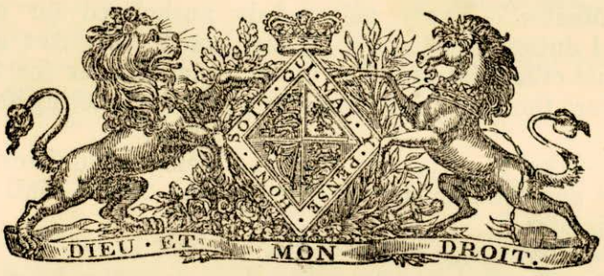
This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 4 December, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

New South Wales.



ANNO VICESIMO SEPTIMO.

VICTORIÆ REGINÆ.

* *

No. .

(As amended in Committee of the Whole Council.)

An Act to amend and consolidate the Laws relating to Merchant Seamen.

WHEREAS it is expedient to amend and consolidate the Laws relating to Seamen in the Merchant Service of the Colony Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :— **Preamble.**

1. This Act shall be styled and may be cited as the "Seamen's Laws Consolidation Act of 1863~~4~~" and shall commence and take effect six days after the Proclamation in the *Gazette* of the approval of Her Majesty in Council granted under the five hundred and forty-seventh section of the Imperial Act seventeenth and eighteenth Victoria chapter one hundred and four. **on the first day of May next.** **Short title.**

2. The following terms in inverted commas shall for the purposes of this Act when not otherwise expressed and unless the context otherwise indicate bear the meanings set against them respectively :— **Interpretation.**

"Ship"—Every description of vessel used in navigation not ordinarily propelled by oars **and registered in or belonging to this Colony.**

"Intercolonial Ship" — Every ship engaged in trading between any port in this Colony and any other such port or any other Australasian Colony ~~or~~ **including Tasmania** and New Zealand.

"Foreign-

NOTE.—The words and figures to be *omitted* are *ruled through;* the words and figures to be *inserted* are printed in **black letter.**

Preliminary.

"Foreign-trade Ship"—Any ship trading to any part of the world not comprehended in the term Intercolonial.

"Owner"—Every person to whom ~~the vessel~~ **any ship or any part or share thereof or therein** shall belong ~~or any agent for any such owner~~.

"Master"—Every person **except pilots** having charge or command of any ~~vessel except pilots~~ **ship.**

"Seaman"—Every person employed or engaged in any capacity on board any ship except masters pilots and apprentices and except persons temporarily employed on board any ship in port.

"Apprentice"—Every person bound by indenture for the sea service to any such owner or master.

"Shipping Master"—Every officer duly authorized for any specified duties of Shipping Master under this Act **and where not otherwise provided the Shipping Master for the port where the ship in reference to which he is acting shall be.**

"Minister"—The Minister for the time being administering this Act **and the Minister for Finance and Trade shall be such Minister.**

"Justice"—Any Justice of the Peace.

"Desertion"—The absence of a seaman or apprentice from his ship without leave for a period ~~not less than~~ **of** forty-eight hours **without lawful cause or excuse or any unlawful departure or absence from his ship with the intention of not returning thereto.**

And the word "Agreement" shall besides its ordinary meaning include also the Ship's Articles whether written or printed or partly written and partly printed.

"Discharge"—The certificate of the discharge of a seaman from the last ship in which he served.

Repeal of former enactments. First Schedule.

3. The Acts and parts of Acts specified in the first Schedule hereto are hereby repealed Provided that nothing done or in progress thereunder shall be affected by such repeal.

Division of Act into parts.

4. The remainder of this Act shall be divided into the following seven parts relating severally to—

Part I—Shipping Offices and Masters.
Part II—Apprenticeship to the Sea Service.
Part III—Engagement of Seamen.
Part IV—Wages and Discharges.
Part V—Protection.
Part VI—Discipline.
Part VII—Miscellaneous matters.

PART I.

PART I.

SHIPPING OFFICES AND MASTERS.

Appointment of Shipping Master &c.

5. The Governor with the advice of the Executive Council may establish Shipping Offices at Sydney and at any other ports and may appoint a Shipping Master to each such office who shall himself or by such deputies clerks and servants as may also be appointed perform all duties required by this Act to be performed by a Shipping Master And each such Shipping Master shall before entering upon his duties give such security for the due performance thereof as may be required by the Minister and shall make and subscribe before a Justice a solemn Declaration in the form of the second Schedule hereto.

Second Schedule.

6.

PART I.

Duties of Shipping Masters.

6. The following shall be the general duties of Shipping Masters :—

To facilitate the making of apprenticeships to the sea service.

To facilitate the engagement and discharge of seamen and to keep a registry **thereof and** of their names and characters in all ~~such~~ cases ~~as are compulsorily or voluntarily brought before them~~ **of their engagement and discharge in this Colony.**

To perform such other duties relating to merchant ships and seamen as are expressly committed to them by and under the provisions of this Act.

Fees on engagements and discharges. Third Schedule.

7. The fees specified in the third Schedule hereto shall be payable to the Shipping Masters upon all engagements and discharges effected ~~before them~~ **under the provisions of this Act** And the Minister shall cause tables of such fees to be conspicuously placed in the Shipping Offices and the Shipping Masters may refuse to proceed with any engagements or discharges until the fees are paid And the owner or master engaging or discharging any seaman shall pay the whole of such fees and may for the purpose of reimbursing himself deduct in respect of each such engagement or discharge from the wages of all seamen so engaged or discharged and retain any sums not exceeding the sums specified in that behalf in the said third Schedule **And all such fees may be sued for and recovered with costs by the Shipping Master from the owner or master in the summary manner in which seamen are by this Act enabled to sue for and recover wages not exceeding fifty pounds** And all fees payable to the Shipping Master under this Act shall be accounted for and paid by him to the Colonial Treasurer and by the said Treasurer be carried over to the Consolidated Revenue Fund.

Penalty for taking other remuneration.

8. Any Shipping Master or any clerk or servant in any Shipping office who demands or receives any remuneration whatever directly or indirectly for hiring or supplying any seaman for any ~~merchant~~ ship or for the discharge of any seaman beyond the lawful fees shall for every such offence incur a penalty not exceeding twenty pounds ~~or~~ **and may** be dismissed by the Minister.

Shipping business may be done at Custom Houses.

9. By direction of the Minister at any place where there is no Shipping Office the whole or any part of the business of such office may be conducted at the Custom House And the Officer of Customs there conducting such business shall for all purposes be deemed a Shipping Master.

PART II.

PART II.

APPRENTICESHIP.

How indentures to be executed and attested.

10. All indentures of apprenticeship to the sea service shall be executed by the apprentice and the person to whom he is bound in the presence of and be attested by a Justice who shall before such execution satisfy himself that the intended apprentice has freely consented to be bound—has attained the age of twelve years—and is of sufficient health and strength—and if under twenty-one years old is not acting against the will of his parent or other lawful guardian—and that the master to whom he is bound is a proper person for the purpose **Provided that all such indentures whereby any person under the age of twenty-one years shall be bound without the concurrence of his parent or guardian shall in all cases where by law the consent of such parent or guardian is necessary to make the same binding upon him or her be voidable by such parent or guardian.**

And recorded.

11. All such indentures of apprenticeship shall be in duplicate and every person to whom any apprentice is so bound in the Colony shall within

PART II.

within seven days after the execution of the indentures take or transmit the same to ~~some~~ **the** Shipping Master who shall record **and keep and preserve** one copy in his office and indorse a memorandum of such recording on the other copy and redeliver it to the master of the apprentice And whenever any such indentures are assigned or cancelled or any such apprentice dies or deserts—his master shall—if such assignment cancellation death or desertion happen within the Colony within seven days thereafter or if elsewhere so soon afterwards as circumstances permit—notify the same to the ~~said or some other~~ Shipping Master to be also recorded And every such master of an apprentice failing to comply with this enactment shall incur a penalty not exceeding ten pounds.

Apprentices from charitable institutions.

12. All such apprenticeships made by the authorized officer of any public or charitable institution shall subject as nearly as may be to the foregoing provisions be made in the same manner and be subject to the same laws and regulations as other apprenticeships made by the same persons the form of the indentures being appropriately altered to meet each case.

Apprentices in ~~foreign trade~~ ships going out of the Colony.

13. The master of every ~~Foreign trade~~ ship **except ships of less than eighty tons registered tonnage exclusively engaged in trading or going to places within or on the coast of this Colony** shall before carrying any apprentice to sea from any place in the Colony cause him to appear before and **shall** produce to the Shipping Master the indentures by which such apprentice is bound and ~~any and~~ every assignment thereof And the name of such apprentice with the date of such indentures and of ~~any and~~ every such assignment and the name of every port at which the same shall have been registered shall be entered on the ~~agreement for service~~ **ship's articles** And the master shall for every default in obeying any provision of this section incur a penalty not exceeding five pounds **Provided that in the case of Intercolonial ships it shall not be necessary to cause the apprentice to appear before the Shipping Master more frequently than once in twelve months.**

PART III.

PART III.

ENGAGEMENT OF SEAMEN.

Penalties—

14. The following offences relative to the engagement of seamen shall be punishable as hereinafter mentioned :—

For unlawfully supplying seamen or employing others to do so.

(1.) Whosoever not being the owner or master or mate of the ship—or the *bonâ fide* servant and in the constant employ of the owner—or a Shipping Master—engages or supplies or employs any person other than persons so excepted to engage or supply any seaman or apprentice to be entered on board any ship ~~in the Colony~~ shall for each seaman or apprentice so engaged or supplied incur a penalty not exceeding twenty pounds.

or for receiving seamen unlawfully supplied

(2.) Whosoever knowingly receives or accepts to be entered on board any ship any seaman or apprentice engaged or supplied contrary to the next preceding enactment shall for every seaman or apprentice so engaged or supplied incur a penalty not exceeding twenty pounds.

or for receiving remuneration from seamen for shipping them.

(3.) Whosoever contrary to this Act demands or receives directly or indirectly from any seaman or apprentice or from any person seeking employment as such or from any person on his behalf any remuneration whatever for providing him with employment other than the fees hereby authorized shall for every such offence incur a penalty not exceeding five pounds.

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PART III.

Agreements to be made with seamen containing certain particulars.

15. ~~Every~~ The master of ~~any Intercolonial~~ every ship except ships of less than eighty tons registered tonnage exclusively engaged in trading or going to places within or on the coast of this Colony who shall engage any seaman ~~from any port~~ in ~~the~~ this Colony ~~as one of his crew~~ shall enter into an agreement with him in the form of the fourth Schedule hereto and dated at the time of the first signature thereof and signed by the master before any seaman signs the same Provided that every such agreement shall be so framed as to admit of stipulations being introduced therein at the joint will of the master and seaman in each case as to advance and allotment of wages or any other stipulations not contrary to law Provided also that every such agreement shall be filled up by the Shipping Master and shall be prepared and signed in duplicate and shall in all cases be signed by the master in ~~his~~ the presence of and attested by him and one of such duplicates shall in all cases be left with or delivered or sent to the Shipping Master and by him kept and preserved in his office.

Fourth Schedule.

Seamen to be engaged before the Shipping Master or on board the ship in which they are to serve.

16. ~~Every~~ The master of every ~~such~~ ship except as aforesaid when engaging seamen ~~at the port of Sydney~~ in this Colony shall engage them either before the Shipping Master or at the Shipping Master's Office or on board the ship in which they are to be employed Provided that the signature of each seaman shall be attested by the Shipping Master or by the owner or master or other officer engaged on board the ship and before being signed the agreement shall be read over and explained to such seaman Provided also that ~~as to such ships below eighty tons burden no master shall engage any seaman to serve therein without production of his discharge from the ship in which he last served or satisfactory proof of its existence and loss.~~ no seaman shall be hired or engaged to serve in any ship of whatever tonnage the same may be unless he produces and delivers up to the Shipping Master or the owner or master engaging him his discharge or license to ship and in all cases where any such discharge or license to ship shall be delivered to any such owner or master the same shall be forthwith delivered or sent by such owner or master to the Shipping Master to be by him kept and preserved in his office.

~~For foreign trade ships~~ Rules for agreements. ~~to be made before Shipping Master.~~

17. In the case of all ~~Foreign trade~~ ships except as aforesaid the following in addition to the foregoing rules shall be observed with respect to agreements:—

(1.) Every agreement made in the Colony shall be signed by each seaman in the presence of a Shipping Master.

(2.) The Shipping Master shall either cause the agreement to be read over and explained to each seaman or otherwise ascertain that he understands the same before he signs it and shall himself attest the fact.

(1.) In all cases where the agreement is signed by any seaman in the presence of a Shipping Master the seaman's discharge or license to ship shall be produced and delivered to the Shipping Master to be by him kept and preserved in his office together with the duplicate of the agreement to be left with or delivered or sent to the Shipping Master as herein provided.

(2.) In all cases where the agreement is signed by any seaman otherwise than in the presence of a Shipping Master one of the duplicates thereof certified and attested as such duplicate by the owner or master or other officer engaged on board the ship shall together with the discharges or licenses to ship of each seaman so signing the same be forthwith delivered or sent to the Shipping Master to be by him kept and preserved in his office.

(3.)

PART III.

To be in duplicate.

(3.) When the crew is ~~previously~~ **first** engaged the **duplicate of the** agreement ~~shall be signed in duplicate and one part shall be~~ retained by the ~~Shipping~~ Master ~~and the other part~~ shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship ~~and shall be delivered to the master.~~

To regulate fees payable on running agreements.

18. For the purpose of determining the fees to be paid upon the engagement and discharge of seamen belonging to foreign trade and intercolonial ships which have running agreements the crew shall be considered to be engaged when the agreement is first signed and to be discharged when the agreement finally terminates and all intermediate engagements and discharges shall be considered to be engagements and discharges of single seamen.

Duplicates of running agreements how to be dealt with.

19. In cases in which such running agreements are made the duplicate agreement retained by the Shipping Master upon the first engagement of the crew shall be kept by the Shipping Master until the expiration of the agreement and thereafter dealt with according to any regulations in that behalf duly made as hereinafter enacted.

Special agreements for Intercolonial ships belonging to same owners.

20. In cases where several Intercolonial ships belong to the same owner the agreement with the seamen may notwithstanding anything herein contained be made by the owner instead of by the master and the seamen may be engaged to serve in any two or more of such ships Provided that the names of the ships ~~and of the master~~ and the nature of the service are specified in the agreement Provided also that with the foregoing exception all provisions herein contained which relate to ordinary agreements for Intercolonial ships shall be applicable to agreements made in pursuance of this section Provided further that no seaman having served in any ship which shall have entered any port of the Colony on completion of a voyage shall be compellable under any engagement or agreement to go on board any other ship until after the expiration of twenty-four hours from the completion of such voyage.

Fresh engagement in same vessel without further charge.

21. If at the expiration of his term of service any seaman shall be desirous with the consent of the master or owner to engage for further service in any ship belonging to the same owner such further engagement may be made by causing such seaman to sign a new agreement in the same manner as the primary engagement without any further charge.

