Seaman’s Manual; containing a treatise on Practical Seamanship (London, 1841); B. J. Totten, Lieut. U.S.N., Naval Text-Book (Boston, 1841); N. Tinmouth, Inquiry relative to various important points of Seamanship (London, 1845); A. H. Alston, Lieut. R.N., Seamanship and its associated duties in the Royal Navy, with a treatise on Nautical Surveying (London, 1860); R. Maxwell, Seamanship and Navigation required for the examination of the Local Marine Board (London, 1869). (D. H.)

SEAMEN, LAWS RELATING TO. In most legal systems legislation has interfered to protect the seaman from the consequences of that imprudence which is generally supposed to be one of his distinguishing characteristics. In the United Kingdom legislation has dealt with the interests of seamen with unusual fulness of detail, proving the care bestowed by a maritime power upon those to whom its commercial success is so largely due. How far this legislation has had the efficiency which was expected may be doubtful.

For legislative purposes seamen may be divided into three classes—seamen in the royal navy, merchant seamen, and fishermen.

*Seamen in the Royal Navy.*—It is still lawful to impress men for the naval service (see Impressment), subject to certain exemptions (13 Geo. II. c. 17, 1740). Among persons exempt are seamen in the merchant service. In cases of emergency officers and men of the coastguard and revenue cruisers, seamen riggers and pensioners may be required to serve in the navy (Naval Volunteers Act 1853). There appears to be no other instance (now that balloting for the militia is suspended) where a subject may be forced into the service of the crown against bis will. The navy is, however, at the present day wholly re­cruited by voluntary enlistment (see the Naval Enlistment Acts, 1835 to 1884). Special advantages are afforded by the Merchant Shipping Act 1894 to merchant seamen enlisting in the navy. They are enabled to leave their ship without punishment or forfeiture in order to join the naval service. The discipline of the navy is, unlike that of the army, for which an annual act is necessary, regulated by a permanent act of parliament, that now in force being the Naval Discipline Act 1866. In addition to numerous hospitals and infirmaries in the United Kingdom and abroad, the great, charity of Greenwich Hospital is a mode of provision for old and disabled seamen in the navy. At present such seamen are out-pensioners only; the hospital has been for some years used as the Royal Naval College for officer students. The enactments of the Merchant Shipping Act 1854 as to savings banks are extended to seamen in the navy by the Merchant Shipping Act 1894, s. 148. Enlistment without the licence of the crown in the naval service of a foreign state at war with another foreign state that is at peace with the United Kingdom is an offence punishable under the Foreign Enlistment Act 1870. Any person buying from a seaman or enticing a seaman to sell government property is liable to penalties under the Seamen’s Clothing Act 1869 (see Navy).

*Merchant Seamen.—*Most of the acts dealing with this subject, commencing with 8 Eliz. c. 13, were repealed in 1854 and have since been consolidated and extended by the Merchant Shipping Acts 1894 and 1906,@@1 the act of 1894 being the longest act on the statute roll. The main part of the legislation affecting seamen in the merchant service occurs in the second part of the act of 1894 and the fourth part of the act of 1906. The act of 1894 defines a seaman to be “ every person (except masters, pilots, and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship ” (s. 742).

The act of 1894 is largely a re-enactment of the previous acts of 1854, 1862 and 1876. The law as to the engagement and discharge of seamen has not been altered. These must take place before a superintendent only when the employment is on a foreign-going ship. If the ship is a home-trade ship, the signing on and discharge take place before a super­intendent only if the master so desire. But if the signing on does not take place before a superintendent, the master must cause the agreement to be read and explained to the seaman, and the

