

C H A P. XVI.

A Detail of such Maritime Regulations and Offences, as concern not only the River Thames in particular, but all the Ports of England, and Nautical Affairs in general; and as may be enforced by Justices of the Peace, or are punishable in superior Courts of Record. —Of the employment and protection of Mariners in general:—The mode of governing Seamen in the Royal Navy:—The Acts respecting the hiring and service of Seamen on board of Merchant Ships:—Offences of Mariners against the safety of Ships;—and by Rioting, &c.—Privileges to be enjoyed by Mariners; in exemptions from being impressed, &c.:—The establishment of Greenwich Hospital;—As also the Charity for Seamen in the Merchants' Service:—Suggestions for the relief of Mariners against impositions by Crimps, and Dealers in Seamen's Wages and Prize-money:—Of Offences in Navigable Rivers:—The Registering Boats, &c. employed thereon, &c.—The Duties of Masters and Owners of Ships under the Navigation Acts:—As respects the Revenue Laws;—the performance of Quarantine;—the sailing and keeping with Convoy;—the obtaining Letters of Marque, &c. &c.

ONE of the first Statutes passed respecting Naval Affairs was that of the 5th of Elizabeth, cap. 5. "touching Politic Constitutions for the maintenance

nance of the Navy." The provisions of this Statute are now in general expired; or by the change in Manners, and the many subsequent positive Regulations, become obsolete: Some Clauses, however, of this Statute deserve notice, in a Treatise of this nature, as being yet actually in force.

By § 27 of this Act (5 Eliz. cap. 5.) the Statute 18 Henry VI. cap. 19. "made against Soldiers retained, which depart from their Captains without licence" is extended "to all and every Mariner and Gunner taking prest or wages to serve the Queen's Majesty, her Heirs or Successors;" such Desertion is by these Acts punished as a Felony: but this Offence is now most usually punished under the *Articles of War*.

The method of ordering Seamen in the Royal Fleet, and keeping up discipline there, is directed by certain express Rules, Articles, and Orders, first enacted by the authority of Parliament soon after the Restoration, but since new-modelled and altered. In the 13th year of King Charles II. an Act passed for the regulating the Government of the Fleet, Statute 13 Charles II. Statute I. cap. 9. which was repealed, by the Statute 22 Geo. II. cap. 33. explained and amended by Statute 19 Geo. III. cap. 17. These two latter Statutes contain not only the *thirty-six* Articles of War, in which almost every possible Offence is explicitly set down, and the punishment thereof annexed, or left to the discretion of a Court-Martial; but also sundry clauses of express Rules and Orders, for assembling

sembling and holding Courts-Martial, for the trial of the Offences specified therein.

The mode of payment of the Wages of petty Officers, Seamen, and Marines, is ascertained by the Statutes 31 *Geo. II. cap. 10.*; 3 *Geo. III. cap. 16.*; 26 *Geo. III. cap. 63.*; and 32 *Geo. III. caps. 33, 34,* and 67. : And by the Statute 35 *Geo. III. cap. 28.* petty Officers, Seamen, and Marines are enabled to allot part of their pay for the maintenance of their Wives, Children, or Mothers. The payment of Prize-Money, and the conduct of Prize Agents is now regulated by several Sections of the Prize-Act, 33 *Geo. III. cap. 66.* The Rules and Restrictions introduced by these Acts are minute and extensive, and may be found stated, with great accuracy and precision, in STEELE'S *Ship-Master's Assistant.*

Of the Hiring and Service of Seamen in Merchant-Ships.

The most important Statute to the Master and Mariners of *Merchant-Vessels* in general is the 2d of *Geo. II. cap. 36.* made perpetual by 2 *Geo. III. cap. 31.* by which it is extended to the American Colonies. The provisions of this Statute are also adopted in 31 *Geo. III. cap. 39.* with respect to the Coasting Trade, with some trifling variations.

This Statute 2 *Geo. II. cap. 36.* is entitled "An Act for the better regulation and government of Seamen in the Merchant Service."

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The Preamble, which may serve to shew the inconvenience the Mercantile Interest is in general subject to, states “ That the Welfare and Riches of this Kingdom greatly depend on the Trade and Navigation thereof, the same being of great use and benefit, and tending very much to enrich the Subjects thereof, upon which great numbers of Artificers and Manufacturers’ Livelihoods wholly depend ; and that for several years then last past, the Navigation carried on by the Merchants to parts beyond the Seas, had been under very great difficulties and expences, by the uncertainty they laboured under, by Seamen and Mariners, who shipped themselves on board Merchant Ships, and after they had so done neglected their duty and would not remain on board the Ships or Vessels to discharge their duty ; and very often when Ships and Vessels came to be cleared out, in order to proceed on their respective Voyages, the Seamen refused to proceed with them, without coming to new Agreements for increasing their Wages, and many of them would leave their Ships and Vessels, and not proceed on their Voyages, which put the Owners of such Ships and Vessels to great trouble and charges to get other Sailors or Mariners in their stead, and often was the means to overset the Voyages of such Ships and Vessels, to the great prejudice of the Owners and Freighters of the Goods on board the said Ships and Vessels ; and yet such Scamen and Mariners, after they had committed such Offences and Disorders, would bring Actions

against the Owners or Masters of the said Ships and Vessels for the recovery of their Wages, from the time of shipping themselves until the time they quitted such Ships and Vessels : And that many of the said Seamen and Mariners would neglect their duty when on board at Sea, and desert their Ships and Vessels in Foreign Parts, which put the said Owners of Ships and Vessels to very great difficulties and expences, to get others in their stead, to bring their Ships and Vessels home ; and afterwards such Seamen and Mariners insisted on recovering their Wages, notwithstanding their voluntary Desertion ; all which was a great discouragement to Trade and Navigation :

To prevent such practices for the future, the following Rules and Regulations are established by the Acts above quoted,

Every Seaman shipping himself on board any Merchant Vessel, on an intended Voyage to parts beyond Sea (or in the Coasting Trade) shall within three days (and in the Coasting Trade upon his entering) sign an Agreement, declaring the Wages and the Voyage : And the Master, &c. of the Ship taking any Seaman to Sea (except his Apprentices) without such Agreement, shall forfeit 5*l.* per man to Greenwich Hospital ; recoverable before one Justice, by Distress and Sale.

On the arrival of any Vessel in Great Britain, from parts beyond the Seas, Masters shall pay the Seamen their Wages within thirty days, (in the Coasting Trade

Trade within five days,) after the Vessel's being entered at the Custom-house (except a covenant is entered into to the contrary,) or at the time such Seaman shall be discharged, which shall first happen; (deducting out of their Wages all such Penalties as may be due from them, for breach of the Laws;) on Penalty of paying to such Seaman so unpaid 20s. above his Wages, to be recovered in the same manner as Wages.

If any Seaman shall desert or refuse to proceed on the Voyage, or shall desert in parts beyond the Seas, after having signed such Contract, he shall forfeit all the Wages then due to him: [This is extended to the *West-India Trade*, by 37 Geo. III. cap. 73.]

If after having signed such Contract, any Seaman shall desert or absent himself from such Ship, and upon being apprehended by Warrant of a Justice of Peace, he still shall refuse to proceed on the Voyage, he shall be committed by one Justice to the House of Correction, not exceeding thirty days nor less than fourteen.

If any Seaman shall absent himself from the Vessel to which he belongs, without leave of the Master, &c. he shall for every day's absence forfeit two days' pay; to be deducted by the Master at the time of his paying the Seaman's Wages.

If any Seaman (not entering into the Service of his Majesty) shall leave the Vessel to which he belongs, before he shall have a discharge in writing from the Master, &c. he shall forfeit one month's pay.

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The Statute 37 Geo. III. cap. 73. above alluded to was passed "for preventing the desertion of Seamen in the *West-India Trade*." By this Act, Ship-Masters hiring Seamen who have deserted from any other Ship incur a penalty of 100*l*. They are also prohibited from hiring Seamen in the West-Indies at more than double Wages (unless by Licence of the Governor of the Place, &c.) under a like penalty of 100*l*. Every Ship trading to the West-Indies is to have an Apprentice under seventeen years of age, for every 100 Tons burthen ; such Apprentice to be enrolled at the Custom-house of the Port from which the Ship clears out, on penalty of 10*l*. Within ten days after his arrival out and home, the Ship-Master is to deliver to the Collector of the Port, a List of the Crew on board, at the time of clearing out from Great Britain, and at the time of the Ship's arrival abroad, of all having deserted or died, and the Wages due at their death ; under penalty of 50*l*. A penalty of 10*l*. is imposed on Masters refusing to grant to Sailors Certificates of their Discharge.

The Penalties under this Act, are recoverable by Action in the Superior Courts ; or those not exceeding 20*l*. before any one Justice of Peace, residing not more than ten miles distant from the party complained of.

In order to interest Sailors in the return of Ships from Foreign Parts, and to prevent their turning pirates, it had many years before been enacted, by § 7 of 8 Geo. I. cap. 24. that "No Master or Owner
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of any Merchant Ship shall pay to any Seaman *beyond the Seas*, any Money or Effects *on account of Wages*, exceeding one moiety of the Wages due at the time of such payment, till such Ship shall return to Great Britain or Ireland," on penalty of double the Money paid ; to be recovered in the Court of Admiralty, at the suit of any Informer.