Penalty for shipping seamen without agreement duly executed.

~~22.~~ **21.** If in any case a master carries any seaman to sea without having entered into an agreement with him in the form and manner and at the place and time hereby in such case required the master in the case of a foreign-trade ship and the master or owner in the case of an Intercolonial ship shall for every such offence incur a penalty not exceeding five pounds.

Changes in crew to be reported.

~~23.~~ **22.** The master of every **Intercolonial** or Foreign-trade ship ~~of which the crew has been engaged before a Shipping Master~~ shall before leaving the Colony sign and send to ~~a~~ the Shipping Master a full and accurate statement of every change which takes place in his crew before finally so leaving the Colony And shall for every offence against this enactment incur a penalty not exceeding five pounds.

Alterations to be void unless attested to have been made with the consent of all parties.

~~24.~~ **23.** Every erasure interlineation or alteration in any agreement with seamen except additions for shipping substitutes or persons engaged subsequently to the first departure of the ship shall be wholly inoperative unless proved to have been made with the consent of all the persons interested in such erasure interlineation or alteration by the written attestation of the witness attesting the signature or signatures of the person or persons so interested or some ~~Shipping Master or~~ Justice or if madeout of the Colony of a British Consular Officer or if none such of two British merchants.

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Penalty for falsifying agreement.

~~25.~~ **24.** Whosoever fraudulently alters assists in fraudulently altering or procures to be fraudulently altered or makes or assists in making or procures to be made any false entry in or delivers assists in delivering or procures to be delivered a false copy of any agreement shall for every such offence be deemed guilty of a misdemeanor.

Seamen not to be bound to produce agreement.

~~26.~~ **25.** Any seaman may upon any civil or criminal proceeding by or against him bring forward evidence to prove the contents of any agreement or otherwise to support his case without producing or giving notice to produce the agreement or any copy thereof.

Copy of agreement to be made accessible to crew.

~~27.~~ **26.** The master shall at the commencement of every voyage or engagement cause a legible copy of the agreement (omitting the signatures) to be placed or posted up in such part of the ship as to be accessible to the crew and shall for every neglect of this enactment incur a penalty not exceeding five pounds.

Seamen discharged before end of agreement to have compensation.

~~28.~~ **27.** Any seaman who after having signed an agreement is discharged before the termination of his agreement without fault on his part justifying such discharge and without his consent shall be entitled to receive from the master or owner in addition to any wages he may have earned due compensation not exceeding one months wages and may on adducing such evidence of his having been so improperly discharged as the Court deems satisfactory recover such compensation in the same manner as if it were wages duly earned.

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PART IV.

WAGES AND DISCHARGES.

Regulations as to allotment notes.

~~29.~~ **28.** All stipulations made at the commencement of a voyage for the allotment of any part of the wages of a seaman during his absence shall be inserted in the agreement and shall state the amounts and times of the payments to be made And all Allotment notes shall be in the form of the fifth Schedule hereto.

Fifth Schedule.

Allotment notes may be sued on summarily by certain persons on certain conditions.

~~30.~~ **29.** The wife father or mother grandfather or grandmother or any child or grandchild brother or sister of any seaman in whose favor an allotment note of part of the wages of such seaman is made may unless the seaman is shewn in manner hereinafter mentioned to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid and subject as to the wife to the proviso hereinafter contained sue for and recover the sums allotted by the note when and as the same are made payable with costs from the owner or any agent who has authorized the drawing of the note either in the District Court or in the summary manner in which seamen are by this Act enabled to sue for and recover wages not exceeding fifty pounds And in any such proceeding it shall be sufficient for the claimant to prove that he is the person mentioned in the note and that the note was given by ~~the seaman or by~~ the owner or master or some authorized agent and the seaman shall be presumed to be duly earning his wages unless the contrary is shewn to the satisfaction of the Court Provided that the wife of any seaman who deserts her children or so misconducts herself as to be undeserving of support from her husband shall thereby forfeit all right to further payment of any allotment of his wages made in her favor.

No advance note or wages to be given or paid to seamen until after the ship's articles have been duly signed.

31. The owner part owner master or person in charge of any merchant ship or the ship's husband or agent shall not pay or advance nor give any note in writing or otherwise in the nature of and purporting to be an advance note for any part of the wages of any seaman engaged or provided to be entered on board such ship until after the agreement shall have been duly signed by such seaman and by the master or owner of such ship and then only to the seaman himself and if such wages or advance of wages be paid in money the payment thereof

thereof may be made to the seaman himself at any period most convenient after the signing of such agreement And all payments of wages contrary to this enactment shall be void and the amount thereof shall still be recoverable by the seaman as if they had not been advanced.

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~~32.~~ **30.** Every master shall ~~not less than twenty-four hours~~ at the time of or before paying off or discharging any seaman deliver to him a full and true account of his wages and of all deductions to be made therefrom on any account whatever and in default shall for every offence incur a penalty not exceeding five pounds And no deduction from the wages of any seaman (except in respect of any matter happening after such delivery) shall be allowed unless it is included in the account so delivered and the master shall during the voyage enter the various matters in respect of which such deductions are made with the amounts of the respective deductions as they occur in a book to be kept for that purpose and shall if required produce such book at the time of the payment of wages and also upon the hearing before any competent authority of any complaint or question relating to such payments.

Master to deliver account of wages.

33. In every case of a seaman discharged before the Shipping Master the master shall sign and give him a certificate of discharge in the form of the sixth Schedule hereto attested by such Shipping Master And any master who fails to sign and give to any such seaman such certificate of discharge shall for every such offence incur a penalty not exceeding ten pounds.

Certificates of discharge. Sixth Schedule.

31. In every case of a seaman discharged in this Colony from any ship of whatever tonnage the same may be such seaman shall either be discharged before the Shipping Master in which case the master shall thereupon sign and give to the seaman in the presence of such Shipping Master a discharge in the form of the sixth Schedule hereto attested by such Shipping Master or the master shall sign and forthwith deliver or send to the Shipping Master a discharge of such seaman in the form of the said sixth Schedule hereto attested by the mate of the ship or some other witness And the Shipping Master shall on receipt of such discharge take charge thereof and keep the same in his office until the seaman whose discharge is thereby certified shall apply for the same and upon such application by such seaman shall deliver the same to him and any master who fails to sign and give to the seaman or to sign and deliver or send to the Shipping Master such discharge in conformity with the provisions hereof shall for every such offence incur a penalty not exceeding ten pounds.

Mode of discharging seamen.

32. In case any seaman of any ship of whatever tonnage the same may be shall have lost his discharge or from any other cause be unable to produce the same or if any other person shall be desirous of engaging as a seaman it shall be lawful for any Shipping Master on being satisfied of the fact of such loss inability or desire as the case may be to grant and deliver to such seaman or other person a license to ship which license shall be in writing and signed by the Shipping Master.

Provision in case of loss of discharge.

~~34.~~ **33.** Every Shipping Master shall hear and decide any question whatever between a master or owner and any ~~of his crew~~ seaman which both parties agree in writing ~~in submitting~~ to submit to him and every award so made by him shall be binding on both parties and shall in any legal proceeding which may be taken in the matter before any Court be deemed to be conclusive as to the rights of the parties and any document purporting to be such submission or award shall be *primâ facie* evidence thereof.

Shipping Master may decide questions which parties refer to him.

~~35.~~ **34.** In any proceeding relating to wages claims or discharge of any seamen so referred to any Shipping Master he may call upon the owner or his agent or upon the master or mate or any

Master and others to produce ship's papers to Shipping Master and give evidence.

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any member of the crew to produce any log-book paper or other document in their respective possession or power relating to any matter in question in such proceeding and may call before him and examine on any such matter any of such persons being then at or near the place of inquiry And every owner agent master mate or other member of the crew who when called upon by the Shipping Master does not produce any such paper or document as aforesaid if in his possession or power or does not appear and give evidence shall unless he shews some reasonable cause for his default incur for every such offence a penalty not exceeding five pounds.

Settlement of wages.

~~36.~~ **35.** The following rules shall be observed with respect to the settlement of wages :—

Release to be signed before and attested by Shipping Master

(1.) Upon the completion before a Shipping Master of any discharge and on full payment or satisfaction of wages the master or owner and each seaman shall respectively in the presence of the Shipping Master sign in the form of the seventh Schedule hereto a mutual release of all claims in respect of the past voyage or engagement and the Shipping Master shall also sign and attest it and shall retain it as herein directed And every such release so signed and attested shall operate as a complete fulfilment of the agreement on both sides and a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement

Seventh Schedule.

to be discharge

and to be evidence.

(2.) A copy of such release certified under the hand of such Shipping Master to be a true copy shall be given by him to any party thereto requiring the same And such copy shall be receivable in evidence upon any future question touching such claims as aforesaid and shall have all the effect of the original of which it purports to be a copy

No other receipt to be a discharge.

(3.) In cases in which discharge and settlement **take place** before a Shipping Master ~~are hereby required~~ no payment receipt settlement or discharge otherwise made shall operate or be admitted as evidence of the release or satisfaction of any claim

Voucher to be given to master and to be evidence.

(4.) Upon any payment being made by a master before a Shipping Master the Shipping Master shall if required sign and give to such master a statement of the whole amount so paid And such statement shall as between the master and owner be received as evidence that he has made the payments therein mentioned.

Master to make reports of character. Eighth Schedule.

~~37.~~ **36.** Upon every discharge effected ~~before a Shipping Master~~ **in this Colony from any Foreign-going ship** the master shall make and sign in the form of the eighth Schedule hereto **and forthwith deliver or send to the Shipping Master** a report of the conduct character and qualifications of the seamen discharged or may as to any of such seamen state in a column left for that purpose in the said form that he declines to give any opinion upon such particulars or upon any of them And the Shipping Master shall if desired so to do by any seaman indorse on his certificate of discharge the substance of so much of such report as concerns him And every person who makes assists in making or procures to be made any false certificate of discharge or report of the conduct character or qualifications of any seaman knowing the same to be false or who forges assists in forging or procures to be forged or fraudulently alters assists in fraudulently altering or procures to be fraudulently altered any such certificate or report or who fraudulently makes use of any certificate or report or of any copy of any certificate or report which is forged or altered or does not belong to him shall for every such offence be deemed guilty of a misdemeanor.

Penalty for false discharge or report.

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Right to wages and provisions when to begin.

~~38.~~ **37.** A seaman's right to wages and provisions shall be taken to commence at the time specified in the agreement for his commencement of work or presence on board whichever shall first happen.

Seamen not to give up certain rights.

~~39.~~ **38.** No seaman shall by any agreement forfeit his lien upon a ship or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled And every stipulation in any agreement inconsistent with any provision of this Act or by which any seaman consents to abandon his right to wages in the case of the loss of the ship or to abandon any right which he may have or obtain in the nature of salvage shall be wholly inoperative in that behalf Provided that nothing in this section shall apply to the case of any stipulation made by any seaman belonging to any ship which according to the terms of the agreement is to be employed on salvage service with respect to the remuneration to be paid to him for salvage service to be rendered by such ship to any other ship.

Wages not to be dependent on the earning of freight.

~~40.~~ **39.** No right to wages shall be dependent on the earning of freight and every seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he has served had earned freight shall subject to all other rules of law and conditions applicable to the case be entitled to claim and recover the same notwithstanding that freight has not been earned But in all cases of wreck or loss of ship proof that any seaman has not exerted himself to the utmost to save the ship cargo and stores shall bar his claim to wages.

Right to wages in case of termination of service by wreck or illness.

~~41.~~ **40.** In cases where the service of any seaman terminates before the period contemplated in his agreement by reason of the wreck or loss of the ship or by reason of his being left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voyage such seaman shall be entitled to wages for the time of service only prior to such termination as aforesaid ~~Provided that~~

41. In every ~~Intercolonial ship trading beyond the Colony~~ **Foreign-going ship** there shall constantly be a chest of medicine selected by ~~an apothecary of known reputation~~ **a duly qualified medical practitioner** accompanied by directions for administering the same And such medicines shall be examined by the same or some other ~~apothecary~~ **such medical practitioner** once at least in every year in which the ship shall be in the Colony and shall be supplied with fresh medicines in place of such as shall have been used or spoiled And in default of having such medicine chest so provided and kept fit for use the master or owner of such ship shall supply and pay for such advice and medicine or attendance of ~~qualified~~ medical practitioners as any seaman or apprentice shall stand in need of in case of illness at every port or place at which such ship may trade or touch during her voyage without any deduction from the wages of such seaman or apprentice.

Allowance for short or bad provisions.

42. If during a voyage the allowance of any of the provisions which any seaman has by his agreement stipulated for is reduced (except in accordance with any regulation for reduction by way of punishment contained in the agreement and also except for any time during which such seaman wilfully and without sufficient cause refuses or neglects to perform his duty or is lawfully under confinement for misconduct either on board or on shore) or if it is shewn that any of such provisions are or have been during the voyage bad in quality and unfit for use the seaman shall receive by way of compensation for such reduction or bad quality according to the time of its continuance the following sums in addition to and to be recoverable as wages :—

(1.) If his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement—a sum not exceeding four pence a day

(2.)

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(2.) If his allowance is reduced by more than one-third of such quantity—a sum not exceeding eight pence a day

(3.) In respect of such bad quality as aforesaid—a sum not exceeding one shilling a day

Provided that if it is shewn to the satisfaction of the Court before which the case is tried that any provisions the allowance of which has been reduced could not be procured or supplied in proper quantities and that proper and equivalent substitutes were supplied in lieu thereof the Court shall take such circumstances into consideration and shall modify or refuse compensation as the justice of the case may require.

Wages not to accrue during refusal to work or imprisonment.

43. No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required whether before or after the time fixed by the agreement for his beginning work nor for any period during which he is lawfully imprisoned for any offence committed by him unless the Court hearing the case otherwise directs.

Period within which wages are to be paid.

44. The master or owner of every ship **except ships of less than eighty tons registered tonnage exclusively engaged in trading or going to places within or on the coast of this Colony** shall pay to every seaman his wages within the respective periods following :—

In the case of an Intercolonial ship—within two days after the termination of the agreement or at the time when such seaman is discharged whichever first happens

In the case of all other ships—within three days after the cargo has been delivered or at the time of the seaman's discharge whichever first happens

Provided that this shall not apply to the cases of ships employed in the whale fishery or on other voyages for which seamen by the terms of their agreement are wholly compensated by shares in the profits of the adventure ~~Provided also that in all cases the seaman shall at the time of his discharge be entitled to be paid on account a sum equal to one fourth part of the balance due to him~~ And every master or owner who neglects or refuses to make payment in manner aforesaid without sufficient cause shall pay to the seaman a sum not exceeding the amount of two days pay for each of the days not exceeding ten days during which payment is delayed beyond the respective periods aforesaid and such sum shall be recoverable in the same manner as wages.

Seamen may sue for wages in a summary manner.