seaman must sign it in the presence of a witness; copies of all such agreements must be transmitted to the Board of Trade. A copy of every agreement with the crew must be posted in some part of the ship accessible to the crew. In any British possession abroad other than that in which the ship is registered, a seaman must be engaged before a superintendent or officer of customs, and at any port abroad where there is a British consular officer, before such officer. Before a seaman can be discharged at any place abroad, the master must obtain the sanction, endorsed on the agreement with the crew, of the like officials or, in their absence, of merchants there resident. A seaman discharged in a foreign country is entitled to be provided with adequate employment on some other British ship bound to the port in His Majesty’s dominions at which he was originally shipped, or to a port in the United Kingdom agreed to by the sea­man, or to be furnished with the means of returning to such port or of a passage home. The consul is charged with the duty of attending to the seamen's interests. It is a misdemeanour wrongfully to force a seaman on shore, or otherwise wrongfully leave him in any place before the completion of the voyage for which he was engaged, or the return of the ship to the United Kingdom. The only persons by whom seamen may be engaged or supplied in the United Kingdom are a superintendent, the master, the mate, a servant bona fide in the constant employ of the owner, and any person holding a licence from the Board of Trade.

At common law there was no obligation of the owner to provide a seaworthy ship, but by the act of 1876, now superseded by the act of 1894, part y., every person who sends or attempts to send, or is party to sending or attempting to send, a British ship to sea in such unseaworthy state that the life of any person is likely to be thereby endangered is guilty of a misdemeanour, unless he proves that he used all reasonable means to ensure her being sent to sea in a seaworthy state, or that her going to sea in such unseaworthy state was under the circumstances reasonable and justifiable. A master knowingly taking a British ship to sea in such unseaworthy state that the life of any person is likely to be thereby endangered is guilty of a misdemeanour. In every contract of service between the owner and the master or any seaman, and in every indenture of sea apprenticeship, an obligation is implied that the owner, master and agent shall use all reasonable means to ensure the seaworthiness of the ship. By the act of 1906 many of the provisions as to sea­worthiness was applied to foreign ships, and they may be detained in a proper case. A return of certain particulars, such as lists of crews and of distressed seamen sent home from abroad, reports on discharge, births and deaths at sea, must be made to the registrar- general of shipping and seamen, an officer of the Board of Trade. The seaman is privileged in the matter of wills (see Will), and is exempt from serving in the militia (42 Geo. III. c. 90, s. 43). Assaults upon seamen with intent to prevent their working at their occupation are punishable summarily by the Offences against the Person Act 1861, s. 40. There are special enactments in favour of Lascars and foreign seamen on British ships, *e.g.* s. 125 of the act of 1894· . . . .

In addition to this legislation directly in his interest, the seaman is indirectly protected by the provisions of the Merchant Shipping Acts requiring the possession of certificates of competence by ships’ officers, the periodical survey of ships by the Board of Trade, and the enactments against deck cargoes and overloading, as well as by other acts, such as the Chain Cables and Anchors Acts, enforcing a minimum strength of cables and anchors, and the Passenger Acts, under which a proper supply of life-boats and life-buoys must be provided. The duties of the seaman appear to be to obey the master in all lawful matters relating to the navigation of the ship and to resist enemies, to encourage him in which he may become entitled to prize money under 22 and 23 Car. II. c. 11 (see Prize). Any services beyond these would fall under the head of salvage service and be recompensed accordingly. There are certain offences for which the seaman is liable to be summarily punished under the act of 1894. They comprise desertion, neglect or refusal to join his ship or absence without leave, quitting the ship without leave before she is placed in security, wilful disobedience to a lawful command, either on one occasion or continued, assault upon a master or mate, combining to disobey lawful commands or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, wilful damage to the ship, or embezzlement of or wilful damage to her stores or cargo and smuggling. The punishment varies from forfeiture of all or part of his wages to twelve weeks’ imprisonment. Any offence committed on board is entered in the official log-book. Personation or forgery of a certificate of service or discharge is an offence punishable by summary jurisdiction by the Seamen’s and Soldiers’ False Characters Act 1906.

A master, seaman or apprentice, who by wilful breach of duty, or’ by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction or serious damage of the ship, or to immediately endanger the life or limb of any person belonging to or on board of the ship, or who by wilful breach of duty, &c., refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction, &c., is guilty of a misdemeanour. A seaman is also punishable at common law for piracy and by statute for piracy and offences against

@@@1 There are numerous Orders in Council dealing with seamen, especially as to the registration of fishing boats and the lights to be shown by them.