Offences of Mariners against the safety of Ships ; and by Rioting, &c.

By Statute 22 and 23 Charles II. cap. 11. (§ 7, 9, 12,) If any Mariner or inferior Officers of any Merchant-Ship, shall decline or refuse to defend the Ship, or utter Words to discourage others from doing so, every Mariner, &c. so behaving, shall lose all his Wages, and all such Goods as he may have in the Ship, and be imprisoned not more than six months. Every Mariner who shall lay violent hands on his Commander, to hinder him from fighting in defence of his Ship and Goods, shall suffer Death as a Felon.

The burning, destroying, or casting away of any Ship to the prejudice of the Owners, Freighters, or Underwriters, is made a capital Felony by the above Act, and by the Acts 1 Ann. Statute 2. cap. 9. ; 4 Geo. I. cap. 12: as is also the maliciously burning or setting fire to any Ship, Keel, or other Vessel, by any Seaman, Keelman, Caster, Ship-Carpenter or other person, by 33 Geo. III. cap. 67 ; and the damaging or destroying any Vessel by such Seaman,
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Keelman, &c. is, by the same Act, punishable with Transportation for not less than seven nor more than fourteen years.

By the same Act 33 Geo. III. cap. 67, If any three or more Seamen, Keelmen, Casters, Ship-Carpenters, or others, riotously assembled, shall unlawfully obstruct the lading or unlading, or the sailing of any Ship, Keel, or Vessel, or forcibly board any Ship for that purpose, the Offenders shall, on conviction at the Quarter Sessions, be imprisoned not less than six months nor more than twelve. The same punishment is inflicted on Seamen, Keelmen, &c. unlawfully obstructing their Fellows from working, or assaulting or committing any violence on them, to prevent or deter them from working. A second Offence in either case subjects the Party to Transportation for not less than seven years nor more than fourteen.

By the Statute 1 Geo. I. Statute 2. cap. 25. reciting "That Fightings, Quarrellings, and Disturbances often happened in his Majesty's Yards, Offices, and Stores, and on Pay-days at *London, Portsmouth, &c.* by the unreasonable turbulency of Seamen and others: which inconveniences required a speedier remedy than the ordinary course of Justice, the parties offending being many times bound to Sea;" authority is given to the Treasurer, Comptroller, Surveyor, Clerk of the Acts, and Commissioners of the Navy, or any one of them, to punish any person making a disturbance, fighting or quarrelling in any of his Majesty's Yards, Stores or Offices, at Pay-days,

days, or on other occasions relating to the Naval Service ; either by fine, not exceeding 20s. or imprisonment not exceeding one week ; or, for non-payment of the fine, to send the party to the House of Correction for two months. And (where greater example or punishment is needful,) the said Officers and Commissioners may bind Offenders to their good behaviour, and to answer at the next Quarter Sessions, with or without Sureties ; or in default of Sureties, if required, may commit them to Gaol till the next Assizes or Quarter Sessions.

By § 46 of the Prize Act, 33 Geo. III. cap. 66. any Seaman or Mariner [or Officer or other person] who shall break bulk on board, or embezzle any Money, Jewels, Goods, Merchandise, Tackle, Apparel, or Furniture, *belonging to any Prize*, shall forfeit his whole share to Greenwich Hospital, and treble the value of the property embezzled ; with Costs, recoverable by Action in some Court of Record ; two-thirds of the Penalty being given to the Informer, and one-third to Greenwich Hospital.

Privileges of Mariners ; in Exemptions from being Impressed, &c.

By § 41 of the Statute 5 Eliz. cap. 5. already alluded to, Mariners and Fishermen shall not be compelled to serve as Soldiers on Land or on Sea otherwise than as Mariners, except under some Captain of a Ship, to do some special exploit, which Mariners have
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been used to do ; or under any other person having authority to withstand any *Invasion* of Enemies, or to subdue any Rebellion within the Realm.

By § 43 of the same Statute, 5 Eliz. cap. 5. no Fisherman using the Sea shall be taken by the Royal Commission to serve as a Mariner, unless the Commission be first brought to two Justices, having local Jurisdiction, to the intent that such Justices may chuse out, and return such number of men, as shall be contained in the Commission, to serve in the Navy.

The right of *Impressing Seamen*, being often productive of dangerous disputes and illegal resistance, it becomes highly necessary to know who are exempted from being thus suddenly called into the Service of their Country.

The Statute 2 and 3 Ann. cap. 6. provides, That poor Boys, whose Parents are chargeable to the Parish, may, by Church-Wardens and Overseers of the Poor, with consent of two Justices of the Peace, be placed out Apprentices to the Sea-service, until the age of twenty-one years, they being thirteen years old at the time of their placing out: these Apprentices shall be protected from being impressed for the first three years; (if they are not more than eighteen years old, 4 Ann. cap. 19. § 17.) And if they are impressed afterwards, their Master shall be allowed their Wages. And all Masters and Owners of Ships, from thirty to fifty Tons burthen, are required to take one such Apprentice, one more for the next fifty Tons,

Tons, and one more for every hundred Tons above the first hundred, under the Penalty of 10*l.*; recoverable before two Justices, by Distress and Sale.

By § 20 of the same Statute 2 and 3 Ann. cap. 6. If any Captain, Lieutenant, or other Officer, shall presume to impress any of the men allowed to be employed in any Ship in the Coal Trade (*viz.* The Master, Master's Mate, Carpenter, and one able Seaman, for every hundred Tons, not exceeding three hundred) he shall forfeit, for every man so taken, 10*l.* to be recovered in any Court of Record. It has lately been determined by the Court of King's Bench, that a former Act on this subject (6 and 7 William III. cap. 18.) is no longer in force.

By the Statute 13 Geo. II. cap. 17. "for the increase of Mariners and Seamen to navigate Merchant Ships and other Trading Vessels" after reciting, that it is necessary to give all fitting encouragement to persons to apply themselves to the Sea-service, and the Practice of Navigation, and also to Foreign Mariners and Seamen to engage in the British Service, "It is enacted, that the following persons shall be *exempted from being impressed, viz.*

"Every person being of the age of fifty-five and upwards; and every person not being eighteen years of age; and every Foreigner being a Mariner, Seaman, or Landsman, who shall serve in any Merchant Ship belonging to a Subject of Great Britain."

And "for the encouragement of able-bodied Landsmen, to betake themselves to the Sea-service"

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every person of what age soever he be, *who shall use the Sea*, shall be freed, &c. for *Two* years, to be computed from the time of his going to Sea, &c.

So likewise every person, who, not having before used the Sea, shall *bind himself Apprentice* to serve at Sea, shall be exempted from the Impress for *three* years from the time of binding himself; and the Admiralty are directed to grant protections accordingly in all cases, without Fee or Reward.

Harpooners, Line-Managers, and Boat-Steerers, in the Southern Whale-Fishery, are exempted from being impressed by the Statute 26 Geo. III. cap. 50. § 25. And by 32 Geo. III. cap. 22. § 5. they are allowed, when not employed in the Fishery, to sail in the Coal Trade, on giving Security to the Custom-House. By this latter Act Seamen in the Fishery, are also protected from the 1st of February in any year till the expiration of the then next Season, and the completion of the Voyage home: But this extends only to the proportion of six Harpooners, six Line-Managers, and eighteen Common Seamen, to every 400 Tons. To protect these persons, the Owner of every Ship must deliver on Oath, to the Collector of the Customs at the Port, a List of their Names, and the Capacities in which they are to act.

By Statute 2 Geo. III. cap. 15. "For supplying London and Westminster with Fish, and to protect and encourage Fishermen." All persons coming under the four following descriptions, employed in the Fisheries of these Kingdoms, are exempted from
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being impressed into the King's Service, viz. 1st. Masters of Fishing Vessels, who, either themselves or their Owners, have, or within six months before applying for a Protection, shall have had one or more Apprentices, under sixteen years of age, bound for five years, and employed in the business of Fishing. 2dly. All such Apprentices, not exceeding four, to every Master or Owner of a Fishing-Vessel of 30 Tons burthen, or upwards; and two to every Vessel under 30 Tons, during the time of their Apprenticeship, and till the age of Twenty Years, they continuing for the time in the business of Fishing only. 3dly. One Mariner, besides the Master and Apprentices, to every Fishing Vessel of 10 Tons burthen, or upwards, employed on the Sea-Coast, during his continuance in such service. 4thly. Any Landman entering, and employed on board such Vessel, for two years from his first going to Sea, and to the end of the Voyage then engaged in, if he so long continue in such service.—20*l*. Penalty recoverable before one Justice, and leviable by Distress and Sale, is imposed on Officers, &c. impressing persons protected under this Act or taking away their Protection from them.

The Legislature has here also taken care to inflict punishments on such as wilfully abscond or conceal themselves:—on these occasions, private Gratification must give way to the Public Service.

By a Statute of the 2d and 3d of Philip and Mary, cap. 16. § 8. Persons using the occupation of rowing betwixt Gravesend and Windsor, withdrawing

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themselves in time of pressing were to be imprisoned two weeks, and banished from rowing on the Thames for one year and a day.