45. Any seaman or apprentice or any person duly authorized on his behalf may sue for and recover in a summary manner before any two Justices acting in or near to the place at which the service has terminated or at which the seaman has been discharged or at which the person from whom his wages are due is or resides any amount of wages actually due to such seaman or apprentice not exceeding fifty pounds over and above the costs of such proceeding for the recovery thereof. And every order for payment made by such Justices shall contain a direction that such person shall pay the amount thereby made payable within a time to be named in such order and that in default thereof such person shall be imprisoned for such term not exceeding three months unless the same be sooner paid And every such order of Justices shall be final.

Restrictions on suits for wages in superior Courts.

46. No suit or proceeding for the recovery of wages under the sum of twenty pounds shall be instituted by or on the behalf of any seaman or apprentice in any Vice-Admiralty Court or any Court of Record in the Colony unless the owner of the ship is declared insolvent or unless the ship is under arrest or is sold by the authority of any such Court as aforesaid or unless any Justices as they are hereby authorized to do refer the case to be adjudged by such Court or unless neither the owner nor the master is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore.

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Master to have same remedies for wages as seamen.

47. Every master of a ship shall so far as the case permits have the same rights liens and remedies for the recovery of his wages which by this Act or by any law or custom any seaman not being a master has for the recovery of his wages And if any proceeding in any Court of Vice-Admiralty touching the claim of a master to wages any right of set-off or counter-claim is set up such Court may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding and may direct payment of any balance which is found to be due.

Master to take charge of or sell effects of deceased seaman which are on board and enter the same and wages due in log.

48. Whenever any seaman or apprentice belonging to any ship ~~whether a Foreign trade ship or an Intercolonial ship~~ **(except ships of less than eighty tons registered tonnage exclusively employed in trading or going to places within or on the coast of this Colony)** employed on a voyage which is to terminate in ~~the~~ **this** Colony dies during such voyage the master shall take charge of all money clothes and effects which he leaves on board and shall if he thinks fit cause all or any of the said clothes or effects to be sold by auction at the mast or other public auction and shall thereupon sign an entry in the log-book containing the following particulars :—

(1.) A statement of the amount of money and a description of the effects so left by the deceased

(2.) In case of a sale—a description of each article sold and the sum received for each

(3.) A statement of the sum due to the deceased as wages and the total amount of the deductions (if any) to be made therefrom

And shall cause such entry to be attested by a mate and by one of the crew.

Such effects and wages to be paid to Shipping Master with full accounts.

49. In the cases provided for in the next preceding section the following rules shall be observed :—

(1.) Within forty-eight hours after the arrival of the ship at the port of destination in the Colony the master shall deliver any such effects as aforesaid remaining unsold and pay any money which he has taken charge of or received from such sale as aforesaid and also the balance of wages due to the deceased to the Shipping Master at such port

(2.) If before coming to any port in the Colony the ship touches and remains for forty-eight hours at some foreign port or at some other port in Her Majesty's dominions the master shall report the same to the British Consular Officer or Officer of Customs there as the case may be and shall give to such officer any information he requires as to the destination of the ship and probable length of the voyage and such officer shall indorse on the agreement with the crew the substance of such report and information and the master shall within forty-eight hours after his arrival at his port of destination in the Colony produce the same to ~~a~~ **the** Shipping Master ~~there~~

(3.) The master shall in all cases in which any seaman or apprentice dies during the progress of a voyage or engagement give to such officer or Shipping Master as aforesaid an account in such form as they respectively require of the effects money and wages so to be delivered and paid and no deductions claimed in such account shall be allowed unless verified ~~if there is a log-book~~ by such entry ~~therein~~ **in the log-book** as hereinbefore required and also by such other vouchers (if any) as may be reasonably required by the officer or Shipping Master to whom the account is rendered

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(4.) Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the Colony the Shipping Master shall grant to the master a certificate to that effect and no Officer of Customs shall clear inwards any ~~Foreign trade~~ ship **comprised within this and the next preceding section** without the production of such certificate.

Penalties for not taking charge of remitting or accounting for such monies and effects.

50. Any master who fails to take charge of the money or other effects of a seaman or apprentice dying during a voyage or to make such entries in respect thereof or to procure such attestation to such entries or to make such payment or delivery of any money wages or effects of any seaman or apprentice dying during a voyage or to give such account in respect thereof as hereinbefore respectively directed shall be accountable for the money wages and effects of the seaman or apprentice to a Shipping Master and shall pay or deliver the same accordingly And every master shall in addition for every such offence incur a penalty not exceeding treble the value of the money or effects not accounted for or if such value is not ascertained not exceeding fifty pounds And if any such money wages or effects are not duly paid delivered or accounted for by the master the owner of the ship shall pay deliver and account for the same and such money and wages and the value of such effects shall be recoverable from him accordingly And if in such case the owner fails to account for and pay or deliver the same he shall in addition to the liability for the said money and value incur the same penalty which is hereinbefore mentioned as incurred by the master for the like offence And all money wages and effects of any seaman or apprentice dying during a voyage shall be recoverable by like modes of proceeding as those by which seamen are hereby enabled to recover wages due to them.

Wages and effects of seamen dying in Colony.

51. Whenever any seaman or apprentice dies in the Colony and is at the time of his death entitled to claim from the master or owner of any ship in which he has served any unpaid wages or effects such master or owner shall pay and deliver or account for the same to the Shipping Master at the port where the seaman or apprentice was discharged or was to have been discharged or as the Minister directs.

If less than £50—wages and property of deceased seamen may be paid over without probate or administration.

52. If the money and effects of any deceased seaman or apprentice paid or delivered as aforesaid including the monies received for any part of the said effects which have been sold either before delivery or by direction of the Minister do not exceed in value the sum of fifty pounds then subject to the provisions hereinafter contained and to all lawful deductions for expenses incurred in respect of the seaman or apprentice or of his said money and effects the Minister may pay and deliver the said money and effects either to any claimant who can prove himself either to be his widow or child or to be entitled to the effects of the deceased under his will (if any) or under any Statute of Distribution or under any other statute or at common law or to be entitled to procure probate or take out letters of administration although no probate or letters of administration have been taken out and shall thereby be discharged from all further liability in respect of the money and effects so paid and delivered or may if he thinks fit require probate or letters of administration to be taken out and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased And all claimants to whom such money or effects are so paid or delivered shall apply the same in due course of administration And if such money and effects exceed in value the sum of fifty pounds then subject to the provisions hereinafter contained and to deduction for expenses the same shall be paid and delivered to the legal personal representatives of the deceased.

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Mode of payment under wills made by seamen.

53. In cases where the deceased seaman or apprentice has left a will the Minister shall have the following powers :—

(1.) He may in his discretion refuse to pay or deliver any such wages or effects as aforesaid to any person claiming to be entitled thereto under a will made on board ship unless such will is in writing and is signed or acknowledged by the testator in the presence of the master or first or only mate of the ship and is attested by such master or mate

(2.) He may in his discretion refuse to pay or deliver any such wages or effects as aforesaid to any person not related to the testator by blood or marriage who claims to to be entitled thereto under a will made elsewhere than on board ship unless such will is in writing and is signed or acknowledged by the testator in the presence of and attested by two witnesses one of whom is a Shipping Master or some Clergyman of the place in which the same is made or in a place where there are no such persons some Justice or some British Consular Officer or Officer of Customs.

(3.) **Whenever any claim made under a will is rejected by the Minister on account of the said will not being made and attested as hereinbefore required the wages and effects of the deceased shall be dealt with as if no will had been made.**

Provision for payment of just claims by creditors and for preventing fraudulent claims.

54. The following rules shall be observed with respect to creditors of deceased seamen and apprentices :—

(1.) No such creditor shall be entitled to claim from the Minister the wages or effects of any such seaman or apprentice or any part thereof by virtue of letters of administration taken out by him

(2.) No such creditor shall be entitled by any means whatever to payment of his debt out of such wages and effects if the debt accrued more than three years before the death of the deceased or if the demand is not made within two years after such death

(3.) Subject as aforesaid the steps to be taken for procuring payment of such debt shall be as follows :—Every person making a demand as creditor shall deliver to the Minister an account in writing in such form as he requires subscribed with the claimant's name stating the particulars of his demand and the place of his abode and verified by his declaration made before a Justice

(4.) If before such demand is made any claim to the wages and effects of the deceased made by any person interested therein as his widow or child or under a will or under any Statute for the Distribution of the Effects of Intestates or under any other statute or at common law has been allowed the Minister shall cause notice to be given to the creditor of the allowance of such person's claim and the creditor shall thereupon have the same rights and remedies against such person as if he had received the said wages and effects as the legal personal representative of the deceased

(5.) If no claim by any such person has been allowed the Minister shall proceed to investigate the creditor's account and may for that purpose require him to prove the same and to produce all books accounts vouchers and papers relating thereto And if by such means the creditor duly satisfies

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satisfies the Minister of the justice of his demand either in the whole or in part the same shall be allowed and paid accordingly so far as the assets extend for that purpose and such payment shall discharge the Minister from all further liability in respect of the money so paid But in default of such satisfaction or if such books accounts vouchers or papers as aforesaid are not produced and no sufficient reason is assigned for not producing them the demand shall be disallowed

(6.) In any case whatever the investigation of any demand made by a creditor for the payment of his debt may be delayed for one year from the time of the first delivery of the demand And if in the course of that time a claim to the wages and effects of the deceased is made and substantiated as hereinbefore required by any person interested therein as a widow or child or under a will or under any Statute for the Distribution of the Effects of Intestates or under any other statute or at common law the same may be paid and delivered to such person And thereupon the creditor shall have the same rights and remedies against such person as if he had received the same as the legal personal representative of the deceased.

Mode of dealing with unclaimed wages of deceased seamen.

55. In cases of wages or effects of deceased seamen or apprentices to which no claim is substantiated within six years after the receipt thereof it shall be in the absolute discretion of the Minister if any subsequent claim is made either to allow or to refuse the same But subject to the proviso next hereinafter contained all monies arising from the unclaimed wages and effects of deceased seamen shall be paid over to the Colonial Treasurer and such monies shall be carried to and form part of the Consolidated Fund of the Colony Provided that upon a certificate from the Minister of his allowance of any claim the said Treasurer may upon a warrant under the hand of the Governor pay and satisfy the amount thereof out of the said fund.

Punishment for forgery and false representations in order to obtain wages and property of deceased seamen.

56. Every person who for the purpose of obtaining either for himself or for another any money or effects of any deceased seamen or apprentice forges assists in forging or procures to be forged or fraudulently alters assists in fraudulently altering or procures to be fraudulently altered any document purporting to shew or assist in shewing a right to such wages or effects and every person who for the purpose aforesaid makes use of any such forged or altered document as aforesaid or who for the purpose aforesaid gives or makes or procures to be given or made or assists in giving or making or procuring to be given or made any false evidence or representation knowing the same to be false shall be deemed guilty of felony and be liable to penal servitude for a term not exceeding four years or to imprisonment with or without hard labor for any period not exceeding two years.

Recovery of wages &c. of seamen lost with their ship.

57. The wages of seamen or apprentices who are lost with the ship to which they belong shall be dealt with as follows:—

(1.) The Minister may recover the same from the owner of the ship in the same manner in which seamen's wages are recoverable

(2.) In any proceedings for the recovery of such wages if it is shewn by some official return or by other evidence that the ship has twelve months or upwards before the institution of the proceeding left a port of departure and if it is not shewn that she has been heard of within twelve months after such departure she shall be deemed to have been

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been lost with all hands on board either immediately after the time she was last heard of or at such later time as the Court hearing the case may think probable

(3.) The production of any duplicate agreement or list of the crew made out at the time of the last departure of the ship from the Colony or of a certificate puporting to be a certificate from a Consular or other public Officer at any port abroad stating that certain seamen or apprentices were shipped in the ship from the said port shall in the absence of proof to the contrary be sufficient proof that the seamen or apprentices therein named were on board at the time of the loss and thereupon such wages shall be dealt with in the manner in which the wages of other deceased seamen and apprentices are to be dealt with under this Act.

Wages to be paid when seamen are left behind on ground of inability.

58. Every master of a ship who leaves any seaman or apprentice on shore at any place abroad in or out of Her Majesty's dominions under a certificate indorsed on the agreement as hereinafter provided of his unfitness or inability to proceed on the voyage shall deliver to one of the functionaries who may sign such certificate or (in the absence of such functionaries) to the merchants by whom such certificate is signed or if there be but one merchant resident at such place to him a full and true account of the wages due to such seaman or apprentice such account when delivered to a Consular Officer to be in duplicate and shall pay the same when practicable in money and otherwise by a bill drawn upon the owner And in case of every bill so drawn such functionary or merchant as aforesaid shall by indorsement certify thereon that the same is drawn for money due on account of a seaman's wages and shall also indorse the amount for which such bill is drawn with such further particulars in respect of the case as the Minister requires And every such master as aforesaid who refuses or neglects to deliver a full account of such wages and pay the amount thereof in money or bill as hereinbefore required shall for every such offence or default in addition to the payment of the wages incur a penalty not exceeding ten pounds And every such master who delivers a false account of such wages shall for every such offence in addition to the payment of the wages incur a penalty not exceeding twenty pounds ~~And in cases where payment is~~ made by a bill drawn by the master the owner of the ship shall be liable to pay the amount for which the same is drawn to the holder or indorsee thereof and it shall not be necessary in any proceeding against the owner upon such bill to prove that the master had authority to draw the same and any bill purporting to be drawn in pursuance of this section and indorsed as herein required shall be received in evidence and any indorsement or any such bill purporting to be made in pursuance of this section and to be signed by one of the functionaries herein referred to shall also be received in evidence and be deemed *primâ facie* evidence of the facts stated in such indorsement.

Costs of procuring imprisonment may be deducted from wages.

59. Whenever in any proceeding relating to wages it is shewn that any seaman or apprentice entitled thereto has in the course of the voyage been lawfully convicted of any offence and rightfully punished therefor the Court may direct a part of such wages not exceeding two pounds to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

Amount of forfeiture how ascertained when seamen contract for voyage.

60. Whenever any seaman contracts for wages by the voyage or by the run or by the share and not by the month or other stated period of time the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share as a month or other period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be)

be) bears to the whole time spent in the voyage and if the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited the forfeiture shall extend to the whole wages or share.

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Questions of forfeiture may be decided in suits for wages.

61. Any question concerning the forfeiture of or deduction from the wages of any seaman or apprentice may be determined in any proceeding lawfully instituted respecting such wages notwithstanding that the offence as to which such question arises has not been made the subject of any criminal proceeding.

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PROTECTION.

Leaving seamen behind a misdemeanor.

62. If the master or any other person wilfully and wrongfully leaves behind in any place on shore or at sea in or out of Her Majesty's dominions any seaman or apprentice belonging to any ship before the completion of the voyage for which he was engaged or the return of the ship to the Colony he shall for every such offence be deemed guilty of a misdemeanor.

