

CHAPTER 82.

BOATMEN.

*AN ACT concerning registered Boatmen.**

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| <ol style="list-style-type: none"> 1 Register of boatmen—oath and bond of register—seal of office. 2 Agreement between master and boatman—agreement acknowledged and filed with register. 3 Time of going on board to be noted—forfeiture for not going on board if absence be entered with register—controversy between boatman and master how settled—jury when summoned—their verdict to be judgment of register. 4 Contracts specifically executed. 5 If master be indebted to the boatmen, satisfaction must be made. 6 Power of register in compelling attendance of parties and witnesses—character of process. 7 If, in a controversy between the creditor of a boatman and a trader, the demand be ante-dated, or has marks of collusion or fraud, | <ol style="list-style-type: none"> the boatman shall be liberated for the time bona fide contracts—appeals from decision of register. 8 Failure of master to supply boatman with provisions—unusual severity or delay of payment—discharge and recovery of debts and damages. 9 Deserters may be committed to jail, unless they give security. 10 Fine for secreting boatmen—recovery of debts. 11 Notes ante-dated to detain boatman void—fine for taking such note 12 This act, to what persons and what voyages limited. 13 Sale of provisions and liquors to boatmen. 14 Register's fees—sheriff's and constable's fees. 15 Jail allowance to boatmen. |
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Be it enacted by the Legislature of the Territory of Louisiana, [as follows:]

1. The governor [shall] be authorised to appoint at such places on the navigable waters of this territory, within any district thereof, as he shall deem proper, a competent person as Register for Boatmen. The said register shall take an oath of office, and give bond in a sum, with security, to be approved of by the governor, which sum shall not exceed one thousand dollars for the due performance of the duties enjoined on him by this act; and shall provide a seal of office with which he shall authenticate his acts and attestations.

2. Every master, commander, or owner, of any boat or craft, bound on a voyage from any place on the navigable waters of this territory to a place more than five hundred miles distant from the place where the boat or craft is fitted out, or on a voyage for a longer time than one month, may before he proceed on such voyage make an agreement, in writing or in print, with every boatman on board such boat or craft, (except such as shall be apprentice or servant to such master, commander or owner) declaring the voyage or voyages, term or terms of times for which such boatman shall be engaged: and the aforesaid agreement shall be acknowledged by the parties, and filed before the register of boatmen, and a copy of such engagement certified under the hand and seal of office of the register, shall be received as evidence in any court of justice.

3. At the foot of every such contract or agreement there shall be a memorandum in writing, of the day and hour on which such boatman who shall so engage

*Repealed R. L. 1825, p. 500, sec. 13.

and subscribe, shall render himself on board to begin the voyage agreed upon. And if the boatman shall neglect to render himself on board of such boat, or other craft, at the time mentioned in such memorandum, every such boatman shall forfeit for every hour which he shall so neglect to render himself, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages; *provided*, that the master, commander, or owner, shall make, or cause to be made, an entry thereof with the register of boatmen, in a book to be kept for that purpose, within twenty-four hours, after such boatman has neglected to render himself on board. If, at any time after a contract has been entered into as aforesaid, between the trader and a boatman, any controversy should arise between them, it shall be the duty of the register aforesaid to hear and determine the said controversy in a summary way, where the sum in contest does not exceed sixty dollars; but where the sum exceeds sixty dollars in such case, if either party require a jury, the said register shall issue his order to any sheriff or constable within the district in which he resides, requiring such sheriff or constable forthwith to summon a sufficient number of persons to constitute a jury, which jury when empanelled shall hear and determine the controversy, and their verdict shall be made the judgment of the said register.

4. If a jury empanelled as aforesaid, should be of opinion that a contract entered into between a trader and a boatman, should be carried into effect agreeably to the terms of their contract, it shall be the duty of the register to issue his warrant to any sheriff or constable, and cause the said boatman to be placed in the custody of the trader, to be forthwith conveyed to the boat destined to be used in the performance of the voyage.

5. If a jury thus empanelled should be of opinion that any payments were due from the trader to the boatman, the register in such case shall, and he is hereby required to cause immediate satisfaction to be made to the boatman; both as to the amount found to be due to such boatman, and all costs incurred in prosecuting his claim, before any warrant for the apprehension of such boatman, shall be made out.

6. The register in causing any party or witnesses to come before him, shall possess the same power, and observe the same process and proceedings as is used by a justice of the peace in causes arising under his jurisdiction; *provided*, that the register shall proceed to the hearing, determination and execution of his judgment, in the most speedy manner that the nature of the case, and justice will permit.