And now by Statute 4 Ann. cap. 19. § 18, If any Waterman (being duly summoned by notice in writing, at his usual abode, by the Watermen's Company, shall not, within ten days, appear before the Company in order to be sent to his Majesty's Fleet) he shall, on conviction before the Lord Mayor and Aldermen, or before two Justices and two Rulers of the Company, suffer one month's Imprisonment, and be disabled to work on the Thames for two years, &c.

By Statute 9 Ann. cap. 26. § 1, Every Fisherman summoned by the Court of Assistants of the Fisherman's Company, in order to be entered and to serve in the Navy, who shall refuse or neglect to appear, shall be sent on board the Fleet, and be disabled from fishing on the Thames for two years.

All disorderly Men, Servants and all Persons, as well Men as Boys, who are deemed Vagrants, and sturdy Beggars (not being Felons) may be taken up and sent into the Navy.—2 and 3 Ann. cap. 6. § 16.

Having thus stated the restraints to which *Seamen*, *Watermen*, and *Fishermen*, are subject, when their Country requires their Services; it becomes proper in this place, to bring under the Review of the Reader what the Country has done in return for their Services, when the Sailors are maimed or wounded and unable to support themselves:—To all such, an Asylum and Support is provided by the splendid Foundation of

GREENWICH HOSPITAL.

By Statute 7 and 8 William III. cap. 21, This noble Charity, the Pride of Englishmen, and the Refuge of English Sailors, was founded and endowed.— The first paragraphs of the Preamble to this Act, are too just an eulogium on this admirable Body of Men to be omitted in the present Treatise.

“ Forasmuch (says the Act) as the strength and safety of this and other his Majesty’s Realms and Dominions, do very much depend upon the furnishing and supplying his Majesty’s Royal Navy, with a competent number of Mariners and Seamen, which may be in a readiness at all times for that service :

“ And whereas the Seamen of this Kingdom have for a long time distinguished themselves throughout the world by their industry and skilfulness in their Employments, and by their courage and constancy manifested in Engagements for the defence and honour of their native Country : And for an encouragement for them to continue this their ancient reputation, and to invite greater numbers of his Majesty’s Subjects to betake themselves to the Sea, it is fit and reasonable that some competent Provision should be made, that Seamen, who by Age, Wounds, or other Accidents, shall become disabled for future service at Sea, and shall not be in a condition to maintain themselves comfortably, may not fall under Hard-
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ships and Miseries, and may be supported at the Public Charge; and that the Children of such disabled Seamen, and also the Widows and Children of such Seamen as shall happen to be slain, killed, or drowned in Sea-service, may in some reasonable manner be provided for and educated :”—

The Preamble then goes on to state, that his Majesty and his late Queen (Mary) having determined that an Hospital should be erected and endowed for these purposes, had by their Letters Patent, dated October 25, 1694, granted a piece of ground, part of their Manor of *East Greenwich*, together with the *Palace* of Greenwich, to be converted into the said Hospital: And that his Majesty, in further execution of this purpose by his Letters Patent, dated the 10th of September 1695, had appointed Commissioners, and given directions for carrying on and perfecting the Plan.

The Act proceeds to prescribe a general Registry of Seamen; but this part was repealed by 9 Ann. cap. 21. § 64.

Towards the support of the Hospital thus founded it is enacted by the said Statute 7 and 8 William III. cap. 21. (enforced by 10 Ann. cap. 17; and extended by 2 Geo. II. cap. 7. to Jersey, &c. and by 18 Geo. II. cap. 31. to Privateers) that every Seaman or other person employed either in the Royal Navy, or in any Ship belonging to any Subject of Great Britain or Ireland, and every Master or Owner navigating

gating his own Ship, whether employed on the high Sea or Coasts of the same (except Apprentices under eighteen, persons employed on the Coasts in taking Fish brought fresh on Shore, and persons employed in Vessels trading on Rivers only) shall pay the sum of *Sixpence per Month*; which the Master, Owner, &c. of every Ship is to detain out of the Wages, &c. payable to the Seamen, and to pay the same to the proper Officers, appointed by the Admiralty.

Masters, Commanders, or Owners, of Merchant Vessels, (or Transports employed by Government, 2 Geo. II. cap. 7, § 5.) refusing to appear when summoned before the Collectors and Receivers of the said duty, and answer upon Oath as to the number and times of service of the Seamen, &c. employed in their Vessels, shall forfeit 20*l.*—On the Commanders or Owners of Privateers so refusing to appear, the Penalty is 50*l.* all recoverable by Action in any Court of Record.

If the Master of any Ship shall attempt to go to Sea before the Duty for the preceding Voyage is paid :—The Receivers of the Duty may stop the Ship.—10 Ann. cap. 17. § 4.

The Master or Commander of a Privateer, sailing from any Port shall give to the Collector of the Customs, a List of his men ; and on return shall give a copy of the List, with an Account of what is become of those Men wanting, under a Penalty of 50*l.*

In addition to the advantages derived by Seamen in the Navy, through the medium of Greenwich Hospital, there is another Foundation, denominated the *Chest at Chatham*, established by Queen Elizabeth and her Council, but not hitherto regulated by any Act of Parliament: This is supported by the *Run-Money*, i. e. Wages forfeited by Seamen having deserted, and by certain other Forfeitures of unclaimed Wages, &c. the amount of all which is applied to the relief of Seamen in minor cases of distress.

Besides these Institutions so honourable to the Nation, with respect to Mariners serving in the Navy, others have also been established for Nautical People in the Merchants' Service. Among these (as the object relates particularly to the River Thames) may here be mentioned—

The Merchants' Seamen's Institution.

The Preamble to the Statute 20 Geo. II. cap. 38. (which first founded this Establishment) recites the Acts for the Establishment of Greenwich Hospital, as also certain Provisions in the Acts 10 Ann. cap. 17; 8 Geo. I. cap. 24; 8 Geo. II. cap. 29. extending the benefit of the Hospital to Seamen wounded, and in the Merchant's Service: "But that the Hospital was not capable of receiving, nor the Income thereof sufficient to provide for, the Seamen in the Service of the Royal Navy, who were wounded, maimed, or worn out by age, or otherwise entitled

entitled to the benefits thereof, so that the Seamen in the Merchants' Service, maimed and disabled in fight, had seldom or never been admitted into the said Hospital, though entitled thereto, and proper objects of Charity: And that there was no Provision at all made by either of the said Acts for such Seamen in the Merchants' Service, or for the Widows or Children of such as should be killed, slain, or drowned in the said Service: That the Seamen in the said Service were willing to allow sixpence per month out of their Wages to be applied to those purposes: That the Seamen in the Merchants' Service had manifested their Courage and Resolution, and deserved all due encouragement: And finally, that the establishing the said Charity, would tend to the honour and good of the Public:”

By the said Act therefore certain persons therein named, and their Successors, are incorporated by the name of the *President and Governors for the Relief and Support of the sick, maimed, and disabled Seamen, and of the Widows and Children of such as shall be killed, slain, or drowned, in the Merchants' Service*; and enabled to purchase Lands for building an Hospital.*

Provisions are made for the reception of Seamen disabled in the Merchants' Service, and in certain cases for their Widows and Children: And it is

* The Office of this Corporation is over the Royal Exchange.

enacted,

enacted, That for the effecting the purposes of the Act every Seaman and person serving in any Merchant-Ship, or any private Ship or Vessel belonging to Subjects in England; and every Master or Owner navigating his own Ship (except Apprentices and other persons excepted in the Greenwich-Hospital-Acts, and Pilots) shall pay sixpence per month out of their Wages; to be deducted or detained by the Master or Owner, and paid to a Receiver to be appointed by the Governors, for the Port of London, or other Port to which the Ship belongs: And the same powers are given to the Receivers, and Penalties inflicted (recoverable in any Court of Record in England) on Masters or Owners, as in the case of the Duty payable to Greenwich Hospital. The Merchants-Venturers of Bristol, and the Trinity-House of Hull are made Trustees for the Duties received at their respective Ports.

While the Legislature has thus laudably provided for this useful Class of Men when disabled, and their Families when they have fallen in the Service of their Country:—It is to be lamented, that although much has been done to shelter them against Frauds and Impositions, in their intercourse with Society, yet more is necessary, as will be seen from the following *Suggestions*, &c.

Suggestions

Suggestions for the Relief of Mariners, against Imposition by Crimps, &c.

It has been already stated, that the payment of Wages and Prize-money in the Royal Navy is regulated by several Statutes passed for the purpose. It is to be feared, however, that the very useful Restraints imposed by these Statutes are in too many instances eluded, and are in others ineffectual; and as they do not extend to the case of Merchant-Ships and Letters of Marque, many Abuses exist in that Department which call for Legislative Interference. Notwithstanding also the Laws which have passed with respect to the hiring of Mariners in the Merchants' Service, the difficulty of procuring Men, particularly in time of War, is the cause of much imposition and inconvenience. These Evils and their Remedies are the subject of the following

PROPOSITION

For regulating and controlling Crimps, and Dealers in Seamen's Wages and Prize-money.

There are two classes of Men, who are at present great Nuisances in the Maritime Affairs of the River Thames. Those in the first Class, consisting of about one hundred individuals, are denominated

CRIMPS.

CRIMPS.

These men profess to procure Seamen for outward-bound Ships. They frequently lend small sums to thoughtless Mariners, or allow them to run scores at the Alehouses which some of them keep, or get them into their debt for Board and Lodging.