63. If the master of any ship does any of the following things:—

(1.) Discharges any seaman or apprentice in any place out of the Colony without the sanction in writing indorsed on the agreement of some Officer of Customs or if out of Her Majesty's dominions of the British Consular Officer or of two resident merchants there

(2.) Or leaves behind any seaman or apprentice at any place out of the Colony without a certificate in writing so indorsed from such functionary officer or person as the case may be stating the fact and its cause whether unfitness or inability desertion disappearance or other cause

He shall for every such offence or default be deemed guilty of a misdemeanor.

Proof of such certificate to be upon master.

64. Upon the trial of any information or other proceeding for so discharging or leaving behind any seaman or apprentice it shall lie upon the accused to produce the sanction or certificate hereby required or to prove that he had obtained the same before such discharge or leaving behind or that it was impracticable for him to do so.

Sale of and charge upon salvage on wages invalid.

65. No assignment or sale of any salvage or wages made by any seaman or apprentice prior to the accrual thereof shall bind the person making the same and no power of attorney or authority for the receipt of any such salvage or wages shall be irrevocable and every payment in respect thereof to the seaman or apprentice himself shall be valid as against any previous sale or assignment or any attachment incumbrance or arrestment thereon.

Expenses of medical attendance.

66. The following rules shall be observed with respect to expenses attendant on illness and death:—

(1.) The expense of providing necessary surgical and medical advice attendance and medicine for any seaman or apprentice injured in the ship's service unless such injury is caused by his drunkenness or other misconduct and of his subsistence until he is cured or dies or is brought back to the Colony and the expense (if any) of his burial shall be defrayed by the owner without any deduction from his wages.

(2.) The expense of the temporary removal of a sick seaman or apprentice from his ship to prevent infection or otherwise for the ship's convenience and all medical expenses and subsistence as under No. (1) shall be defrayed in like manner.

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(3.) All medical expenses as aforesaid to any seaman or apprentice while on board shall be defrayed in like manner.

(4.) In all other cases reasonable expenses incurred by the owner for any seaman in respect of illness or the burial of any seaman or apprentice dying on service shall if duly proved be deducted from wages.

Penalties for overcharge by lodging-house keepers.

67. Any person demanding or receiving from any seaman or apprentice payment for his board or lodging in the house of such person for a longer period than such seaman or apprentice has actually resided a boarder therein shall incur for every such offence a penalty not exceeding ten pounds.

Penalty for detaining seamen's effects.

68. Any person receiving or taking possession of or under his control any monies documents or effects of any seaman or apprentice and not returning the same or paying the value thereof when required by him subject to any deduction lawfully due in respect of board lodging or otherwise or absconding therewith shall incur a penalty not exceeding ten pounds to be forthwith paid to such seaman or apprentice in addition to the value of the monies documents or effects aforesaid subject to deduction as aforesaid.

Penalty for going on board before actual arrival.

69. Every person not in Her Majesty's service or otherwise authorized by law going on board any ship about to arrive before her actual arrival at the place of her discharge without permission of the master shall for every such offence incur a penalty not exceeding twenty pounds and may forthwith be apprehended by the master and given in custody to be dealt with according to law.

Penalty for solicitation by lodging-house keeper.

70. Whosoever within twenty-four hours after the arrival of any ship at any port in the Colony solicits any seaman to become a lodger at his lodging-house or takes out of the ship any effects of any seaman except under his direction and by permission of the master shall for every such offence incur a penalty not exceeding five pounds.

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DISCIPLINE.

Misconduct endangering ship or life or limb a misdemeanor.

71. Any master seaman or apprentice who by breach or neglect of duty or drunkenness does anything tending to the loss destruction or damage of the ship or to endanger life or limb or refuses or omits to do any act required to be done by him for preserving such ship from loss destruction or damage or preserving any person from danger to life or limb shall for every such offence be deemed guilty of a misdemeanor.

Offences of seamen and apprentices and their punishments.

72. Any seaman or apprentice committing any of the following offences shall be liable to be punished summarily as follows :—

Desertion.

(1.) For desertion—to be imprisoned for any period not exceeding three months with or without hard labour—~~or~~ and to forfeit all or any part of his wages or emoluments then earned.

Neglect or refusal to join &c.

(2.) For neglecting or refusing without reasonable cause to join his ship or to proceed to sea therein or for absence without leave at any time within twenty-four hours of the ship's sailing from any port or for absence at any time from his ship or duty without leave not amounting to desertion or not treated as such by the master—to be imprisoned for any period not exceeding two months with or without hard labor—~~or~~ **and also at the discretion of the Court** to forfeit out of his wages ten days pay And for every twenty-four hours of such absence not exceeding ten days pay.

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(3.) For quitting the ship without leave after her arrival and before she is placed in security—to forfeit out of his wages not exceeding one month's pay. Quitting before ship is secured.

(4.) For wilful disobedience to any lawful command or for insubordination—to be imprisoned for any period not exceeding one month with or without hard labor—~~or~~ and also at the discretion of the Court to forfeit out of his wages not exceeding ten days pay. Disobedience.

(5.) For continued wilful disobedience to lawful commands or continued wilful neglect of duty—to be imprisoned for any period not exceeding three months with or without hard labor—~~or~~ and also at the discretion of the Court to forfeit the whole or any part of his wages. Continued disobedience.

(6.) For assaulting any master or mate—to be imprisoned for any period not exceeding three months with or without hard labor. Assault on officers.

(7.) For combining with any other of the crew to disobey lawful commands or to neglect duty or to impede the navigation of the ship or the progress of the voyage—to be imprisoned for any period not exceeding six months with or without hard labor. Combining to disobey.

(8.) For wilfully damaging the ship or embezzling or wilfully damaging any of her stores or cargo—to forfeit out of his wages a sum equal to the loss sustained and at the direction of the Court to be imprisoned for any period not exceeding three months with or without hard labor. Wilful damage or embezzlement.

(9.) For any act of smuggling for which he is convicted whereby loss or damage is occasioned to the master or owner—to pay such master or owner a sum sufficient to reimburse such loss or damage and to have the whole or a proportionate part of his wages retained to meet such liability without prejudice to any further remedy. Smuggling to the loss of owner.

73. Upon the commission of any offence aforesaid an entry thereof shall be made in the log-book and shall be signed by the master and also by the mate or one of the crew and the offender if still in the ship shall be furnished with a copy of such entry or have the same read over to him and may thereupon make such a reply thereto as he thinks fit which shall also be entered and signed in like manner And in any subsequent legal proceeding such entries shall be produced or proved or in default thereof the Court may at its discretion refuse to receive evidence of the offence. Entry in the log of offence and offender's defence if any.

74. Whenever either at the commencement or during the progress of any voyage any seaman or apprentice neglects or refuses to join or deserts from or refuses to proceed to sea in any ship in which he is duly engaged to serve or is found otherwise absenting himself therefrom without leave the master or any mate or the owner ship's husband or consignee may with or without the assistance of any police officers or constables who are hereby directed to give the same if required apprehend him without first procuring a warrant and may thereupon in any case and shall in case he so requires and it is practicable convey him before some Court capable of taking cognizance of the matter to be dealt with according to law and may for the purpose of conveying him before such Court detain him in custody for a period not exceeding twenty-four hours or such shorter time as may be necessary or may if he does not so require or if there is no such Court at or near the place at once convey him on board And if any such apprehension appears to the Court before which the case is brought to have been made on improper or on insufficient grounds the master mate owner ship's husband or consignee who makes the same or causes the same to Master or owner may apprehend deserters without warrant.

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to be made shall incur a penalty not exceeding twenty pounds but such penalty if inflicted shall be a bar to any action for false imprisonment in respect of such apprehension.

Deserters may be sent on board in lieu of being imprisoned.

~~74.~~ 75. Whenever any seaman or apprentice is brought before any Court on the ground of his having neglected or refused to join or to proceed to sea in any ship in which he is engaged to serve or of having deserted or otherwise absented himself therefrom without leave such Court may upon proof of the offence instead of committing the offender to prison if the master or the owner or his agent so requires ~~and if such seaman consent thereto~~ cause him to be conveyed on board for the purpose of proceeding on the voyage or deliver him to the master or any mate of the ship or the owner or his agent to be by them so conveyed and may also in any such case order any costs or expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender and if necessary to be deducted from any wages which he has then earned or which by virtue of his then existing engagement he may afterwards earn.

Facilities for proving desertion as far as concerns forfeiture of wages.

~~75.~~ 76. Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion it shall be sufficient for the parties insisting on the forfeiture to shew that such seaman or apprentice was duly engaged in or that he belonged to the ship from which he is alleged to have deserted and that he quitted such ship without leave before the completion of the voyage or engagement or if such voyage was to be completed in the Colony and the ship has not returned that he is absent from her and that an entry of the desertion has been duly made in the log-book And thereupon the desertion shall so far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained be deemed to be proved unless the seaman or apprentice can produce a proper certificate of discharge or can otherwise shew to the satisfaction of the Court that he had sufficient reasons for leaving the ship.

Penalty for false statement as to last ship or name.

~~76.~~ 77. If any seaman on or before being engaged to serve in any ship of whatever tonnage wilfully makes a false statement of the name of his last ship or of his own name he shall incur a penalty not exceeding five pounds And such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid and shall be paid and applied in the same manner as other penalties payable under this Act.

Penalty for enticing to desert and harboring deserters.

~~77.~~ 78. Every person who by any means whatever persuades or attempts to persuade any seaman or apprentice to neglect or refuse to join or to proceed to sea in or to desert from his ship or otherwise to absent himself from his duty shall for every such offence in respect of each such seaman or apprentice incur a penalty not exceeding ten pounds And every person who wilfully harbors or secretes any seaman or apprentice who has deserted from his ship or wilfully neglected or refused to join knowing or having reason to believe such seaman or apprentice to have so done shall for every such seaman or apprentice so harbored or secreted incur a penalty not exceeding twenty pounds.

Desertion after departure of ship may be prosecuted by Shipping Master.

~~78.~~ 79. When any seaman who shall have deserted from any ship shall not be apprehended until after the departure of such ship from the Colony or so shortly before such departure that he cannot conveniently be brought to trial before the same or that the Master cannot reasonably be expected to attend for the purpose of prosecuting him and of producing original documentary evidence against him the Shipping Master shall prosecute such deserter and upon the hearing of the charge verified copies of the ships' articles and of the entry in the log book in which respectively such offender's name shall appear shall be admitted as evidence against him.

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Penalty on seamen secreting themselves on board other ship.

~~79.~~ **80.** Any seaman who having deserted from his ship shall secrete himself on board any other ship or otherwise with intent to evade apprehension or escape from his existing engagement as a seaman shall incur a penalty not exceeding five pounds or be liable to imprisonment for any period not exceeding three weeks with or without hard labor.

Master may give drunken or disorderly seaman &c. into custody.

~~80.~~ **81.** The master of any ship in harbour may give in charge to a water policeman or other constable any seaman or other person who shall be drunk riotous or disorderly on board such ship and such policeman or constable shall receive such offender and convey him to some watch-house until he can be conveyed before the Water Police Magistrate or some other Justice at the next usual hour of business And such seaman or other person shall for every such offence incur a penalty not exceeding forty shillings or in default of immediate payment shall be imprisoned for any time not exceeding two days.

PART VII.

MISCELLANEOUS MATTERS.

PART VII.

Regulations for carrying Act into full effect.

~~81.~~ **82.** The Governor with the advice aforesaid may make such regulations not inconsistent with any provisions of this Act as shall appear necessary to provide for all such matters of detail as are not expressly determined by enactment and generally for the purpose of carrying this Act into full effect And such regulations upon being published in the *Gazette* shall have the force of law And copies thereof shall be laid before both Houses of Parliament forthwith if then sitting or if not then within fourteen days of the opening of the next session.

Printed forms to be supplied by Shipping Master.

~~82.~~ **83.** Printed forms of agreements certificates of discharge mutual releases and of all other documents required to be used under this Act shall be supplied at the Shipping Office to all persons who shall apply for the same at such reasonable prices for the purpose of covering the cost thereof as the Shipping Master may with the approval of the Minister determine.

Penalties for offences not specified.

~~83.~~ **84.** Whosoever shall commit any offence against this Act for which no penalty is herein expressly enacted shall incur a penalty not exceeding five pounds.

Recovery and application of penalties.

~~84.~~ **85.** All penalties and forfeitures incurred under this Act may be recovered before the Water Police Magistrate or any other stipendiary Magistrate or before any two Justices and if not hereby specifically appropriated shall be paid to the Colonial Treasurer to be by him carried over to the Consolidated Revenue Fund.

Sums ordered to be paid leviable by distress on ships.

~~85.~~ **86.** In all cases in which any Court or Tribunal has power under this Act to direct payment of any wages penalty or other sum of money and the party directed to pay the same being master or owner of a ship does not pay the same at the time and in the manner prescribed by the order the Court or Tribunal lawfully making the order may in addition to any other of its powers in that behalf for the purpose of compelling such payment direct the amount or the portion thereof remaining unpaid to be levied by distress and sale of the ship her tackle furniture and apparel or a sufficient part thereof and such sale shall be made accordingly.

FIRST

FIRST SCHEDULE.

Acts and parts of Acts repealed.

Fourth William IV. Number Seven	**The whole of** Section forty-four ~~only.~~
Eleventh Victoria Number Twenty-three... ...	The whole.
Thirteenth Victoria Number Twenty-eight ...	The whole.
Seventeenth Victoria Number Thirty-six... ...	~~The whole except so much as relates to the Water Police~~ **The whole of section three to twenty-seven both inclusive so much of section twenty-nine as applies or extends to or affects ships or vessels in port which are moored to any wharf and the whole of sections thirty-one to forty-four both inclusive.**
Nineteenth Victoria Number Eight	The whole.
Twenty-third Victoria Number Eleven	The whole.

SECOND SCHEDULE.

Declaration to be made by Shipping Master.

I do solemnly and sincerely declare that I will faithfully and truly perform the office and duty of Shipping Master according to the true intent and meaning of the Seamen's Laws Consolidation Act of 1863 4 and that I will not either directly or indirectly personally or by means of any other person or persons on my behalf receive any fee reward or gratuity whatsoever by reason of any duty of my office as Shipping Master except such as are authorized by the said Act and that I will act without partiality favor or affection and to the best of my knowledge and ability.

THIRD SCHEDULE.

FEES to be charged for matters ~~transacted at Shipping Offices~~ **engagements and discharges of Crews and Seamen howsoever made the same to be paid to the Shipping Master at the Port where the engagements or discharges takes place.**

1. *Engagement of Crews.*

	£	s.	d.
In ships under 30 tons	0	2	0
30 to 60 „	0	4	0
60 to 100 „	0	7	0
100 to 200 „	0	15	0
200 to 300 „	1	0	0
300 to 400 „	1	5	0
400 to 500 „	1	10	0
500 to 600 „	1	15	0
600 to 700 „	2	0	0
700 to 800 „	2	5	0
800 to 900 „	2	10	0
900 to 1,000 „	2	15	0

And so on for ships of larger tonnage adding for every 100 tons above 1,000 five shillings.

