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An Act for the government and regulation of Seamen in the Merchant's Service. Passed July 30, 1790.

SECTION 1. *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 apprentices or servants 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 seaman 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.

SECTION 2. *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 in which such seaman or mariner, who shall so ship and subscribe, shall render himself 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 on the voyage.

SECTION 3. *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 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 inquired 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 inquiry 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 neighborhood, 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, provision, 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, and there be refitted; and

or mariner shall forfeit three day's pay for every day which he absent himself, to be deducted out of his wages: but if any or mariner shall absent himself for more than forty-eight hours, he shall forfeit all the wages due to him, and all his goods, chattels which were on board the said ship or vessel, or in a place where they may have been lodged at the time of his desertion, and the use of the owners of said ship or vessel, and moreover shall be obliged to pay to him or them all the damages which he or they may be obliged to hire other seamen or mariners in his or their stead, and such damages shall be recovered with costs, in any court, or any justice or justices having the jurisdiction of the recovery of the value of ten dollars or upwards.

SECTION 6. *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 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 a dispute shall arise between the master and seamen or mariners, the said wages, it shall be lawful for the judge of the district court, at the port of delivery, or in case his residence be more than ten miles from the place, or of his absence from the place of his residence, to summon the master or commander of the ship or vessel to appear before him, to show cause why he should not issue against such ship or vessel, her tackle, furniture, apparel, according to the course of admiralty courts, to answer the wages; and if the master or commander shall neglect to appear, and if he shall not show that the wages are paid or otherwise satisfied, and if the matter in dispute shall not be forthwith settled, the judge or justice shall certify to the clerk of the court, in such district, that there is sufficient cause of complaint, whereon a process shall issue against such ship or vessel, and the suit shall be proceeded 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 contents of the log-book, if required, to ascertain any matters in dispute other than the wages; and if the master or commander shall neglect to produce proof of the contrary shall lie on the master or commander; but nothing herein contained shall prevent any seaman or mariner from prosecuting or maintaining any action at common law for the recovery of wages; or for 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 the end of the ten days next after the delivery of her cargo or ballast.

SECTION 7. *And be it enacted, That* if any seaman or mariner shall have signed a contract to perform a voyage, shall at any place, desert, or shall absent himself from such ship or vessel, or shall leave of the master, or officer commanding in the absence of the master, it shall be lawful for any justice of the 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 then appear by due proof that he has signed a contract within the intent or meaning of this act, and that the voyage agreed for is not 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 jail of the city, town, or place, there to remain until the ship or vessel shall be ready to proceed on her voyage, or until the master shall require his discharge, and then to be delivered to the master, he paying all the costs of such commitment, and deducting the same out of the wages due to such seaman or mariner.

SECTION 8. *And be it enacted, That* every ship or vessel belonging to a citizen or citizens of the United States, of the burthen of fifty tons or upwards, navigated by ten or more persons, and bound on a voyage without the limits of the United States, shall be provided with a chest of medicines, put up by some person of known reputation, and accompanied by directions for administering the same: and the said medicines shall be examined by 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 consumed; and in default of having such medicine chest so provided as aforesaid, the master or commander of such ship or vessel shall be liable for use, the master or commander of such ship or vessel shall be liable to pay for all such advice, medicine, or attendance of physicians of the crew shall stand in need of in case of sickness, or in any port or place where the ship or vessel may touch or trade at on such voyage, without any deduction from the wages of such sick

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