When Seamen are wanted, application is made to these Crimps. In many instances where Ships have lost men, and are upon the point of sailing, they take the advantage of the Captains, who are often strangers, by insisting on an extravagant sum of money being deposited. No other means exist whereby Seamen can be procured.—The time presses.—The Ship is on the point of sailing, and the Ship-Masters have no other alternative but to comply.

Men are of course procured, who frequently run away before the three Days elapse, when they are required by 2 Geo. II. cap. 36. to sign the agreement under which the Penalties of the Law attach for Desertion; and the Money is thus lost, as the Crimps pretend the Seamen have received it, although many instances occur where the strongest suspicion is excited, that the Desertion arises from a preconcerted plan between the Crimps and the Mariners, that they may, after the Ship for which they are intended sails, be enabled through the same medium to commit Frauds upon others; but even where this is not the case, the only means of recovering the Money from
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the Crimps, being by an Action at Law, the process of which is dilatory and tedious, and where an expence must be incurred in the first instance, to an amount frequently equal to, or more than, the sum advanced; Strangers decline this mode of seeking Justice. The Crimps are aware of this, and continue their Impositions and Frauds with impunity. With a very few exceptions the chief part consists of men of very loose and abandoned characters, and some who pretend to follow this profession have actually been discovered to be Thieves upon the Town, and persons who have been imprisoned on Charges of Felony, and punished for various Offences.

The Evil is of great magnitude; since independent of the money of which Ship-Masters are frequently defrauded, Commerce and Navigation is obstructed in a very considerable degree, by the machinations of such Miscreants.

To remedy these Evils, the following Suggestions are offered:

- 1st. That all persons acting in any instance whatever as Crimps, or who undertake to procure Seamen for Ships in the Merchants' Service, shall be annually licensed by the Magistrates, and shall enter into recognizance with two Sureties for their good behaviour; with power to Magistrates, as in the case of Alehouses, to refuse Licences to men of loose conduct, or of known bad Character.
- 2d. That in all cases where Crimps refuse to return the Money advanced to procure Seamen, whether the same relates to the Premium or the Wages allotted to such Seamen,

Seamen, where they desert before the Articles are signed, it shall be lawful for any Justice having legal Jurisdiction, on the Complaint of the Party aggrieved, to issue a Warrant to bring such Crimps before them, and if they refuse to return the Money, on due proof being offered to the satisfaction of the Magistrate, that the men have absconded clandestinely, it shall be lawful to convict such Crimp in a penalty equal to the sum advanced, and to commit the Offender to prison until paid.—And the said penalty shall be paid over immediately to the Party aggrieved, and be considered as a full compensation for all claims on the said Crimp.

This Licensing System, instead of throwing any obstacle in the way of procuring Seamen, would tend greatly to facilitate it. By narrowing the competition a select class of men would be introduced into this branch of Maritime Police, who would find it their interest to conduct the business honestly and on moderate terms: While the penalty inflicted would not only destroy all confederacies between the Crimp and the Seamen; but also render the former more careful in preventing the escape of those who have entered into engagements, and prove an incalculable benefit to the Trade of the Port.

3d. That Crimps, in making engagements to procure Seamen, should have a *stipulated allowance*, and should be restrained by Law, from taking any Commission exceeding 10s. 6d. per man; one half to be paid by the Ship-Master, and the other half deducted from the Wages deposited for the use of the Seamen; who shall receive the whole surplus without any other deduction whatsoever, under the penalty of Five Pounds.

This Regulation would protect ignorant thoughtless Mariners from the gross impositions practised upon them by not a few of the present criminal herd of *Crimps* and *pretended Crimps*, who at present afflict the Trade of the River Thames.

The Second Class of persons who are found in general to be great Public Nuisances, are those who pretend to be

*Dealers in Seamen's Wages, and Purchasers of Prize-Money.**

The known improvidence of the general run of Seamen seems to require an additional degree of protection against that Fraud and Pillage, and those gross Abuses, to which their total ignorance of the means of protecting themselves, their peculiar situation, their habits in life, and their thoughtless disposition peculiarly expose them.

Unguarded and unprotected as these careless though useful members of the State, are at present, it is scarcely a matter of wonder, that they should attract the notice, and arrest the attention of these Harpies, who prey upon the Public in a great Metropolis, and who are ever to be found in all the principal Commercial Towns, ready to advance Money on

* Those who follow the profession of Crimps are, almost without exception, Dealers in Seamen's Wages, and Purchasers of Prize-Money.

Assignments being made by Seamen of Wages due ; or to purchase Prize-money under circumstances greatly to the disadvantage of the Seamen with whom they connect themselves, always injurious to their families, and defeating in the result every means which might be established to secure a provision against Old Age and Infirmities.

As the individuals who profess to deal in Seamen's Wages, and to purchase Prize-Money at the same time, are with some few exceptions, a very depraved Class of Men : It seems highly expedient, that they also should be placed under Police Regulations, whereby they may be confined to the honest part of their profession, and restrained from committing acts of Fraud and Oppression.—For this purpose it is humbly proposed :

- 1st. That all persons who are in any respect directly or indirectly concerned in the purchase of Seamen's Wages or Prize-money, or who shall, with a view to their own benefit and advantage, advance Money to Seamen or Mariners, on receiving a Power of Attorney, or Will and Power, or other Authority whatever, to receive either Wages or Prize-money, shall be annually licensed by Magistrates, and enter into a recognizance with two Sureties for their good behaviour ; and that the Magistrates should have power, as in the case of Alehouses, to refuse Licences to persons of loose conduct, or notorious bad character.
- 2d. That no Dealer in Seamen's Wages shall be entitled to receive a larger Premium than $7\frac{1}{2}$ per cent. for the Money advanced, besides legal interest, until the said Money
is

is refunded ; nor shall any such Dealer purchase the Wages due to any Seaman, at a greater discount than 10 per cent. or charge any advance on the Cloaths or Necessaries furnished, under a Penalty of double the amount of what has been received, contrary to Law, recoverable before any one Magistrate : With powers to such Justice, on the Complaint of the Party aggrieved, to issue his Warrant, to bring the Offender before him, and to convict him on due proof.

- 3d. That no person dealing in Prize-money due to Seamen, or undertaking, by virtue of Powers of Attorney, to receive such Prize-money, (other than regular Agents appointed by the Captains, Officers, and Ship's Company) shall be legally entitled to receive either the Wages or Prize-money of Seamen, until the Will and Power granted shall be first registered in the Merchants' Seamen's Office, with the Name, Country, and place of Nativity, and last Abode of the Seamen, and Security given, to render a just and fair account of the Balance due, after allowing the legal Commission for trouble ; which balance shall be placed to the credit of the Seaman to whom it belongs, and shall form a Fund under the management of the Institution for the maintenance of his Family, or his support in Old Age, in such way and manner as the Managers shall judge proper, according to the circumstances of the case ; and in cases where after a certain time and due inquiry, no legal Claimants appear, the Money thus obtained shall be appropriated to the Relief of Seamen in general.

These Regulations will operate powerfully in preventing the enormous Frauds and Abuses which are committed, and by which the worst and the most

criminal Classes in the Community, are suddenly and unwarrantably enriched.

The Purchasers of Seamen's Wages, and of Prize-money, are in the habit of going to Gravesend and the Nore, when Fleets arrive, and having provided Boats they go on board the Ships for the purpose of bringing the men on shore, that they may avoid the Press. They charge them an exorbitant price for landing them with their Chests and Bedding, and afterwards for concealment: By entertaining them and furnishing Lodging, Liquor, and Cloaths, and in many instances bringing Women to them, the Seamen get suddenly in debt. They are then arrested, and when locked up and in distress, compelled to give a *Will and Power* to the Crimps to receive their Wages, Prize-Money, and every thing belonging to them in case they should die. The Crimps next procure the Sailors another Ship, for which the Captain pays them Two Guineas Crimpage, and a certain sum in addition is paid by the men. When the Sailors go upon their new Voyage, the Crimp receives their Wages, Prize-Money, &c. and makes what use of their Property he pleases. Instances have been known where a Seaman has brought home from 30*l.* to 40*l.* and in a fortnight after he has been 14*l.* or 15*l.* in debt. Nothing can exceed the oppression which these poor people suffer, while the Crimps make large sums of Money, and live very extravagantly and profusely.

It is also the practice of these Miscreants, besides charging 1s. 6d. in the pound for the Money advanced, to furnish Cloaths and other Necessaries, charging, (as has been stated to the Author) in many instances, from 50 to 100 per cent. on the actual Cost, by which the Seamen are suddenly brought in debt; and the more so as men coming from long Voyages are generally in want of every necessary, and in this manner, their hard earnings, notwithstanding their high Wages, are speedily squandered, to the great injury of themselves and families.