2. *Engagement of Seamen separately.*

Two shillings for each.

3. *Discharge of Crews.*

	£	s.	d.
In ships under 60 tons	0	4	0
60 to 100 „	0	7	0
100 to 200 „	0	15	0
200 to 300 „	1	0	0
300 to 400 „	1	5	0
400 to 500 „	1	10	0
500 to 600 „	1	15	0
600 to 700 „	2	0	0
700 to 800 „	2	5	0
800 to 900 „	2	10	0
900 to 1,000 „	2	15	0

And so on for ships of larger tonnage adding for every 100 tons above 1,000 five shillings.

4. *Discharge of Seamen separately.*

Two shillings for each.

SUMS

SUMS TO BE DEDUCTED FROM WAGES BY WAY OF PARTIAL REPAYMENT OF ABOVE FEES.

1. *In respect of Engagements and Discharges of Crews.*

Upon each engagement and each discharge from the wages of each seaman—sixpence.

2. *In respect of Engagements and Discharges of Seamen separately.*

5 Upon each engagement and each discharge—sixpence.

FOURTH SCHEDULE.

AN Agreement made in pursuance of the "Seamens' Laws Consolidation Act of 1863 4," between the master of the ship of the Port of and of the burden of tons and the several persons whose names are

10 subscribed hereto :—

IT is agreed by and on the part of the said persons and they severally hereby engage to serve on board the said ship in the several capacities expressed against their respective names on a voyage from the Port of to [*here the intended voyage is to be described as nearly as can be done and the places at which it is intended the ship*

15 *shall touch or if that cannot be done the nature of the voyage in which she is to be employed and also when practicable the probable duration of the voyage*] and the said crew further engage to conduct themselves in an orderly faithful honest careful and sober manner and to be at all times diligent in their respective duties and stations and to be obedient to the lawful commands of the master in everything relating to the said ship and the

20 materials stores and cargo thereof whether on board such ship or in boats or on shore [*here may be inserted any other clauses which the parties may think proper to be introduced into the agreement provided that the same be not contrary to or inconsistent with the provisions and spirit of this Act*] in consideration of which services to be duly honestly carefully and faithfully performed the said master doth hereby promise and agree to pay to

25 the said crew by way of compensation or wages the amount expressed against their respective names And it is hereby agreed that any embezzlement or wilful or negligent loss or destruction of any part of the ship's cargo or stores shall be made good to the owner out of the wages (so far as they will extend) of the seamen guilty of the same and if any seaman shall have entered himself as qualified for a duty to which he shall prove not to be com-

30 petent he shall be subject to a reduction of the rate of wages hereby agreed for in proportion to his incompetency In witness whereof the said parties have hereto subscribed their names on the days mentioned against their respective signatures.

No. and Date of Ship's Register.	The number and description of the crew specifying how many are engaged as seamen.	Place and Time of Entry.				The time at which each seaman is to be on board or to begin work.	Men's Names. Christian and Surnames set forth at full length.	Age.	Town or Country where born.	Capacity of Seaman.	Amount of Wages per Calendar Month Share or Voyage.	Amount of Wages advanced at the time of entry.			Amount of Monthly Allotment.			Quantity of Provisions per day.	Witness to Signature.	Name of Ship in which the Seaman last served.	Special stipulations, if any.
			Day.	Month.	Year.																

(*Signature of Master.*)

(*Shipping Master's name as witness.*)

FIFTH

FIFTH SCHEDULE.

Form of Allotment Note

I A.B. a seaman engaged to serve in the capacity of on board the ship C.D. master on a voyage [*here describe the intended voyage*] do hereby allot to E.F. [*describe who it is whether wife child or otherwise*] (Here state the precise sum—or the proportionate amount—of the wages to be earned by A.B. which he hereby authorizes to be paid over to E.F. and the periods at which such payments are to be made.)

Witness—A. B. Signature of Seaman.

~~Shipping Master.~~

I hereby issue and give this Allotment Note.

Witness—A. B. Signature of Owner Master or other authorized Agent.

SIXTH SCHEDULE.

Certificate of Discharge.

Name of Ship.	Official Number.	Port of Registry.

Registered Tonnage.	Description of Voyage or Employment.

Name of Seaman Place of Birth Date of Birth	Capacity.

Date of Entry.	Date of Discharge.	Place of Discharge.

I certify that the above particulars are correct and that the above Seaman was discharged accordingly.

Dated this day of 18 .

Witness— (Signed) Master of the Ship.
~~Shipping Master.~~

SEVENTH SCHEDULE.

Form of Mutual Release.

THE undersigned A. B. master of the ship and C. D. a seaman recently serving on board the same hereby declare that the agreement entered into between them from the day of 18 has been duly fulfilled on both sides and that all wages earned by the said C. D. have been fully paid or satisfied and that he has been and is fully discharged from his said service And the said parties hereto do hereby mutually acquit and release each other from all further claim under the said agreement or in any other respect arising out of the engagement thereby made.

In witness whereof we have hereto set our hands this day of 18 .

(Signed) Master.
Seaman.

Witness—

Shipping Master.

EIGHTH

EIGHTH SCHEDULE.

Report of Conduct Character and Qualifications.

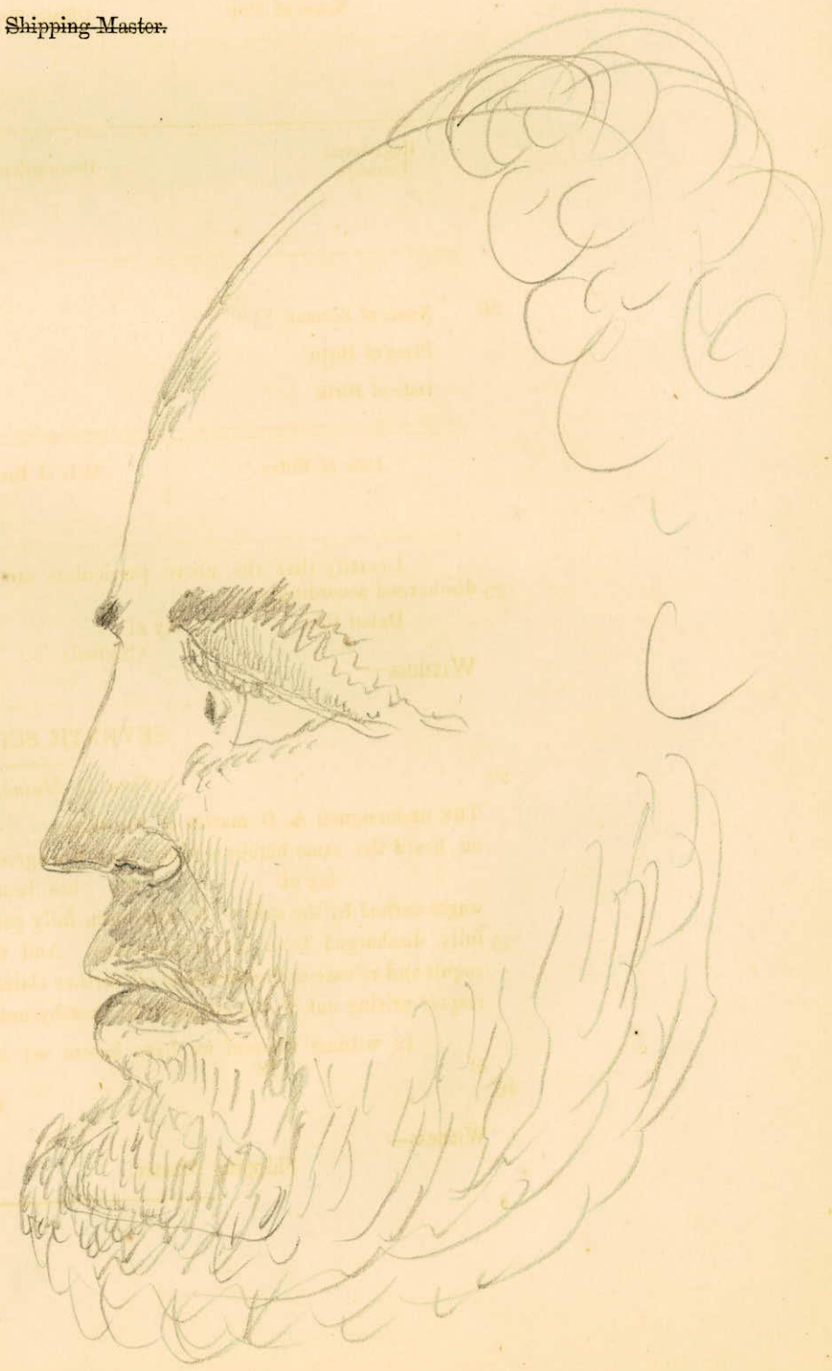
Name of ship.	Port of registry.	Name of seaman discharged.	Place of birth.	Capacity on board.	Description or nature of voyage.	Report of			If master declines to give opinion on any particulars here state on which.
						Conduct.	Character	Qualification	

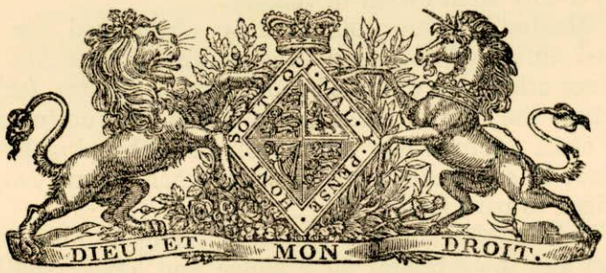
I hereby certify that the above is a true report of the conduct character and qualifications of the several seamen above named discharged by me before Shipping Master this day of 18 .

(Signed) Master.

Witness—

~~Shipping Master.~~





This Public Bill *originated in the* Legislative Assembly, *and, having this day passed, is now ready for presentation to the* Legislative Council *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 4 *December,* 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

New South Wales.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

* *

No. .

(As amended [on Re-committal] *in Committee of the Whole Council.)*

An Act to amend and consolidate the Laws relating to Merchant Seamen.

Preamble.

WHEREAS it is expedient to amend and consolidate the Laws relating to Seamen in the Merchant Service of the Colony Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act shall be styled and may be cited as the "Seamen's Laws Consolidation Act of 186~~3~~**4**" and shall commence and take effect six days after the Proclamation in the *Gazette* of the approval of Her Majesty in Council granted under the five hundred and forty-seventh section of the Imperial Act seventeenth and eighteenth Victoria chapter one hundred and four. **on the second day of May next.**

Interpretation.

2. The following terms in inverted commas shall for the purposes of this Act when not otherwise expressed and unless the context otherwise indicate bear the meanings set against them respectively:—

"Ship"—Every description of vessel used in navigation not ordinarily propelled by oars.

"Intercolonial Ship"—Every ship engaged in trading between any port in this Colony and any other such port or any other Australasian Colony ~~or~~ **including Tasmania and New Zealand.**

Note.—The words and figures to be *omitted* are *ruled through;* the words and figures to be *inserted* are printed in **black letter.**

Preliminary.

"Foreign-trade Ship"—Any ship trading to any part of the world not comprehended in the term Intercolonial.

"Owner"—Every person to whom ~~the vessel~~ **any ship or any part or share thereof or therein** shall belong ~~or any agent for any such owner~~.

"Master"—Every person **except pilots** having charge or command of any ~~vessel except pilots~~ **ship.**

"Seaman"—Every person employed or engaged in any capacity on board any ship except masters pilots and apprentices and except persons temporarily employed on board any ship in port.

"Apprentice"—Every person bound by indenture for the sea service to any such owner or master.

"Shipping Master"—Every officer duly authorized for any specified duties of Shipping Master under this Act **and where not otherwise provided the Shipping Master for the port where the ship in reference to which he is acting shall be and shall include any Deputy of such Shipping Master in respect of any duties or acts which such deputy may be authorized to perform.**

"Minister"—The Minister for the time being administering this Act **and the Minister for Finance and Trade shall be such Minister.**

"Justice"—Any Justice of the Peace.

"Desertion"—The absence of a seaman or apprentice from his ship without leave for a period ~~not less than~~ **of** forty-eight hours **without lawful cause or excuse or any unlawful departure or absence from his ship with the intention of not returning thereto.**

"Discharge"—The certificate of the discharge of a seaman from the last ship in which he served.

And the word "Agreement" shall besides its ordinary meaning include also the Ship's Articles whether written or printed or partly written and partly printed.

Repeal of former enactments.
First Schedule.

3. The Acts and parts of Acts specified in the first Schedule hereto are hereby repealed Provided that nothing done or in progress thereunder shall be affected by such repeal.

Division of Act into parts.

4. The remainder of this Act shall be divided into the following seven parts relating severally to—

Part I—Shipping Offices and Masters.
Part II—Apprenticeship to the Sea Service.
Part III—Engagement of Seamen.
Part IV—Wages and Discharges.
Part V—Protection.
Part VI—Discipline.
Part VII—Miscellaneous matters.

PART I.

PART I.

SHIPPING OFFICES AND MASTERS.

Appointment of Shipping Master &c.

5. The Governor with the advice of the Executive Council may establish Shipping Offices at Sydney and at any other ports and may appoint a Shipping Master to each such office who shall himself or by such deputies clerks and servants as may also be **so** appointed perform all duties required by this Act to be performed by a Shipping Master And each such Shipping Master shall before entering upon his duties give such security for the due performance thereof as may be required by the Minister and shall make and subscribe before a Justice a solemn Declaration in the form of the second Schedule hereto.

Second Schedule.

6.

PART I.

Duties of Shipping Masters.

6. The following shall be the general duties of Shipping Masters:—

To facilitate the making of apprenticeships to the sea service.

To facilitate the engagement and discharge of seamen and to keep a registry **thereof and** of their names and characters in all ~~such~~ cases ~~as are compulsorily or voluntarily brought before them~~ **of their engagement and discharge in this Colony.**

To perform such other duties relating to merchant ships and seamen as are expressly committed to them by and under the provisions of this Act.

Fees on engagements and discharges. Third Schedule.

7. The fees specified in the third Schedule hereto shall be payable to the Shipping Masters upon all engagements and discharges effected ~~before them~~ **under the provisions of this Act** And the Minister shall cause tables of such fees to be conspicuously placed in the Shipping Offices and the Shipping Masters may refuse to proceed with any engagements or discharges until the fees are paid And the owner or master engaging or discharging any seaman shall pay the whole of such fees and may for the purpose of reimbursing himself deduct in respect of each such engagement or discharge from the wages of all seamen so engaged or discharged and retain any sums not exceeding the sums specified in that behalf in the said third Schedule **And all such fees may be sued for and recovered with costs by the Shipping Master from the owner or master in the summary manner in which seamen are by this Act enabled to sue for and recover wages not exceeding fifty pounds** And all fees payable to the Shipping Master under this Act shall be accounted for and paid by him to the Colonial Treasurer and by the said Treasurer be carried over to the Consolidated Revenue Fund.

