use, the master or commander of such ship or vessel, shall provide and pay for all such advice, medicine, or attendance of physicians, as any of the crew shall stand in need of, in case of sickness, at every port or place, where the ship or vessel may touch or trade at, during the voyage, without any deduction from the wages of such sick seaman or mariner.

*And be it enacted* , That every ship or vessel, belonging as aforesaid, bound on a voyage across the Atlantic ocean, shall, at the time of leaving the last port from whence she sails, have on board, well secured under deck, at least sixty gallons of water, one hundred pounds of salted flesh meat, and one hundred pounds of wholesome ship-bread, for every person on board such ship or vessel, over and besides such other provisions, stores and live stock, as shall by the master, or passengers be put on board, and in like proportion for shorter or longer voyages; and in case the crew of any ship or vessel, which shall not have been so provided, shall be put upon short allowance in water, flesh or bread, during the voyage, the master or owner of such ship or vessel shall pay to each of the crew,

one day's wages beyond the wages agreed on, for every day they shall be so put to short allowance, to be recovered in the same manner as their stipulated wages.

FREDERICK AUGUSTUS MUHLENBERG, *Speaker of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

Approved, July the twentieth, 1790. GEORGE WASHINGTON, *President of the United States.*

( True Copy. )

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*Secretary of State.*

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**Congress of the United States:** AT THE SECOND SESSION, Begun and held at the City of New-York, on Monday the Fourth of January, one thousand seven hundred and ninety.

*An ACT for the Government and Regulation of Seamen in the Merchants Service.*

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of December next, every master or commander of any ship or vessel bound from a port in the United States to any foreign port, or of any ship or vessel of the burthen of fifty tons or upwards, bound from a port in one state, to a port in any other than an adjoining State, shall, before he proceed on such voyage make an agreement in writing, or in print, with every seaman or mariner on board such ship or vessel (except such as shall be apprentice or servant to himself or owners) declaring the voyage or voyages, term or terms of time, for which such seaman or mariner shall be shipped. And if any master or commander of such ship or vessel shall carry out any seamen or mariner (except apprentices or servants as aforesaid) without such contract or agreement being first made and signed by the seamen and mariners, such master or commander shall pay to every such seaman or mariner, the highest price or wages, which shall have been given at the port or place where such seaman or mariner shall have been shipped for a similar voyage, within three months next before the time of such shipping; *Provided* such seaman or mariner shall perform such voyage; or if not, then for such time as he shall continue to do duty on board such ship or vessel, and shall moreover forfeit twenty dollars for every such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the United States: and

such seaman or mariner, not having signed such contract, shall not be bound by the regulations, nor subject to the penalties and forfeitures contained in this act.

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*And be it enacted*, That at the foot of every such contract, there shall be a memorandum in writing, of the day and the hour, on which such seaman or mariner, who shall so ship and subscribe, shall render themselves on board to begin the voyage agreed upon. And if any such seaman or mariner shall neglect to render himself on board the ship or vessel, for which he has shipped, at the time mentioned in such memorandum, and if the master, commander, or other officer of the ship or vessel, shall on the day on which such neglect happened, make an entry in the log-book of such ship or vessel, of the name of such seaman or mariner, and shall in like manner, note the time that he so neglected to render himself (after the time appointed;) every such seaman or mariner shall forfeit for every hour, which he shall so neglect to render himself, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. And if any such seaman or mariner shall wholly neglect to render himself on board of such ship or vessel, or having rendered himself on board shall afterwards desert and escape, so that the ship or vessel proceed to sea without him, every such seaman or mariner shall forfeit and pay to the master, owner, or consignee of the said ship or vessel, a sum equal to that which shall have been paid to him by advance at the time of signing the contract, over and besides the sum so advanced, both which sums shall be recoverable in any court, or before any justice or justices of any state, city, town or county within the United States, which, by the laws thereof, have cognizance of debts of equal value, against such seaman or mariner, or his surety or sureties, in case he shall have given surety to proceed the voyage.

*And be it enacted*, That if the mate or first officer under the master, and a majority of the crew of any ship or vessel, bound on a voyage to any 2 foreign port, shall, after the voyage is begun (and before the ship or vessel shall have left the land) discover that the said ship or vessel is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions or stores, to proceed on the intended voyage, and shall require such unfitness to be enquired into, the master or commander shall upon the request of the said mate, (or other officer) and such majority, forthwith proceed to, or stop at, the nearest or most convenient port or place where such enquiry can be made, and shall there apply to the judge of the district-court, if he shall there reside, or if not, to some justice of the peace of the city, town, or place, taking with him two or more of the said crew who shall have made such request; and thereupon such judge or justice is hereby authorized and and required to issue his precept directed to three persons in the neighbourhood the most skilful in maritime affairs that can be procured, requiring them to repair on board such ship or vessel, and to examine the same in respect to the defects and insufficiencies complained of, and to make report to him, the said judge, or justice, in writing under their hands, or the hands of two of them, whether in any, or in

what respect the said ship or vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs, or alterations in the body, tackle or apparel will be necessary; and upon such report the said judge or justice shall adjudge and determine, and shall endorse on the said report his judgment, whether the said ship or vessel is fit to proceed on the intended voyage, and if not, whether such repairs can be made, or deficiencies supplied, where the ship or vessel then lays, or whether it be necessary for the said ship or vessel to return to the port from whence she first sailed, to be there refitted; and the master and crew shall, in all things, conform to the said judgment; and the master or commander shall, in the first instance, pay all the costs of such view, report, and judgment, to be taxed and allowed on a fair copy thereof certified by the said judge or justice. But if the complaint of the said crew shall appear upon the said report and judgment, to have been without foundation, then the said master, or the owner, or consignee of such ship or vessel, shall deduct the amount thereof, and of reasonable damages for the detention, (to be ascertained by the said judge or justice) out of the wages growing due to the complaining seamen or mariners. And if after such judgment, such ship or vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs or alterations as may be directed, the said seamen or mariners, or either of them, shall refuse to proceed on the voyage, it shall and may be lawful for any justice of the peace to commit by warrant under his hand and seal, every such seaman or mariner (who shall so refuse) to the common gaol of the county, there to remain without bail or mainprize, until he shall have paid double the sum, advanced to him at the time of subscribing the contract for the voyage, together with such reasonable costs as shall be allowed by the said justice, and inserted in the said warrant, and the surety or sureties of such seaman or mariner (in case he or they shall have given any,) shall remain liable for such payment, nor shall any such seaman or mariner, be discharged upon any writ of habeas corpus, or otherwise, until such sum be paid by him or them, or his or their surety or sureties, for want of any form of commitment, or other previous proceedings: *Provided* , That sufficient matter shall be made to appear, upon the return of such habeas corpus, and an examination then to be had, to detain him for the causes herein before assigned.

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permitted to state the contents thereof, and the proof of the contrary, shall lie on the master or commander; but nothing herein contained shall prevent any seaman or mariner from having, or maintaining any action at common law, for the recovery of his wages, or from immediate process out of any court having admiralty-jurisdiction, wherever any ship or vessel may be found, in case she shall have left the port of delivery where her voyage ended, before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days, next after the delivery of her cargo or ballast.

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FREDERICK AUGUSTUS MUHLENBERG, *Speaker of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

Approved, July the twentieth, 1790. GEORGE WASHINGTON, *President of the United States.*

( True Copy. )

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*Secretary of State.*

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