This Division of the Subject ought not to be closed without noticing that valuable Institution, THE MARINE SOCIETY; which was incorporated by the Statute 12 Geo. III. cap. 67.: In the Preamble to that Act it is stated, that the Society, from the time of its Institution in June 1756, to the time of the passing the Act (in 1772) had clothed and fitted out five thousand four hundred and fifty-one Landmen to serve in the Navy, and also, six thousand three hundred and six Boys, as Apprentices to Officers in the Royal Navy, and Merchants' Service: That the incorporating the Society, and enabling them to carry into execution their charitable Designs, (*viz.*—"the fitting out and apprenticing or placing out poor distressed Boys" in the Navy or Merchant Service) would be of great advantage to the Country, "as being a means of supplying the Navy in time of War, with Seamen properly bred up and qualified; and contributing to the Commercial Interests of the

Nation in time of Peace ; and also by assisting the *inward Police* thereof, in providing for the *idle*, and *consequently most dangerous* Members of Society :” The Governors are accordingly incorporated, and empowered to clothe and fit out poor distressed Boys, and to bind them Apprentices, as Servants to Officers in the Navy or Merchant Ships, with consent of the Boys’ Parents when known. Such Apprentices are exempted from being impressed till they are eighteen years old. The Society is governed, and its Business managed by a President, six Vice-Presidents, and a Committee of Governors, elected annually at a General Court, of which there are four in a year : Their Office is over the Royal Exchange. This Society continues very fully to answer the laudable Purposes for which it obtained the Protection of the Legislature.

Of Offences in Navigable Rivers, Dock-Yards, &c.

Any person who shall, either by day or night, wilfully or maliciously pull down or otherwise destroy, any Lock, Sluice, Flood-gate, or other Work, on any Navigable River, erected, or to be erected, by Authority of Parliament, or who shall forcibly rescue any person being lawfully in custody for such Offence, shall be guilty of Felony, without benefit of Clergy, and shall suffer death.—8 Geo. II. cap. 20. § 1. made perpetual by 27 Geo. II. cap. 16. § 1.

Any person who shall, wilfully or maliciously, draw

or pluck up any Flood-gate, fixed or made in any Wear or Lock, erected or made by authority of Parliament, upon any Navigable River, shall on conviction before two Justices be committed to the House of Correction for one month.—8 Geo. II. cap. 20. § 2.

Any person who shall steal any Goods, Wares, or Merchandise, of the value of 40s. in any Ship, Barge, Lighter, Boat, or other Vessel or Craft, upon any Navigable River, Port of Entry or Discharge, or in any Creek belonging thereto, within Great Britain; or shall feloniously steal any Goods, Wares, or Merchandise, of the value of 40s. on any Wharf or Quay adjacent to any Navigable River, &c. or shall be present, aiding and assisting, in the commission of such Offences, shall be excluded from the benefit of Clergy, and shall suffer Death.—24 Geo. II. cap. 45.

The Laws at present existing, with respect to the embezzling of Public Stores in Dock-yards, &c. and their insufficiency to the object of prevention, have been already stated, and made the subject of discussion, by the Author of this Work, in Chapter IX. of the *TREATISE on the POLICE of the METROPOLIS*. It is, therefore, at present only necessary to refer the Reader to that Volume. See particularly page 261—263.

In the year 1795, an Act was passed (35 Geo. III. cap. 58.) for the registering of all Boats, Barges, and other Vessels, exceeding 13 Tons burthen: (and not belonging to the Royal Family, nor being

Pleasure-Boats.) The Preamble of this Act recited, "That it was expedient to ascertain the quantity of Vessels employed in the Inland Trade and Navigation of Great Britain, and the number of Men retained in navigating the same." It appears, however, to have been principally a measure of Revenue; as Vessels worked without being registered, were directed to be forfeited; and the Penalties were recoverable, as in cases of Offences against the Excise Laws; and surveying Officers appointed by the Admiralty to seize unregistered Vessels were to be rewarded by a share of the produce of the Seizure.

Under this Act, all Boats, Barges, &c. were to be registered with the Clerks of the Peace, and the Burthen, Owner's Name, and Place of Abode, &c. were to be painted on the outside of the Stern, on Penalty from 20*l.* to 5*l.*

The continuance of the Act was declared to be till April 5, 1798, and to the end of the then next Session of Parliament. This Law does not appear to have been continued, nor to be now in force. The time for registering Vessels was enlarged by § 3. of cap. 112 of the same Session.

A General View of the Nature and Principle of the Navigation Acts.

The present condition of our Marine (says *Blackstone*) is in a great measure owing to the salutary Provisions of the Statutes called the *Navigation Acts*; whereby

whereby the constant increase of English Shipping and Seamen was not only encouraged, but rendered unavoidably necessary. By Statute 5 Richard II. cap. 3, in order to augment the Navy of England, then greatly diminished, it was ordained, that "none of the King's leige People should ship any Merchandise out of or into the Realm, but only in Ships of the King's Leigeance, on pain of forfeiture." In the next year by Statute 6 Richard II. cap. 8, this wise provision was enervated, by only obliging the Merchants to give English Ships (if able and sufficient) the preference. But the most beneficial Statute for the Trade and Commerce of these Kingdoms is that *Navigation Act*, the rudiments of which were first framed in 1650, with a narrow partial View; being intended to mortify our own Sugar Islands, which were disaffected to the Parliament, and still held out for *Charles II.* by stopping the gainful Trade which they carried on with the *Dutch*, and at the same time to clip the wings of those our opulent and aspiring neighbours. This prohibited all Ships of Foreign Nations from trading with any English Plantations, without Licence from the Council of State: In 1651, the prohibition was extended also to the Mother-Country; and no Goods were suffered to be imported into *England*, or any of its Dependencies, in any other than English Bottoms; or in the Ships of that European Nation, of which the Merchandise imported was the genuine growth or manufacture. At the Restoration the former Provisions were continued

tinued by *Statute 12 Charles II. cap. 18*, with this very material improvement, that the Master and three-fourths of the Mariners shall also be *English Subjects*, under forfeiture of the Ship, and all Goods imported or exported.

This latter Provision is confirmed by the *Statute 34 Geo. III. cap. 68*, It is, however, occasionally relaxed in time of War: As in the instance of the *Statute 33 Geo. III. cap. 26*, which permits (during the present War) even three-fourths of the Mariners to be Foreigners. And by *Statute 37 Geo. III. cap. 117*, certain indulgences are allowed to the *East-India Company*, with respect to Foreign Vessels in the *Country Trade in the East-Indies*.

It has been stated and recognised by very respectable authority,* that the fundamental principles of our *Commercial Jurisprudence*, will be found chiefly in the *Acts 12 Charles II. (cap. 18;)* 13 and 14 *Charles II. (cap. 11.)* 22 and 23 *Charles II. (cap. 26.)* 25 *Charles II. (cap. 7.)* and 7 and 8 *William III. (cap. 22.)* which latter Act has been greatly extended and improved by the *Act 26 Geo. III. cap. 60*.

By this Act (26 Geo. III. cap. 60.) Every Ship or Vessel having a Deck, or being of the Burthen of 15 Tons, and belonging to a subject in *Great Britain or Ireland, Guernsey, Jersey, or the Isle of Man, or any Colony, Plantation, Island, or Territory* to his

* See the Evidence of Mr. Irving the Inspector-General of Great Britain, before the Finance Committee of the House of Commons in their 4th Report—Appendix, L. 3.

Majesty belonging, must be *registered* by the person claiming Property therein ; who is to obtain a Certificate of such Registry, in the Port to which the Ship or Vessel properly belongs ; and the Certificate is to distinguish the Ship or Vessel, under one of these two Classes ; Certificates of *British Plantation* Registry, or, Certificates of *Foreign Ships Registry*, for the *European Trade British Property*.

No Ship is to be permitted to clear out as a *British-built* Ship, or a *British* Ship, nor to be entitled to the privileges of a *British-built* Ship, or a *British* Ship, unless the Owner has obtained a Certificate of Registry ; and any Ship parting from Port without being so registered, and obtaining such a Certificate, shall be forfeited.

Every Ship, not entitled to the Privileges of a British-built Ship, or a British Ship, and every Ship not registered as aforesaid, is deemed, although it may belong to British Subjects, to all intents and purposes, to be an Alien or Foreign Ship.

As often as the Master of a Ship is *changed*, a Memorandum thereof is to be endorsed on the Certificate by the proper Officer of the Customs.

The Owners to cause the Name by which a Ship is registered to be painted in a conspicuous part of the Stern, and such name is not to be changed.

If a Certificate of Registry is lost or mislaid, or if any Ship shall be altered in Form or Burthen, or from any denomination of Vessel to another, by rigging or fitting,

fitting, she must be *registered de novo*, and a new Certificate granted.

Masters of Ships are, on demand, to produce the Certificates to the principal Officer in any Port within the King's Dominions, or to the British Consul or chief Officer in any Foreign Port, on Penalty of 100*l.*—All Penalties and Forfeitures under this Act are to be sued for and recovered in Courts of Record, as in cases of Offences against the Customs: Officers seizing are to be rewarded as in the case of unlawful Importation.

The Act 34 Geo. III. cap. 68, contains several Regulations to enforce the foregoing Provisions. The Acts above cited also contain Regulations as to the Transfer of Property in Ships; which must in all cases be made by Bill of Sale or Instrument in Writing; and an acknowledgement and particulars of the change of property must be indorsed on the Certificate of Registry.

The prominent Features of the whole of this nautical Code, have, on the very respectable Authority already quoted, (see page 533) been stated to be as follows.