Penalty for taking other remuneration.

8. Any Shipping Master or any clerk or servant in any Shipping office who demands or receives any remuneration whatever directly or indirectly for hiring or supplying any seaman for any ~~merchant~~ ship or for the discharge of any seaman beyond the lawful fees shall for every such offence incur a penalty not exceeding twenty pounds ~~or~~ **and may** be dismissed by the Minister.

Shipping business may be done at Custom Houses.

9. By direction of the Minister at any place where there is no Shipping Office the whole or any part of the business of such office may be conducted at the Custom House And the Officer of Customs there conducting such business shall for all purposes be deemed a Shipping Master.

PART II.

PART II.

APPRENTICESHIP.

How indentures to be executed and attested.

10. All indentures of apprenticeship to the sea service shall be executed by the apprentice and the person to whom he is bound in the presence of and be attested by a Justice who shall before such execution satisfy himself that the intended apprentice has freely consented to be bound—has attained the age of twelve years—and is of sufficient health and strength—and if under twenty-one years old is not acting against the will of his parent or other lawful guardian—and that the master to whom he is bound is a proper person for the purpose **Provided that all such indentures whereby any person under the age of twenty-one years shall be bound without the concurrence of his parent or guardian shall in all cases where by law the consent of such parent or guardian is necessary to make the same binding upon him or her be voidable by such parent or guardian.**

And recorded.

11. All such indentures of apprenticeship shall be in duplicate and every person to whom any apprentice is so bound in the Colony shall within

PART II.

within seven days after the execution of the indentures take or transmit the same to ~~some~~ **the** Shipping Master who shall record **and keep and preserve** one copy in his office and indorse a memorandum of such recording on the other copy and redeliver it to the master of the apprentice And whenever any such indentures are assigned or cancelled or any such apprentice dies or deserts—his master shall—if such assignment cancellation death or desertion happen within the Colony within seven days thereafter or if elsewhere so soon afterwards as circumstances permit—notify the same to the ~~said or some other~~ Shipping Master to be also recorded And every such master of an apprentice failing to comply with this enactment shall incur a penalty not exceeding ten pounds.

Apprentices from charitable institutions.

12. All such apprenticeships made by the authorized officer of any public or charitable institution shall subject as nearly as may be to the foregoing provisions be made in the same manner and be subject to the same laws and regulations as other apprenticeships made by the same persons the form of the indentures being appropriately altered to meet each case.

Apprentices in ~~foreign trade~~ ships going out of the Colony.

13. The master of every ~~Foreign trade~~ ship **except ships of less than eighty tons registered tonnage exclusively engaged in trading or going to places within or on the coast of this Colony** shall before carrying any apprentice to sea, from any place in the Colony cause him to appear before and **shall** produce to the Shipping Master the indentures by which such apprentice is bound and ~~any and~~ every assignment thereof And the name of such apprentice with the date of such indentures and of ~~any and~~ every such assignment and the name of every port at which the same shall have been registered shall be entered on the ~~agreement for service~~ **ship's articles** And the master shall for every default in obeying any provision of this section incur a penalty not exceeding five pounds **Provided that in the case of Intercolonial ships it shall not be necessary to cause the apprentice to appear before the Shipping Master more frequently than once in twelve months.**

PART III.

PART III.

ENGAGEMENT OF SEAMEN.

Penalties—

14. The following offences relative to the engagement of seamen shall be punishable as hereinafter mentioned :—

For unlawfully supplying seamen or employing others to do so.

(1.) Whosoever **in this Colony** not being the owner or master or mate of the ship—or the *bonâ fide* servant and in the constant employ of the owner—or a Shipping Master—engages or supplies or employs any person other than persons so excepted to engage or supply any seaman or apprentice to be entered on board any ship ~~in the Colony~~ shall for each seaman or apprentice so engaged or supplied incur a penalty not exceeding twenty pounds.

or for receiving seamen unlawfully supplied

(2.) Whosoever knowingly receives or accepts to be entered on board any ship any seaman or apprentice engaged or supplied contrary to the next preceding enactment shall for every seaman or apprentice so engaged or supplied incur a penalty not exceeding twenty pounds.

or for receiving remuneration from seamen for shipping them.

(3.) Whosoever contrary to this Act demands or receives directly or indirectly from any seaman or apprentice or from any person seeking employment as such or from any person on his behalf any remuneration whatever for providing him with employment other than the fees hereby authorized shall for every such offence incur a penalty not exceeding five pounds.

15.

PART III.

Agreements to be made with seamen containing certain particulars.

Fourth Schedule.

15. ~~Every~~ **The** master of ~~any Intercolonial~~ **every** ship except ships of less than eighty tons registered tonnage **exclusively engaged in trading or going to places within or on the coast of this Colony** who shall engage any seaman ~~from any port~~ in ~~the~~ **this** Colony ~~as one of his crew~~ shall enter into an agreement with him in the form of the fourth Schedule hereto and dated at the time of the first signature thereof and signed by the master before any seaman signs the same Provided that every such agreement shall be so framed as to admit of stipulations being introduced therein at the joint will of the master and seaman in each case as to advance and allotment of wages or any other stipulations not contrary to law Provided also that every such agreement shall be filled up by the Shipping Master and shall be **prepared and signed in duplicate and shall in all cases be signed by the** master in ~~his~~ **the** presence **of and attested by him and one of such duplicates shall in all cases be left with or delivered or sent to the Shipping Master and by him kept and preserved in his office.**

Seamen to be engaged before the Shipping Master or on board the ship in which they are to serve.

16. ~~Every~~ **The** master of every ~~such~~ ship except as aforesaid when engaging seamen ~~at the port of Sydney~~ **in this Colony** shall engage them either before the Shipping Master ~~or at the Shipping Master's Office~~ or on board the ship in which they are to be employed Provided that the signature of each seaman shall be attested by the Shipping Master or by ~~the owner or master or other officer engaged on board the ship~~ **some other witness** and before being signed the agreement shall be read over and explained to such seaman Provided also that ~~as to such ships below eighty tons burden no master shall engage any seaman to serve therein without production of his discharge from the ship in which he last served or satisfactory proof of its existence and loss.~~ **no seaman shall be hired or engaged to serve in any ship of whatever tonnage the same may be unless he produces and delivers up to the Shipping Master or the owner or master engaging him his discharge or license to ship and in all cases where any such discharge or license to ship shall be delivered to any such owner or master the same shall be forthwith delivered or sent by such owner or master to the Shipping Master to be by him kept and preserved in his office.**

~~For foreign trade ships~~ **Further rules for agreements.** ~~to be made before Shipping Master.~~

17. In the case of all ~~Foreign trade~~ ships **except as aforesaid** the following **in addition to the rules prescribed in and by the last two preceding sections** shall be observed with respect to agreements:—

(1.) Every agreement made in the Colony shall be signed by each seaman in the presence of a Shipping Master.

(2.) The Shipping Master shall either cause the agreement to be read over and explained to each seaman or otherwise ascertain that he understands the same before he signs it and shall himself attest the fact.

(1.) **In all cases where the agreement is signed by any seaman in the presence of a Shipping Master the seaman's discharge or license to ship shall be produced and delivered to the Shipping Master to be by him kept and preserved in his office together with the duplicate of the agreement to be left with or delivered or sent to the Shipping Master as herein provided.**

(2.) **In all cases where the agreement is signed by any seaman otherwise than in the presence of a Shipping Master one of the duplicates thereof certified and attested as such duplicate by the owner or master or other officer engaged on board the ship shall together with the discharges or licenses to ship of each seaman so signing the same be forthwith delivered or sent to the Shipping Master to be by him kept and preserved in his office.**

(2.)

PART III.

To be in duplicate.

(3.) When the crew is ~~previously~~ **first** engaged the **duplicate of the** agreement ~~shall be signed in duplicate and one part shall be~~ retained by the ~~Shipping~~ Master ~~and the other part~~ shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship ~~and shall be delivered to the master.~~

Provision as to ships not belonging to the Colony.

(4.) Provided that if the master of any ship not registered in or belonging to this Colony has an agreement with his crew made in due form according to the law of the place to which such ship belongs or in which his crew were engaged and engages single seamen in this Colony such seamen may sign the agreement so made and it shall not be necessary for them to sign an agreement in the form of the fourth Schedule hereto or to have the same filled up by the Shipping Master or prepared and signed in duplicate but in all such cases the master shall observe and conform to all the other directions herein contained relative to the engagement of seamen and shall forthwith leave with or deliver or send to the Shipping Master a true copy attested as such by the master under his hand of the agreement signed by such seamen with the names of the seamen signing the same and of the witnesses attesting their signatures and such copy shall be kept and preserved by the Shipping Master in his office in like manner as the duplicates of agreements to be left with or delivered or sent to him are in other cases to be kept and preserved by him.

To regulate fees payable on running agreements.

18. For the purpose of determining the fees to be paid upon the engagement and discharge of seamen belonging to foreign trade and intercolonial ships which have running agreements the crew shall be considered to be engaged when the agreement is first signed and to be discharged when the agreement finally terminates and all intermediate engagements and discharges shall be considered to be engagements and discharges of single seamen.

Duplicates of running agreements how to be dealt with.

19. In cases in which such running agreements are made the duplicate agreement retained by the Shipping Master upon the first engagement of the crew shall be kept by the Shipping Master until the expiration of the agreement and thereafter dealt with according to any regulations in that behalf duly made as hereinafter enacted.

Special agreements for Intercolonial ships belonging to same owners.

20. In cases where several Intercolonial ships belong to the same owner the agreement with the seamen may notwithstanding anything herein contained be made by the owner instead of by the master and the seamen may be engaged to serve in any two or more of such ships Provided that the names of the ships ~~and of the master~~ and the nature of the service are specified in the agreement Provided also that with the foregoing exception all provisions herein contained which relate to ordinary agreements for Intercolonial ships shall be applicable to agreements made in pursuance of this section Provided further that no seaman having served in any ship which shall have entered any port of the Colony on completion of a voyage shall be compellable under any engagement or agreement to go on board any other ship until after the expiration of twenty-four hours from the completion of such voyage.

Fresh engagement in same vessel without further charge.

21. If at the expiration of his term of service any seaman shall be desirous with the consent of the master or owner to engage for further service in any ship belonging to the same owner such further engagement may be made by causing such seaman to sign a new agreement in the same manner as the primary engagement without any further charge.

PART III.

Penalty for shipping seamen without agreement duly executed.

~~22.~~ **21.** If in any case a master carries any seaman to sea without having entered into an agreement with him in the form and manner and at the place and time hereby in such case required the master in the case of a foreign-trade ship and the master or owner in the case of an Intercolonial ship shall for every such offence incur a penalty not exceeding five pounds.

Changes in crew to be reported.

~~23.~~ **22.** The master of every **Intercolonial or** Foreign-trade ship ~~of which the crew has been engaged before a Shipping Master~~ shall before leaving the Colony sign and send to ~~a~~ **the** Shipping Master a full and accurate statement of every change which takes place in his crew before finally so leaving the Colony And shall for every offence against this enactment incur a penalty not exceeding five pounds.

Alterations to be void unless attested to have been made with the consent of all parties.

~~24.~~ **23.** Every erasure interlineation or alteration in any agreement with seamen except additions for shipping substitutes or persons engaged subsequently to the first departure of the ship shall be wholly inoperative unless proved to have been made with the consent of all the persons interested in such erasure interlineation or alteration by the written attestation of **the witness attesting the signature or signatures of the person or persons so interested or** some ~~Shipping Master or~~ Justice or if madeout of the Colony of a British Consular Officer or if none such of two British merchants.

Penalty for falsifying agreement.

~~25.~~ **24.** Whosoever fraudulently alters assists in fraudulently altering or procures to be fraudulently altered or makes or assists in making or procures to be made any false entry in or delivers assists in delivering or procures to be delivered a false copy of any agreement shall for every such offence be deemed guilty of a misdemeanor.

Seamen not to be bound to produce agreement.

~~26.~~ **25.** Any seaman may upon any civil or criminal proceeding by or against him bring forward evidence to prove the contents of any agreement or otherwise to support his case without producing or giving notice to produce the agreement or any copy thereof.

Copy of agreement to be made accessible to crew.

~~27.~~ **26.** The master shall at the commencement of every voyage or engagement cause a legible copy of the agreement (omitting the signatures) to be placed or posted up in such part of the ship as to be accessible to the crew and shall for every neglect of this enactment incur a penalty not exceeding five pounds.

Seamen discharged before end of agreement to have compensation.

~~28.~~ **27.** Any seaman who after having signed an agreement is discharged before the termination of his agreement without fault on his part justifying such discharge and without his consent shall be entitled to receive from the master or owner in addition to any wages he may have earned due compensation not exceeding one months wages and may on adducing such evidence of his having been so improperly discharged as the Court deems satisfactory recover such compensation in the same manner as if it were wages duly earned.

PART IV.

PART IV.

WAGES AND DISCHARGES.

Regulations as to allotment notes.

~~29.~~ **28.** All stipulations made at the commencement of a voyage for the allotment of any part of the wages of a seaman during his absence shall be inserted in the agreement and shall state the amounts and times of the payments to be made And all Allotment notes shall be in the form of the fifth Schedule hereto.

Fifth Schedule.

Allotment notes may be sued on summarily by certain persons on certain conditions.

~~30.~~ **29.** The wife father or mother grandfather or grandmother or any child or grandchild brother or sister of any seaman in whose favor an allotment note of part of the wages of such seaman is made may unless the seaman is shewn in manner hereinafter mentioned to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid and subject as to the wife to the proviso hereinafter contained sue for and recover the sums allotted

by

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by the note when and as the same are made payable with costs from the owner or any agent who has authorized the drawing of the note either in the District Court or in the summary manner in which seamen are by this Act enabled to sue for and recover wages not exceeding fifty pounds And in any such proceeding it shall be sufficient for the claimant to prove that he is the person mentioned in the note and that the note was given by ~~the seaman or by~~ the owner or master or some authorized agent and the seaman shall be presumed to be duly earning his wages unless the contrary is shewn to the satisfaction of the Court **either by the official statement of the change in the crew caused by his absence signed and sent to the Shipping Master by the master as by this Act is required or by a duly certified copy of some entry in the log-book to the effect that he has left the ship or by a credible letter from the master of the ship to the same effect or by such other evidence of whatever description as the Court in its absolute discretion considers sufficient to shew satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid** Provided that the wife of any seaman who deserts her children or so misconducts herself as to be undeserving of support from her husband shall thereby forfeit all right to further payment of any allotment of his wages made in her favor.

No advance note or wages to be given or paid to seamen until after the ship's articles have been duly signed.