7. If, on the hearing of any controversy between the creditor of any boatman, and the trader, the jury or the register, where he is empowered to decide, should be of opinion that the demand exhibited by such creditor is antedated, or has any marks of collusion and fraud, the jury shall so determine it, and the boatman shall be forthwith liberated and exempted from arrest under such demand, leaving the creditor to his remedy against the boatman, after his period of services should expire; and if the jury or register should be of opinion that the demand of the creditor is fair or bona fide, and created prior to the contract between the trader and the boatman, in such case a judgment shall be entered up against the boatman for the amount due, and execution issue as in case of judgments and executions by a justice of

the peace, reserving to all persons their right of appeal to the court of common pleas as in ordinary cases, which appeal shall not operate to defeat or delay the execution of a verdict of a jury and the warrant of the register, where the boatman is adjudged to an immediate performance of his contract of service.

8. If, at any time a master of a boat shall fail to supply a boatman with necessary provisions, or shall treat him with unusual severity, or be guilty of any barbarous or inhuman conduct towards said boatman, or shall fail to make such payments to him as by his contract he may be bound, in such cases it shall be lawful for the boatman to apply to any justice of the peace or the said register, and on hearing the complaints of the parties, the said justices or officer shall be authorised to discharge the boatman from his contract of service, and to give judgment, and issue an execution for any debt due to said boatman under sixty dollars; and the said master or employer shall be answerable besides for damages to the said boatman in the ordinary course of law.

9. If at any time, a registered boatman shall desert the service of a master or trader after the voyage is commenced, it shall be lawful for any justice of the peace, on application of said master or trader, to issue a warrant to apprehend said boatman, and cause him to be brought before him or any other justice of the peace within the territory, and if on hearing of the parties, the justice shall be satisfied that the master or trader has complied with his contract with the boatman, and that said boatman has improperly left the service of said master, in such case the justice may commit the said boatman to jail, there to remain not exceeding three months; provided the said boatman will not give security to be answerable for any damages which the said master or trader may have experienced by the desertion of such boatman.

10. If any person shall secrete any boatman who has contracted, as provided for in the second section of this act, every such person shall forfeit and pay ten dollars for every day which he shall secrete such boatman, one half to the person prosecuting for the same, the other half to the use of the district; and no sum exceeding five dollars shall be recoverable from any boatman by any one person for any debts contracted from the time such boatman has entered into a contract as aforesaid until the voyage for which such boatman was engaged, shall be ended.

11. If any person shall take any note of hand or other security in writing from any boatman, after he has entered into a contract as aforesaid, and date or cause to be dated, the same back, to a day previous to the date of the contract, with intent thereby to stop the boatman from entering on his voyage, such note of hand or other security in writing is not only hereby declared to be null and void, but the person taking such note, or other security in writing, his aiders and abettors, shall upon conviction forfeit and pay a sum not exceeding one hundred dollars, the whole of which to be for the use of the person prosecuting for the same.

12. The provisions of this act are limited to contracts entered into by masters or owners who are American citizens, and engaged in voyages and expeditions not contrary to the laws of the United States.

13. It shall not be lawful for any commander or owner of boats to sell or barter

any flour, biscuit, or other provisions, to any registered boatman, whilst the said boatman is in his service and performing a voyage, nor shall any charges made to the said boatman for spirituous liquors sold to said boatman during said voyage, be recoverable and allowed but at a reasonable rate, and for any sum not exceeding one tenth part of the wages of the respective boatmen for their said voyages.

14. The register shall be entitled to the following fees: For taking the acknowledgment of the parties to a contract, one hundred cents; for drawing the contracts if required by the parties, fifty cents; for making an entry of a boatman not rendering himself on board agreeable to contract, twenty cents; for every certified copy with a seal of his office, twenty cents for every hundred words; for swearing a jury, one hundred cents; for issuing a warrant or execution fifty cents; and for all other services the same fees as are allowed to justices of the the peace in similar cases. The sheriff or constable shall be entitled for their services to the same fees as are allowed in similar cases for process issued from the court of common pleas.

15. When a boatman shall be committed to jail under the 9th section of this law, it shall be the duty of the master or owner to pay weekly in advance such allowance as the court of common pleas of the district or any two judges thereof in vacation, may order, for the keeping and maintaining such boatman; and for default of such payment the boatman shall be discharged from confinement.

The foregoing is hereby declared to be a law of the territory of Louisiana, to be in force from and after the passage thereof.

October 30th, 1810.