First, The securing to our own Shipping, as far as circumstances would safely permit, *the carrying Trade*, as the great source of our Naval Strength: *Secondly*, The confining our Trade, as much as possible, without exciting Jealousy in our Neighbours, to the Capital of *our own Merchants*, by *excluding Foreigners*,

foreigners, who are not the Subjects of the Countries, of which the Articles are the Growth, Produce, or Manufacture, from becoming the intermediate Negotiators: and *Thirdly*, The encouragement of our own Manufactures, by checking, through the means of absolute prohibitions, or high duties, the introduction into the home markets of such Articles of Foreign Manufacture, as might rival our own, especially those in a progressive state of improvement.

Under the operation of these great fundamental Laws (it seems universally admitted that) our Trade, our Navigation, our Revenue, and our Manufactures, have flourished beyond the example of all other nations.

Commerce early became an object of great importance in this Kingdom; and as the Merchants in all Countries possess a large proportion of the circulating medium, it was natural for the Government to look to imposts on Trade as a source of Revenue. Thus a System of Taxation was established, at a period almost coeval with the commencement of our Trade, and has been progressively extended ever since. In 1797, about nine millions of the gross, or seven millions of the net Revenue of Great Britain were drawn from Duties on Imports and Exports.

Besides the Acts above generally alluded to, several others, passed from time to time, and of a temporary and confined nature, require the continued attention of the Merchant and Ship-Owner. They will be found detailed at length with great accuracy in *Steele's Ship-Master's Assistant*. The general principles

ciples and bearings of them are admirably explained in *Reeves's History of the Law of Shipping and Navigation*, and very clearly arranged and abridged in *The Law Dictionary*, under the title *Navigation-Acts*.

The Revenue Laws.

The general nature of the Duty of Ship-Masters and Ship-Owners, &c. as relates to the Revenue, has been already explained in Chapter XIV. p. 389, &c. To what is there said, it does not at present seem necessary to add any thing more than the following short Extracts of a Law, which extends to all the Ports of the Kingdom.

By the Act 13 and 14 *Charles II. cap. 11*, Every Ship-Master shall within three days of his arrival from parts beyond the Seas, make Entry at the Custom-house (in London,) upon Oath, of the Burthen, Contents, and Lading of such Ship, with the Marks, Numbers, Qualities, &c. of every Parcel of Goods, to the best of his knowledge; also, where she took in her Lading, of what Country built, how Manned, who was Master during the Voyage, and who are Owners. And in all Outports of the Kingdom or their Members, shall come directly up to the place of Unlading, as the condition of the Port requires, and make Entries as aforesaid, on Penalty of 100*l*.

By § 3 of the same Act, No Master of any Ship, whether British or Foreign, bound for parts beyond the Seas, shall ship any English Goods to be exported, until he shall have entered such Ship at the
Custom-

Custom-house of the Port of Lading, together with the Name of such Ship-Master, the Burthen of the Ship, the Number of Guns and Ammunition, and to what part she intends to sail, and before she shall depart shall deliver at the Custom-house a Content of the Names of every Person who shall have put on board any such Goods, together with the Marks and Numbers, and shall publicly, in the Custom-house, upon Oath, to the best of his knowledge, answer such Questions, as shall be demanded concerning such Goods, on pain of 100*l.* And no Captain of any Ship of War, wherein Goods shall have been brought from beyond Sea, shall suffer to be discharged into any Lighter, or lade on Land any Goods, before such Captain shall have declared under his hand, to the Officers appointed at the Custom-house, the Names of every Lader of Goods, together with the Number and Marks, and the Quantity and Quality of every Parcel to the best of his knowledge, and shall have answered upon Oath, such Questions concerning such Goods as shall be publicly required, at the Custom-house; and shall be liable to all Searches and other Rules, which Merchant-Ships are subject to, by the usage of the Custom-house (Victualling Bills and Entering excepted) under Penalty of 100*l.*

Of the Laws respecting Quarantine.

The most important of these is the Statute 26 Geo. II. cap. 6. which is explained by 29 Geo. II. cap. 8. and further enforced by 28 Geo. III. cap. 34.
and

and 38 Geo. III. cap. 33. In these Acts, and the Act 12 Geo. III. cap. 57, are contained Provisions for purchasing and building Lazaretto's. The System is, however, by no means complete, especially as regards the latter particular; as instead of Land Lazarettos, Vessels are made use of in a way which perhaps tends rather to the increasing than the preventing of the danger to be apprehended from this dreadful malady.*

The following Regulations in these Statutes require the attention of Ship-Masters,—“All Vessels arriving, Persons coming, and Goods imported, into Great Britain, or the Isles of Guernsey, Jersey, &c. from Places whence his Majesty, by advice of his Council, may judge it probable the Infection of the Plague may be brought, shall be obliged to make their Quarantine in such place, and in such manner, and for such time, as directed by order of Council, notified by Proclamation, or published in the London Gazette; and all Persons and Goods on board such Vessel, and all Vessels, Boats, or Persons, receiving any Goods or Persons out of the same, are to be subject to the same Orders —.”

The Orders of Council on this subject vary according to the Exigency of Circumstances.—Those

* See the 23d Report of the Finance Committee of the House of Commons.—And the Appendix thereto; B. (7) B. (8) B. (9.) as to the Quarantine Service at Hull, Liverpool, and Portsmouth.

at present existing will be found in *Steele's Ship-Master's Assistant*.

Ships or Vessels bound to the Port of London, or any Member, Creeks, or other Parts thereof, or to the River Thames or Medway must perform their Quarantine in Standgate Creek.

“ If the Plague actually appears on board any Vessel, being to the northward of Cape Finisterre, the Commander is immediately to proceed to the harbour of St. Helen's Pool, between the Islands of St. Helen's Teen, and North Withel, (being off the Islands of Scilly,) or to such other place as his Majesty in Council, shall from time to time appoint; where being arrived, the Master shall make known his case, to an Officer of the Customs, who is to acquaint some Custom-house Officer of a near Port in England with it, and he is with all speed to send intelligence thereof, to one of the principal Secretaries of State.. The Ship must wait until his Majesty's pleasure is known, and none of the Crew must go on shore. In case the Commander cannot make the Island of Scilly, or is forced up either of the Channels, he must not enter into any Port, but remain in some open Road till he receive Orders from his Majesty or Privy Council; and must take care to prevent any one from going out of the Ship, and avoid all intercourse with other Ships or Persons. The Master or any other Person on board, for disobedience herein, incurs the punishment of Felony, without benefit of Clergy;

Clergy ; for which he may be tried in the County where the Offence is committed, or where he is apprehended.

“ When any Place is infected with the Plague ; or when any Order made by his Majesty concerning Quarantine, if any Vessel attempt to enter into any Port in Great Britain, &c. the principal Officer of the Customs, or Person appointed to see Quarantine performed, must go off, or cause some other Person so to do, and, at convenient distance, demand the Name of the Ship and Commander ; at what Place the Cargo was taken on board ; what Places she touched at in her Voyage ; and whether any and which of them were infected with the Plague ; how long she had been on her Passage ; how many Persons were on board when she set sail ; whether any, and what Persons on board, during the Voyage, had been, or are, infected with the Plague ; how many died in the Voyage, and of what Distemper ; what Vessels he, or any of his Ship's Company with his privity, went on board, or had any of their Company come on board his Vessel, in the Voyage ; to what Place such Vessels belonged ; and finally, the true Contents of his Lading, to the best of his knowledge. If it appears that any Person on board is infected, or the Ship is obliged to perform Quarantine, the Officers of his Majesty's Ships of War, Forts, or Garrisons, or any other Officers, are, upon notice given them, to oblige her to go to the Place appointed for that purpose, by any Force or Violence necessary.

And

And if the Vessel came from a Place infected, or has any body on board infected, the Commander, or Person on board having charge, concealing it, is made guilty of Felony, without benefit of Clergy, and not making a true discovery in any other the aforesaid particulars forfeits 200*l.* recoverable in the superior Courts of Record, or the proper Courts in Jersey, &c.

“ Every Commander of a Vessel ordered to perform Quarantine, upon his arrival at the Place, is to deliver to the chief Officer appointed to see Quarantine performed, such Bill of Health or Manifest, as he has received from any British Consul, during his Voyage, together with his Log-Book and Journal, on forfeiture of 500*l.* recoverable in the same manner.

“ Every Commander of a Vessel having notice to perform Quarantine, if he goes on shore, or on board any other Vessel, or knowingly suffer any Seamen or Passenger to do so (without Licence) before Quarantine is duly performed, or does not cause the Vessel and her Lading to be conveyed to the Places appointed for that purpose, respectively, within convenient time, after due notice, shall forfeit 500*l.* for every Offence; and any person so quitting the Vessel may be compelled to return on board, and for every Offence is to suffer six months' imprisonment, and forfeit 200*l.* recoverable as before-mentioned.”

If a Pilot quits the Ship, contrary to an Order of the King in Council, though perhaps he is liable to the last mentioned Penalty; yet under the first Clause of Statute 26 Geo. II. cap. 6. which contains
a general

a general Prohibition, without any particular Penalty, he may be indicted for a Misdemeanor, and punished at the discretion of the Court.

“ The proper Officers authorised to put in execution the Orders of his Majesty in Council, are to compel Persons obliged to perform Quarantine to repair, and cause the Goods comprised in that order to be conveyed to the Houses, Lazarettos, or other places provided for their reception.