31. The owner part owner master or person in charge of any merchant ship or the ship's husband or agent shall not pay or advance nor give any note in writing or otherwise in the nature of and purporting to be an advance note for any part of the wages of any seaman engaged or provided to be entered on board such ship until after the agreement shall have been duly signed by such seaman and by the master or owner of such ship and then only to the seaman himself and if such wages or advance of wages be paid in money the payment thereof may be made to the seaman himself at any period most convenient after the signing of such agreement And all payments of wages contrary to this enactment shall be void and the amount thereof shall still be recoverable by the seaman as if they had not been advanced.

Master to deliver account of wages.

~~32.~~ **30.** Every master shall ~~not less than twenty-four hours~~ **at the time of or** before paying off or discharging any seaman deliver to him a full and true account of his wages and of all deductions to be made therefrom on any account whatever and in default shall for every offence incur a penalty not exceeding five pounds And no deduction from the wages of any seaman (except in respect of any matter happening after such delivery) shall be allowed unless it is included in the account so delivered and the master shall during the voyage enter the various matters in respect of which such deductions are made with the amounts of the respective deductions as they occur in a book to be kept for that purpose and shall if required produce such book at the time of the payment of wages and also upon the hearing before any competent authority of any complaint or question relating to such payments.

Certificates of discharge. Sixth Schedule.

33. In every case of a seaman discharged before the Shipping Master the master shall sign and give him a certificate of discharge in the form of the sixth Schedule hereto attested by such Shipping Master And any master who fails to sign and give to any such seaman such certificate of discharge shall for every such offence incur a penalty not exceeding ten pounds.

Mode of discharging seamen.

31. In every case of a seaman discharged in this Colony from any ship of whatever tonnage the same may be such seaman shall either be discharged before the Shipping Master in which case the master shall thereupon sign and give to the seaman in the presence of such Shipping Master a discharge in the form of the sixth Schedule hereto

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hereto attested by such Shipping Master or the master shall sign and forthwith deliver or send to the Shipping Master a discharge of such seaman in the form of the said sixth Schedule hereto attested by the mate of the ship or some other witness And the Shipping Master shall on receipt of such discharge take charge thereof and keep the same in his office until the seaman whose discharge is thereby certified shall apply for the same and upon such application by such seaman shall deliver the same to him and any master who fails to sign and give to the seaman or to sign and deliver or send to the Shipping Master such discharge in conformity with the provisions hereof shall for every such offence incur a penalty not exceeding ten pounds.

No discharge necessary on immediate re-engagements.

32. Provided that in case the crew of a ship or any of them shall immediately upon the expiration of their agreement enter into a new agreement to serve in the same ship then it shall not be necessary for the master to sign or give or send to the Shipping Master a discharge to any seaman so re-engaging or for any seaman so re-engaging to produce or deliver a discharge or license to ship but in all such cases the master shall forthwith leave with or deliver or send to the Shipping Master with the duplicate of the agreement to be left with or delivered or sent to him as herein directed a written statement signed by such master setting forth the fact of such re-engagement being so entered into immediately upon the expiration of their former agreement which written statement shall be kept and preserved by the Shipping Master in his office with such duplicate of the agreement.

Provision in case of loss of discharge.

33. In case any seaman of any ship of whatever tonnage the same may be shall have lost his discharge or from any other cause be unable to produce the same or if any other person shall be desirous of engaging as a seaman it shall be lawful for any Shipping Master on being satisfied of the fact of such loss inability or desire as the case may be to grant and deliver to such seaman or other person a license to ship which license shall be in writing and signed by the Shipping Master.

Shipping Master may decide questions which parties refer to him.

34. Every Shipping Master shall hear and decide any question whatever between a master or owner and any ~~of his crew~~ seaman which both parties agree in writing ~~in submitting~~ to submit to him and every award so made by him shall be binding on both parties and shall in any legal proceeding which may be taken in the matter before any Court be deemed to be conclusive as to the rights of the parties and any document purporting to be such submission or award shall be *primâ facie* evidence thereof.

Master and others to produce ship's papers to Shipping Master and give evidence.

35. In any proceeding relating to wages claims or discharge of any seamen so referred to any Shipping Master he may call upon the owner or his agent or upon the master or mate or any member of the crew to produce any log-book paper or other document in their respective possession or power relating to any matter in question in such proceeding and may call before him and examine on any such matter any of such persons being then at or near the place of inquiry And every owner agent master mate or other member of the crew who when called upon by the Shipping Master does not produce any such paper or document as aforesaid if in his possession or power or does not appear and give evidence shall unless he shews some reasonable cause for his default incur for every such offence a penalty not exceeding five pounds.

Settlement of wages.

36. The following rules shall be observed with respect to the settlement of wages :—

Release to be signed before and attested by Shipping Master

(1.) Upon the completion before a Shipping Master of any discharge and on full payment or satisfaction of wages the master or owner and each seaman shall respectively in the presence of the Shipping Master sign in the form

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of the seventh Schedule hereto a mutual release of all claims in respect of the past voyage or engagement and the Shipping Master shall also sign and attest it and shall retain it as herein directed And every such release so signed and attested shall operate as a complete fulfilment of the agreement on both sides and a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement

to be discharge

(2.) A copy of such release certified under the hand of such Shipping Master to be a true copy shall be given by him to any party thereto requiring the same And such copy shall be receivable in evidence upon any future question touching such claims as aforesaid and shall have all the effect of the original of which it purports to be a copy

and to be evidence.

(3.) In cases in which discharge and settlement **take place** before a Shipping Master ~~are hereby required~~ no payment receipt settlement or discharge otherwise made shall operate or be admitted as evidence of the release or satisfaction of any claim

No other receipt to be a discharge.

(4.) Upon any payment being made by a master before a Shipping Master the Shipping Master shall if required sign and give to such master a statement of the whole amount so paid And such statement shall as between the master and owner be received as evidence that he has made the payments therein mentioned.

Voucher to be given to master and to be evidence.

37. Upon every discharge effected ~~before a Shipping Master~~ **in this Colony from any Foreign-going ship** the master shall make and sign in the form of the eighth Schedule hereto **and forthwith deliver or send to the Shipping Master** a report of the conduct character and qualifications of the seamen discharged or may as to any of such seamen state in a column left for that purpose in the said form that he declines to give any opinion upon such particulars or upon any of them And the Shipping Master shall if desired so to do by any seaman indorse on his certificate of discharge the substance of so much of such report as concerns him And every person who makes assists in making or procures to be made any false certificate of discharge or report of the conduct character or qualifications of any seaman knowing the same to be false or who forges assists in forging or procures to be forged or fraudulently alters assists in fraudulently altering or procures to be fraudulently altered any such certificate or report or who fraudulently makes use of any certificate or report or of any copy of any certificate or report which is forged or altered or does not belong to him shall for every such offence be deemed guilty of a misdemeanor.

Master to make reports of character. Eighth Schedule.

Penalty for false discharge or report.

38. A seaman's right to wages and provisions shall be taken to commence at the time specified in the agreement for his commencement of work or presence on board whichever shall first happen.

Right to wages and provisions when to begin.

39. No seaman shall by any agreement forfeit his lien upon a ship or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled And every stipulation in any agreement inconsistent with any provision of this Act or by which any seaman consents to abandon his right to wages in the case of the loss of the ship or to abandon any right which he may have or obtain in the nature of salvage shall be wholly inoperative in that behalf Provided that nothing in this section shall apply to the case of any stipulation made by any seaman belonging to any ship which according to the terms of the agreement is to be employed on salvage service with respect to the remuneration to be paid to him for salvage service to be rendered by such ship to any other ship.

Seamen not to give up certain rights.

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Wages not to be dependent on the earning of freight.

40. No right to wages shall be dependent on the earning of freight and every seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he has served had earned freight shall subject to all other rules of law and conditions applicable to the case be entitled to claim and recover the same notwithstanding that freight has not been earned But in all cases of wreck or loss of ship proof that any seaman has not exerted himself to the utmost to save the ship cargo and stores shall bar his claim to wages.

Right to wages in case of termination of service by wreck or illness.

41. In cases where the service of any seaman terminates before the period contemplated in his agreement by reason of the wreck or loss of the ship or by reason of his being left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voyage such seaman shall be entitled to wages for the time of service only prior to such termination as aforesaid ~~Provided that~~

42. In every ~~Intercolonial ship trading beyond the Colony~~ **Foreign-going ship** there shall constantly be a chest of medicine selected by ~~an apothecary of known reputation~~ **a duly qualified medical practitioner** accompanied by directions for administering the same And such medicines shall be examined by the same or some other ~~apothecary~~ **such medical practitioner** once at least in every year in which the ship shall be in the Colony and shall be supplied with fresh medicines in place of such as shall have been used or spoiled And in default of having such medicine chest so provided and kept fit for use the master or owner of such ship shall supply and pay for such advice and medicine or attendance of ~~qualified~~ medical practitioners as any seaman or apprentice shall stand in need of in case of illness at every port or place at which such ship may trade or touch during her voyage without any deduction from the wages of such seaman or apprentice.

Lemon juice sugar and vinegar to be kept on board.

43. The master or owner of every Foreign-trade ship shall also provide and cause to be kept on board such ship a sufficient quantity of lime or lemon juice or of such articles as the Minister sanctions as substitutes for lime or lemon juice and also of sugar and vinegar And the master of every ship as last aforesaid shall serve out the lime or lemon juice or other such articles as aforesaid and sugar and vinegar to the crew whenever they have consumed salt provisions for ten days and so long afterwards as such consumption continues the lime or lemon juice or other articles and sugar daily at the rate of half an ounce each per day and the vinegar weekly at the rate of half a pint per week to each member of the crew And if in any such ship as aforesaid such medicines medical stores lime or lemon juice or other articles sugar and vinegar as are hereinbefore required are not provided and kept on board as hereinbefore required the master or owner shall incur a penalty not exceeding twenty pounds And if the master of any such ship as aforesaid neglects to serve out the lime or lemon juice or other articles sugar or vinegar in the case and manner hereinbefore directed he shall for each such offence incur a penalty not exceeding five pounds And if any master is convicted in either of the last mentioned penalties and it appears that the offence is owing to the act or default of the owner such master may recover the amount of such penalty and the costs incurred by him from the owner.

Masters to keep weights and measures on board.

44. Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out and shall allow the same to be used at the time of serving out such provisions and articles in the presence of a witness whenever any dispute arises about such quantities and in default shall for every offence incur a penalty not exceeding ten pounds.

Allowance for short or bad provisions.

~~42.~~ **45.** If during a voyage the allowance of any of the provisions which any seaman has by his agreement stipulated for is reduced

(except

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(except in accordance with any regulation for reduction by way of punishment contained in the agreement and also except for any time during which such seaman wilfully and without sufficient cause refuses or neglects to perform his duty or is lawfully under confinement for misconduct either on board or on shore) or if it is shewn that any of such provisions are or have been during the voyage bad in quality and unfit for use the seaman shall receive by way of compensation for such reduction or bad quality according to the time of its continuance the following sums in addition to and to be recoverable as wages :—

(1.) If his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement—a sum not exceeding four pence a day

(2.) If his allowance is reduced by more than one-third of such quantity—a sum not exceeding eight pence a day

(3.) In respect of such bad quality as aforesaid—a sum not exceeding one shilling a day

Provided that if it is shewn to the satisfaction of the Court before which the case is tried that any provisions the allowance of which has been reduced could not be procured or supplied in proper quantities and that proper and equivalent substitutes were supplied in lieu thereof the Court shall take such circumstances into consideration and shall modify or refuse compensation as the justice of the case may require.

Wages not to accrue during refusal to work or imprisonment.

~~43.~~ **46.** No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required whether before or after the time fixed by the agreement for his beginning work nor for any period during which he is lawfully imprisoned for any offence committed by him unless the Court hearing the case otherwise directs.

Period within which wages are to be paid.

~~44.~~ **47.** The master or owner of every ship **except ships of less than eighty tons registered tonnage exclusively engaged in trading or going to places within or on the coast of this Colony** shall pay to every seaman his wages within the respective periods following :—

In the case of an Intercolonial ship—within two days after the termination of the agreement or at the time when such seaman is discharged whichever first happens

In the case of all other ships—within three days after the cargo has been delivered or at the time of the seaman's discharge whichever first happens

Provided that this shall not apply to the cases of ships employed in the whale fishery or on other voyages for which seamen by the terms of their agreement are wholly compensated by shares in the profits of the adventure ~~Provided also that in all cases the seaman shall at the time of his discharge be entitled to be paid on account a sum equal to one fourth part of the balance due to him~~ And every master or owner who neglects or refuses to make payment in manner aforesaid without sufficient cause shall pay to the seaman a sum not exceeding the amount of two days pay for each of the days not exceeding ten days during which payment is delayed beyond the respective periods aforesaid and such sum shall be recoverable in the same manner as wages.

Seamen may sue for wages in a summary manner.

~~45.~~ **48.** Any seaman or apprentice or any person duly authorized on his behalf may sue for and recover in a summary manner before any two Justices acting in or near to the place at which the service has terminated or at which the seaman has been discharged or at which the person from whom his wages are due is or resides any amount of wages actually due to such seaman or apprentice not exceeding fifty pounds over and above the costs of such proceeding for the recovery thereof. And every order for payment made by such Justices shall contain a direction that such person shall pay the

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the amount thereby made payable within a time to be named in such order and that in default thereof such person shall be imprisoned for such term not exceeding three months unless the same be sooner paid And every such order of Justices shall be final.

Restrictions on suits for wages in superior Courts.

~~46.~~ **49.** No suit or proceeding for the recovery of wages under the sum of twenty pounds shall be instituted by or on the behalf of any seaman or apprentice in any Vice-Admiralty Court or any Court of Record in the Colony unless the owner of the ship is declared insolvent or unless the ship is under arrest or is sold by the authority of any such Court as aforesaid or unless any Justices as they are hereby authorized to do refer the case to be adjudged by such Court or unless neither the owner nor the master is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore.

Master to have same remedies for wages as seamen.

~~47.~~ **50.** Every master of a ship shall so far as the case permits have the same rights liens and remedies for the recovery of his wages which by this Act or by any law or custom any seaman not being a master has for the recovery of his wages And if any proceeding in any Court of Vice-Admiralty touching the claim of a master to wages any right of set-off or counter-claim is set up such Court may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding and may direct payment of any balance which is found to be due.

Master to take charge of or sell effects of deceased seaman which are on board and enter the same and wages due in log.

~~48.~~ **51.** Whenever any seaman or apprentice belonging to any ship ~~whether a Foreign trade ship or an Intercolonial ship~~ **(except ships of less than eighty tons registered tonnage exclusively employed in trading or going to places within or on the coast of this Colony)** employed on a voyage which is to terminate in ~~the~~ **this** Colony dies during such voyage the master shall take charge of all money clothes and effects which he leaves on board and shall if he thinks fit cause all or any of the said clothes or effects to be sold by auction at the mast or other public auction and shall thereupon sign an entry in the log-book containing the following particulars :—

(1.) A statement of the amount of money and a description of the effects so left by the deceased

(2.) In case of a sale—a description of each article sold and the sum received for each

(3.) A statement of the sum due to the deceased as wages and the total amount of the deductions (if any) to be made therefrom

And shall cause such entry to be attested by a mate and by one of the crew.