“ Persons wilfully refusing or neglecting to repair thither, within convenient time after due notice, or escaping, or attempting to escape, from thence before Quarantine is duly performed, may be compelled to repair or return thither, by such force as the case may require ; and the person so refusing or neglecting to repair thither, or actually escaping from thence, is to be adjudged guilty of Felony, without benefit of Clergy.

“ Any Person not infected, entering into a House, Lazaretto, or other place, while Persons infected with the Plague, or under Quarantine, are there, and attempting to return from thence, (unless by proper Licence,) may be compelled by the Watchman or Guard upon duty to return thither and perform Quarantine ; and, in case of actual escape before it is duly performed, shall be adjudged guilty of Felony, without benefit of Clergy.

“ Any Officer of the Customs, or other Person, whose business it is to execute the Orders concerning Quarantine, for every wilful breach or neglect of duty, is

to forfeit his Office, and be incapable of a new Grant thereof, and also forfeit 100*l.* (recoverable as before-mentioned;) and for embezzling or wilfully damaging any Goods under his direction, is liable to treble Damages and full Costs.

“ After Quarantine has been duly performed by any Vessel or Person, upon proof by the Oaths of the Master, and two of the Persons belonging to the Vessel, or of two Witnesses, before the Customer, &c. of the Port where it was performed, or of the next Port, or of a Justice of the Peace near such Port, or two Jurats or Magistrates of Jersey, &c. that such Vessel and Persons have duly performed Quarantine, and are free from Infection; and after producing a Certificate to that purpose, from the chief Officer who superintended the Quarantine; the Persons before whom the proof is made, are to give a Certificate thereof, and the Vessels and Persons are liable to no farther detention.

“ Any Person demanding or taking any Fee or Reward for any Oath, Order, or Certificate, directed by this Act, forfeits 100*l.* recoverable with treble Costs, in the same manner as other Penalties.

“ Any Person directed to see Quarantine duly performed, or appointed as a Watchman, deserting from his duty, or knowingly suffering any Person, Ship, or Goods, to depart or be conveyed from the place appointed for the performance of Quarantine, unless by proper Licence; or any Person giving a false Certificate of a Ship's having duly performed her Quarantine,

rantine, is to suffer Death, as in cases of Felony, without benefit of Clergy.

“ Any Person wilfully concealing from the Officers of Quarantine, or clandestinely conveying any Letters, Goods, or Merchandise, from a Ship under or liable to perform Quarantine, or from any other place where Goods are performing Quarantine, shall suffer death, as in cases of Felony, without benefit of Clergy.

“ When any part of Great Britain, Ireland, &c. or France, Spain, Portugal, or the low Countries, is infected with the Plague, his Majesty may, by Proclamation, prohibit any small Boat or Vessel, under the burthen of 20 Tons, from going out of any Port of Great Britain, &c. until Security is given by the Master, in the Penalty of 300*l.* that she shall not go to, or touch at, any Country, Port, or Place, mentioned for that purpose in such Proclamation; and that no Person on board the Ship, shall go on board any other Vessel at Sea; and that he shall not suffer any person to come on board her from any other Vessel at Sea; and that he shall not receive any Goods or Merchandise out of any other Vessel: Any Boat or Vessel, going out before such Security is given, shall be forfeited, and the Master and every Mariner convicted of sailing in her, by the Oath of one credible Witness, before a Justice of the Peace, where the Offender is found (or by the Courts in *Jersey*, &c.) shall forfeit 20*l.* leviabie by Distress and Sale; and for want of Distress, the Offender shall be committed to Prison for three months.”

In addition to the foregoing Rules, the principal
Officer

Officer of the Customs, or such person as shall be authorised to see Quarantine duly performed, is empowered by 28 Geo. III. cap. 34, to demand of the Commander of any Ship attempting to enter into any Port in Great Britain, Ireland, &c. a true account of the following particulars; (that is to say,) whether his Ship or Vessel touched at the Isle of Rhodes, the Morea, or any part of the Coast of Africa, within the Mediterranean or Levant Seas, or the Port of Mogadore; or whether any of the Ship's Company, or any other person on board his Ship or Vessel, had, during the Voyage homeward, in any manner whatever, any communication with any Ship or Vessel coming from any of those Countries? What Pilot or Pilots, or other Person from the Shores of Great Britain, Scilly, &c. have been on board his Ship or Vessel, or had any communication with his Ship's Company in any manner whatever during the Voyage homewards? And whether any of his Ship's Company had been sick, and of what disorder, in the course of a Voyage, or were so at the time the particulars are demanded? And in case such Commander shall give a false Answer to any of the Particulars, he shall forfeit 200*l.* recoverable as under the former Act.

By 38 Geo. III. cap. 33. § 2, If any Pilot shall conduct any Ship or Vessel liable to the performance of Quarantine into any place which shall not be appointed for the reception of Ships and Vessels

so liable to the performance of Quarantine, unless compelled by Stress of Weather, such Pilot shall forfeit 100*l.* recoverable as under the Revenue Laws.

By the same Act, that and all former Acts regarding Quarantine, shall extend to all Diseases, which shall at any time be declared infectious by Proclamation, or by Publication in the Gazette, whether such Diseases be denominated *the Plague* or not.

Regulations respecting Convoys.

By Statute 33 Geo. III. cap. 66. § 8, If the Captain of any Merchant-Ship under Convoy, shall wilfully disobey signals or instructions, or any other lawful command of the Commander of the Convoy, or shall desert the Convoy without leave, he shall be liable to be articted against in the High Court of Admiralty for such disobedience, and, upon conviction thereof, shall be fined at the discretion of the Court, in any sum not exceeding 500*l.* and shall suffer such imprisonment, not exceeding one year, as the said Court shall adjudge.

By the Statute 38 Geo. III. cap. 76, "For the better protection of the Trade of this Kingdom, &c." generally known by the name of *the Convoy Act*, the Preamble of which recites, that "it will add to the security of Trade, to prevent Ships from sailing without Convoy," it is enacted, That no British Vessel [except such as are not required to be registered; or such

such as are licenced by the Admiralty to sail without Convoy ; or are proceeding to join Convoy ; or such as are bound to any Port in Ireland ; or Coasting Vessels ; or East-India or Hudson's Bay Ships ; and in certain cases (by 39 Geo. III. cap. 32.) Newfoundland Ships] shall in future sail or depart from any Port or Place whatever, *unless under the Convoy or Protection of Ships appointed for that purpose.*

The Master or Commander of every such Ship or Vessel which shall sail under Convoy shall use his utmost endeavours to continue therewith during the whole of the Voyage, or such part thereof, as such Convoy shall be directed to accompany such Ship or Vessel, and shall not wilfully separate therefrom upon any pretence whatever, without order or leave from the Officer commanding such Convoy.

Any Master or Commander who shall, contrary to the Act, sail without Convoy, or shall afterwards desert or wilfully separate or depart from the same, without leave obtained from the Officer entrusted with the charge thereof, before such Ship or Vessel shall have arrived at the port or place of her destination, or so far on her Voyage as such Convoy shall be directed to accompany and protect her, shall forfeit for every Offence, 1000*l.* : And in case the whole or any part of the Cargo of such Ship or Vessel shall consist of Naval or Military Stores, he shall forfeit 1500*l.* But the Court in which any Action or Suit for the Recovery of the Penalty shall
be

be tried, may mitigate the same, so as not to be less than 50*l*.

The Clause in 33 Geo. III. c. 66. noticed in p. 548, is, by this Convoy Act, ordered to be painted on a board, and fixed in some conspicuous part of every Merchant-Ship, on penalty of 50*l*.

In case of any Ship's sailing without Convoy all Policies of Insurance made thereon, or on Goods laden therein, by any Person privy to her sailing without Convoy, are declared null and void; and a penalty of 200*l*. is imposed on Parties to such Insurance, or Brokers, settling or paying any loss thereon.

Previous to clearing out from the Port, the Master or Commander must give Bond at the Custom-house, with one Surety in a penalty equal to the value of the Ship, not to sail without Convoy, nor to depart therefrom; and this extends to Ships clearing out in order to join Convoy.

The Penalties are recoverable by Action in the superior Courts.

Of obtaining Letters of Marque: and the Regulations to be observed in Consequence.

By Statute 33 Geo. III. cap. 66. § 15, All Applications to the Admiralty to obtain Letters of Marque must be made in writing, setting forth the exact description of the Vessel, specifying her Name
and

and Burthen, Built, number of Guns, to what Place belonging, Owners' Names, and number of the Crew. All these particulars are to be inserted in the Letter of Marque, which is to be produced by the Commander to the Collector, Customer, or Searcher at the Port, from which the Ship shall be first fitted out; who is to examine the Vessel, and grant a Certificate of the Vessel's being of equal or greater force than stated; such Certificate to be deemed a necessary Clearance before the Ship's being permitted to sail: A Penalty of 1000*l.* is imposed on the Commander sailing without such Certificate, or with a force inferior to that specified in the Letter of Marque: Recoverable in any Court of Record; and also, not more than one year's imprisonment at the discretion of the Court.

By § 19 of the same Act, the Letter of Marque shall be forfeited in case of any Offences by the Owners or Commander of the Vessel, against the Revenue Laws.

By § 8 of 37 Geo. III. cap. 109. (for amending the foregoing Act 33 Geo. III. cap. 66.) the Commander of every Letter of Marque is directed to keep a Journal, containing an exact account of his daily Transactions, the capture of Prizes, and disposal thereof, and all information which he can obtain as to the Enemies' Fleets, their Force, Destination, &c. On his arrival at any Port of his Majesty's Dominions, he is to deliver up this Journal to the Chief Officer of
the

the Customs, and verify the Contents on Oath. This Journal is by the Custom-house Officer to be transmitted to the Admiralty with an account of the Crew, &c. who are to be mustered on board in the Port, by the Tide-Surveyor. A new Certificate is to be granted by the Custom-house Officer of the Ship's being properly manned and armed: A Penalty of 100*l.* recoverable in any Court of Record, is imposed on the Custom-house Officer giving a false Certificate.

By § 9 of the same Act, directions are given for the conduct of Commanders on meeting Ships of War, or in the Service of the Revenue; to the Captains of whom they are to produce their Journal, as also to British Consuls at Foreign Ports, who are to act as Custom-house Officers are directed to do in British Ports.

A Penalty of 500*l.* recoverable in any Court of Record, is imposed on the Commanders of Letters of Marque, neglecting or transgressing any of the foregoing Regulations; and on swearing falsely they are liable to the Penalties of Perjury. By any such neglect or transgression the Letters of Marque also become null and void.

It may be proper also in this place to notice the restrictions on *ransoming Ships*, captured either *from* or *by* the Enemy.

By the said Statute 33 Geo. III. cap. 66. § 36, Any Commander of any Privateer, who shall agree
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for the ransom of any Ship, Vessel, or Cargo, or any part thereof, after the same shall have been taken as a Prize, and shall in pursuance thereof, actually quit, set at liberty, or discharge any such Prize, instead of bringing the same into some Port, (unless in case of extreme necessity, to be allowed by the Courts of Admiralty,) shall forfeit his Letter of Marque, and shall be punished by Fine and Imprisonment, at the discretion of the Court.

The 37th Section of the said Act provides, that it shall not be lawful for any Subjects to ransom, or contract, or agree to ransom, any British Ship or Vessel, or any Merchandise or Goods on board the same, captured by the Subjects of any State at War with his Majesty, or by any Persons committing Hostilities against his Majesty's Subjects.

All Contracts and Agreements entered into, and all Bills, Notes, and other Securities, given by any Person, for Ransom of any Ship or Vessel, Merchandise or Goods on board the same, are (by § 38 of the Act) declared to be absolutely null and void.

Any Person who shall ransom, or contract, or agree to ransom, any such Ship or Vessel, Merchandise, or Goods on board the same, shall, for every such Offence, forfeit 500*l.* recoverable with full Costs of Suit, in any Court of Record.

Respecting

Respecting Pilotage.

In addition to what is stated in page 345, as to Pilots under the Jurisdiction of the Trinity-House, for Ships *down* the Thames, it is to be observed, that by the Statute 3 Geo. I. cap. 13. (now in force till March 25, 1806) no Persons are permitted to pilot any Ships from Dover, Deal, or the Isle of Thanet, to any place in the Rivers *Thames* or *Medway*, but such as have been examined and approved by the *Trinity-House* of *Dover*, &c. and admitted into that Society; on Penalty, for the first Offence, of 10*l.* the second 20*l.* and for every subsequent one 40*l.* recoverable in the Court of Admiralty of the Cinque Ports, or in the superior Courts of Record. Masters or Mates of Vessels, or Part-Owners residing at Deal may pilot their own Vessels. And if a qualified Pilot is not ready within one hour, no Penalty attaches for employing a Pilot not of the Trinity-House. Masters may choose their Pilots, and if a Pilot is not employed at least twice a year, he is not to continue in the Society.

The Prices of Pilotage are also settled by this Act, viz:—

	£.	s.	d.
For Vessels drawing Seven Foot Water	3	10	0
For Vessels drawing Eight Foot Water	4	0	0

and

and 10s. additional, for every additional Foot in the Draft of Water, to seventeen Foot, for which the Rate is *sl.* 10s. from *Dover, Deal,* or the Isle of *Thanet,* to any Place in the *Thames* or *Medway* :— No Allowance to be made for odd Inches.

A Pilot losing a Ship is for ever after incapacitated from acting. The number of Pilots is not to be less than One Hundred and Twenty, and their Names are every Lady-day to be fixed up in the Custom-Houses at London and Dover.

By the same Act all disputes relative to the Salvage of Anchors, Cables, &c. are to be determined (in twelve hours' time) by three Persons appointed by the Lord Warden of the Cinque Ports.

By § 14 of the Statute 7 Geo. I. cap. 21, The Lord Warden of the Cinque Ports, with the assent of the Commissioners of Load-manage, and of the Trinity-House, at a Court of Load-manage, is empowered to make Orders and Regulations for the better Government of these Pilots.

The Pilots in the Port of Liverpool have been regulated by Acts of Parliament, the last now in force is that of 37 Geo. III. cap. 78, of which an Abstract is given in *Steel's Ship-Master's Assistant*.

Of the Liability of Owners of Ships, for Losses or Embezzlement of Goods.

On this Subject there are two Statutes requiring the attention of Owners and Freighters.

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The first of these is the Statute 7 Geo. II. cap. 15, the Preamble to which recites it to be “ of the greatest importance to this Kingdom to promote the increase of Shipping, and to prevent any discouragement to Merchants, &c. concerned therein : That it had been held, that in many cases Owners of Ships were answerable for Goods shipped on board, although the same were made away with by the Master or Mariners, without the knowledge or privity of the Owners, by which means Persons were discouraged from adventuring their Fortunes as Owners of Ships ; which would necessarily tend to the prejudice of Trade and Navigation :” For ascertaining and settling the question, therefore, it is enacted, that in future no Owner shall be liable to make good any Loss or Damage, by reason of any embezzlement, secreting, or making away, *by the Master or Mariners*, of any Gold, Silver, Jewels, or other Goods, or for any Act, Damage, or Forfeiture, occasioned or incurred by the Master or Mariners, without the privity and knowledge of such Owner, *beyond the value of the Ship, and the Freight for the Voyage.*

By the Statute 26 Geo. III. cap. 86, to explain and amend the foregoing Act, after reciting the above provision, and that all Masters, Captains, and Owners were by Law respectively liable to answer for the value of Goods shipped, notwithstanding they were lost by *Robbery, Fire*, or other Accident ; other than by the King’s Enemies, the Perils of the Sea, or the Act of God, or unless the Master or some of
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the Ship's Company were privy to such Robbery; *in which case alone*, the responsibility of the Owners was by the former Act limited to the value of the Ship and Freight: To prevent, therefore, the responsibility to which the Owners, &c. still continued exposed, it is enacted, That *no Owner* of any Ship or Vessel shall be liable to answer for *any Loss* or Damage, by reason of any *Robbery*, Embezzlement, secreting, or making away with of any Gold, Silver, Jewels, or Merchandise, shipped on board any Vessel, or for any Act, Damage, or Forfeiture, occasioned or incurred *without the Privity of such Owners*, beyond the value of the Ship and Freight, *although* the Master or Mariners are not concerned in or privy to such Robbery: *Nor* for any Loss or Damage to any Goods or Merchandise whatsoever, by reason or means of any *Fire* happening on board the Ship: *Nor* for any Gold, Silver, *Watches*, or Jewels, unless the nature and value of them is, at the time of their shipping, inserted in the Bill of Lading, or otherwise declared in Writing, by the Shipper to the Owners or Master of the Ship.

These Acts also provide, that if several Proprietors of Goods should happen to suffer by such Robbery, Embezzlement, &c. and the whole value of the Ship and Freight should not be sufficient to compensate all their Losses the Proprietors shall be satisfied in average Proportion to the amount of the Losses; and that to ascertain the amount and proportion of such Losses, either the Freighters or the Owners may file
a Bill

a Bill of Discovery, in any Court of Equity. The Owners, on exhibiting every such Bill, are to swear, that they are not guilty of any collusion on the Subject.

It is expressly declared, that the Acts shall not lessen or discharge any remedy against the Master or Mariners.

THUS has the Author endeavoured to bring under the review of his Commercial and Nautical Readers, that species of Information with respect to the Laws of Commerce, Shipping, and Navigation, which cannot fail to be interesting, and of course likely to be useful and advantageous.

The mass of Information, which is thus compressed within so narrow compass, will prove also a convenience to Men of Business, whose time does not admit of that minute Investigation, to which it is only necessary to resort, where cases occur requiring legal discussion.

As a Directory through the Labyrinth of Commercial and Nautical Jurisprudence, this *General View* will be found desirable. It will require but a very short time to fix upon the mind a knowledge of what is required of Commercial and Nautical Men to perform; while a Beacon is held out, shewing the Pains and Penalties which it is necessary to avoid.

In no Work, which has come under the Author's notice,

notice, has the same comprehensive View been given of this interesting Subject, which may not be the less valuable, as much pains have been bestowed in stripping the acts of their Technical Phraseology and Verbiage, and reducing the extracts as much as possible, without doing violence to Accuracy in the Abridgements, to which the greatest attention has been paid.

It remains therefore, only for the Author to close this Work by a Summary View of such particular Laws, as may be considered as a Ground-Work for a Compilation, long and ardently called for by the Ship-Masters trading to the River Thames, namely, *The Rules and Regulations of the Port of London*, which will form the subject of the following and last Chapter.