Such effects and wages to be paid to Shipping Master with full accounts.

~~49.~~ **52.** In the cases provided for in the next preceding section the following rules shall be observed :—

(1.) Within forty-eight hours after the arrival of the ship at the port of destination in the Colony the master shall deliver any such effects as aforesaid remaining unsold and pay any money which he has taken charge of or received from such sale as aforesaid and also the balance of wages due to the deceased to the Shipping Master at such port

(2.) If before coming to any port in the Colony the ship touches and remains for forty-eight hours at some foreign port or at some other port in Her Majesty's dominions the master shall report the same to the British Consular Officer or Officer of Customs there as the case may be and shall give to such officer any information he requires as to the destination of the ship and probable length of the voyage and such officer shall indorse on the agreement with the crew the substance of such report and information and the master shall within forty-eight hours after his arrival

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arrival at his port of destination in the Colony produce the same to ~~a~~ **the** Shipping Master ~~there~~

(3.) The master shall in all cases in which any seaman or apprentice dies during the progress of a voyage or engagement give to such officer or Shipping Master as aforesaid an account in such form as they respectively require of the effects money and wages so to be delivered and paid and no deductions claimed in such account shall be allowed unless verified ~~if there is a log-book~~ by such entry ~~therein~~ **in the log-book** as hereinbefore required and also by such other vouchers (if any) as may be reasonably required by the officer or Shipping Master to whom the account is rendered

(4.) Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the Colony the Shipping Master shall grant to the master a certificate to that effect and no Officer of Customs shall clear inwards any ~~Foreign trade~~ ship **comprised within this and the next preceding section** without the production of such certificate.

Penalties for not taking charge of remitting or accounting for such monies and effects.

~~50.~~ **53.** Any master who fails to take charge of the money or other effects of a seaman or apprentice dying during a voyage or to make such entries in respect thereof or to procure such attestation to such entries or to make such payment or delivery of any money wages or effects of any seaman or apprentice dying during a voyage or to give such account in respect thereof as hereinbefore respectively directed shall be accountable for the money wages and effects of the seaman or apprentice to a Shipping Master and shall pay or deliver the same accordingly And every master shall in addition for every such offence incur a penalty not exceeding treble the value of the money or effects not accounted for or if such value is not ascertained not exceeding fifty pounds And if any such money wages or effects are not duly paid delivered or accounted for by the master the owner of the ship shall pay deliver and account for the same and such money and wages and the value of such effects shall be recoverable from him accordingly And if in such case the owner fails to account for and pay or deliver the same he shall in addition to the liability for the said money and value incur the same penalty which is hereinbefore mentioned as incurred by the master for the like offence And all money wages and effects of any seaman or apprentice dying during a voyage shall be recoverable by like modes of proceeding as those by which seamen are hereby enabled to recover wages due to them.

Wages and effects of seamen dying in Colony.

~~51.~~ **54.** Whenever any seaman or apprentice dies in the Colony and is at the time of his death entitled to claim from the master or owner of any ship in which he has served any unpaid wages or effects such master or owner shall pay and deliver or account for the same to the Shipping Master at the port where the seaman or apprentice was discharged or was to have been discharged or as the Minister directs.

If less than £50—wages and property of deceased seamen may be paid over without probate or administration.

~~52.~~ **55.** If the money and effects of any deceased seaman or apprentice paid or delivered as aforesaid including the monies received for any part of the said effects which have been sold either before delivery or by direction of the Minister do not exceed in value the sum of fifty pounds then subject to the provisions hereinafter contained and to all lawful deductions for expenses incurred in respect of the seaman or apprentice or of his said money and effects the Minister may pay and deliver the said money and effects either to any claimant who can prove himself either to be his widow or child or to be entitled to the effects of the deceased under his will (if any) or under any Statute of Distribution or under any other statute or at common law or to be entitled

to

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to procure probate or take out letters of administration although no probate or letters of administration have been taken out and shall thereby be discharged from all further liability in respect of the money and effects so paid and delivered or may if he thinks fit require probate or letters of administration to be taken out and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased And all claimants to whom such money or effects are so paid or delivered shall apply the same in due course of administration And if such money and effects exceed in value the sum of fifty pounds then subject to the provisions hereinafter contained and to deduction for expenses the same shall be paid and delivered to the legal personal representatives of the deceased.

Mode of payment under wills made by seamen.

~~53.~~ **56.** In cases where the deceased seaman or apprentice has left a will the Minister shall have the following powers :—

(1.) He may in his discretion refuse to pay or deliver any such wages or effects as aforesaid to any person claiming to be entitled thereto under a will made on board ship unless such will is in writing and is signed or acknowledged by the testator in the presence of the master or first or only mate of the ship and is attested by such master or mate

(2.) He may in his discretion refuse to pay or deliver any such wages or effects as aforesaid to any person not related to the testator by blood or marriage who claims to to be entitled thereto under a will made elsewhere than on board ship unless such will is in writing and is signed or acknowledged by the testator in the presence of and attested by two witnesses one of whom is a Shipping Master or some Clergyman of the place in which the same is made or in a place where there are no such persons some Justice or some British Consular Officer or Officer of Customs.

(3.) Whenever any claim made under a will is rejected by the Minister on account of the said will not being made and attested as hereinbefore required the wages and effects of the deceased shall be dealt with as if no will had been made.

Provision for payment of just claims by creditors and for preventing fraudulent claims.

~~54.~~ **57.** The following rules shall be observed with respect to creditors of deceased seamen and apprentices :—

(1.) No such creditor shall be entitled to claim **from the Minister** the wages or effects of any such seaman or apprentice or any part thereof by virtue of letters of administration taken out by him

(2.) No such creditor shall be entitled by any means whatever to payment of his debt out of such wages and effects if the debt accrued more than three years before the death of the deceased or if the demand is not made within two years after such death

(3.) Subject as aforesaid the steps to be taken for procuring payment of such debt shall be as follows :—Every person making a demand as creditor shall deliver to the Minister an account in writing in such form as he requires subscribed with the claimant's name stating the particulars of his demand and the place of his abode and verified by his declaration made before a Justice

(4.) If before such demand is made any claim to the wages and effects of the deceased made by any person interested therein as his widow or child or under a will or under any Statute for the Distribution of the Effects of Intestates or under

under any other statute or at common law has been allowed the Minister shall cause notice to be given to the creditor of the allowance of such person's claim and the creditor shall thereupon have the same rights and remedies against such person as if he had received the said wages and effects as the legal personal representative of the deceased

(5.) If no claim by any such person has been allowed the Minister shall proceed to investigate the creditor's account and may for that purpose require him to prove the same and to produce all books accounts vouchers and papers relating thereto And if by such means the creditor duly satisfies the Minister of the justice of his demand either in the whole or in part the same shall be allowed and paid accordingly so far as the assets extend for that purpose and such payment shall discharge the Minister from all further liability in respect of the money so paid But in default of such satisfaction or if such books accounts vouchers or papers as aforesaid are not produced and no sufficient reason is assigned for not producing them the demand shall be disallowed

(6.) In any case whatever the investigation of any demand made by a creditor for the payment of his debt may be delayed for one year from the time of the first delivery of the demand And if in the course of that time a claim to the wages and effects of the deceased is made and substantiated as hereinbefore required by any person interested therein as a widow or child or under a will or under any Statute for the Distribution of the Effects of Intestates or under any other statute or at common law the same may be paid and delivered to such person And thereupon the creditor shall have the same rights and remedies against such person as if he had received the same as the legal personal representative of the deceased.

Mode of dealing with unclaimed wages of deceased seamen.

~~55.~~ **58.** In cases of wages or effects of deceased seamen or apprentices to which no claim is substantiated within six years after the receipt thereof it shall be in the absolute discretion of the Minister if any subsequent claim is made either to allow or to refuse the same But subject to the proviso next hereinafter contained all monies arising from the unclaimed wages and effects of deceased seamen shall be paid over to the Colonial Treasurer and such monies shall be carried to and form part of the Consolidated Fund of the Colony Provided that upon a certificate from the Minister of his allowance of any claim the said Treasurer may upon a warrant under the hand of the Governor pay and satisfy the amount thereof out of the said fund.

Punishment for forgery and false representations in order to obtain wages and property of deceased seamen.

~~56.~~ **59.** Every person who for the purpose of obtaining either for himself or for another any money or effects of any deceased seamen or apprentice forges assists in forging or procures to be forged or fraudulently alters assists in fraudulently altering or procures to be fraudulently altered any document purporting to shew or assist in shewing a right to such wages or effects and every person who for the purpose aforesaid makes use of any such forged or altered document as aforesaid or who for the purpose aforesaid gives or makes or procures to be given or made or assists in giving or making or procuring to be given or made any false evidence or representation knowing the same to be false shall be deemed guilty of felony and be liable to penal servitude for a term not exceeding four years or to imprisonment with or without hard labor for any period not exceeding two years.

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Recovery of wages &c. of seamen lost with their ship.

~~57.~~ **60.** The wages of seamen or apprentices who are lost with the ship to which they belong shall be dealt with as follows:—

(1.) The Minister may recover the same from the owner of the ship in the same manner in which seamen's wages are recoverable

(2.) In any proceedings for the recovery of such wages if it is shewn by some official return or by other evidence that the ship has twelve months or upwards before the institution of the proceeding left a port of departure and if it is not shewn that she has been heard of within twelve months after such departure she shall be deemed to have been lost with all hands on board either immediately after the time she was last heard of or at such later time as the Court hearing the case may think probable

(3.) The production of any duplicate agreement or list of the crew made out at the time of the last departure of the ship from the Colony or of a certificate puporting to be a certificate from a Consular or other public Officer at any port abroad stating that certain seamen or apprentices were shipped in the ship from the said port shall in the absence of proof to the contrary be sufficient proof that the seamen or apprentices therein named were on board at the time of the loss and thereupon such wages shall be dealt with in the manner in which the wages of other deceased seamen and apprentices are to be dealt with under this Act.

Wages to be paid when seamen are left behind on ground of inability.

~~58.~~ **61.** Every master of a ship who leaves any seaman or apprentice on shore at any place abroad in or out of Her Majesty's dominions under a certificate indorsed on the agreement as hereinafter provided of his unfitness or inability to proceed on the voyage shall deliver to one of the functionaries who may sign such certificate or (in the absence of such functionaries) to the merchants by whom such certificate is signed or if there be but one merchant resident at such place to him a full and true account of the wages due to such seaman or apprentice such account when delivered to a Consular Officer to be in duplicate and shall pay the same when practicable in money and otherwise by a bill drawn upon the owner And in case of every bill so drawn such functionary or merchant as aforesaid shall by indorsement certify thereon that the same is drawn for money due on account of a seaman's wages and shall also indorse the amount for which such bill is drawn with such further particulars in respect of the case as the Minister requires And every such master as aforesaid who refuses or neglects to deliver a full account of such wages and pay the amount thereof in money or bill as hereinbefore required shall for every such offence or default in addition to the payment of the wages incur a penalty not exceeding ten pounds And every such master who delivers a false account of such wages shall for every such offence in addition to the payment of the wages incur a penalty not exceeding twenty pounds ~~And in cases where payment is~~ made by a bill drawn by the master the owner of the ship shall be liable to pay the amount for which the same is drawn to the holder or indorsee thereof and it shall not be necessary in any proceeding against the owner upon such bill to prove that the master had authority to draw the same and any bill purporting to be drawn in pursuance of this section and indorsed as herein required shall be received in evidence and any indorsement or any such bill purporting to be made in pursuance of this section and to be signed by one of the functionaries herein referred to shall also be received in evidence and be deemed *primâ facie* evidence of the facts stated in such indorsement.

PART V.

PROTECTION.

Leaving seamen behind a misdemeanor.

62. If the master or any other person wilfully and wrongfully leaves behind in any place on shore or at sea in or out of Her Majesty's dominions any seaman or apprentice belonging to any ship before the completion of the voyage for which he was engaged or the return of the ship to the Colony he shall for every such offence be deemed guilty of a misdemeanor.

63. If the master of any ship does any of the following things:—

(1.) Discharges any seaman or apprentice in any place out of the Colony without the sanction in writing indorsed on the agreement of some Officer of Customs or if out of Her Majesty's dominions of the British Consular Officer or of two resident merchants there

(2.) Or leaves behind any seaman or apprentice at any place out of the Colony without a certificate in writing so indorsed from such functionary officer or person as the case may be stating the fact and its cause whether unfitness or inability desertion disappearance or other cause

He shall for every such offence or default be deemed guilty of a misdemeanor.

Proof of such certificate to be upon master.

64. Upon the trial of any information or other proceeding for so discharging or leaving behind any seaman or apprentice it shall lie upon the accused to produce the sanction or certificate hereby required or to prove that he had obtained the same before such discharge or leaving behind or that it was impracticable for him to do so.

Sale of and charge upon salvage on wages invalid.

65. No assignment or sale of any salvage or wages made by any seaman or apprentice prior to the accrual thereof shall bind the person making the same and no power of attorney or authority for the receipt of any such salvage or wages shall be irrevocable and every payment in respect thereof to the seaman or apprentice himself shall be valid as against any previous sale or assignment or any attachment incumbrance or arrestment thereon.

Expenses of medical attendance.

66. The following rules shall be observed with respect to expenses attendant on illness and death:—

(1.) The expense of providing necessary surgical and medical advice attendance and medicine for any seaman or apprentice injured in the ship's service **unless such injury is caused by his drunkenness or other misconduct** and of his subsistence until he is cured or dies or is brought back to the Colony and the expense (if any) of his burial shall be defrayed by the owner without any deduction from his wages.

(2.) The expense of the temporary removal of a sick seaman or apprentice from his ship to prevent infection or otherwise for the ship's convenience and all medical expenses and subsistence as under No. (1) shall be defrayed in like manner.

(3.) All medical expenses as aforesaid to any seaman or apprentice while on board shall be defrayed in like manner.

(4.) In all other cases reasonable expenses incurred by the owner for any seaman in respect of illness or the burial of any seaman or apprentice dying on service shall if duly proved be deducted from wages.

PART V.

Penalties for overcharge by lodging-house keepers.

67. Any person demanding or receiving from any seaman or apprentice payment for his board or lodging in the house of such person for a longer period than such seaman or apprentice has actually resided a boarder therein shall incur for every such offence a penalty not exceeding ten pounds.

Penalty for detaining seamen's effects.

68. Any person receiving or taking possession of or under his control any monies documents or effects of any seaman or apprentice and not returning the same or paying the value thereof when required by him subject to any deduction lawfully due in respect of board lodging or otherwise or absconding therewith shall incur a penalty not exceeding ten pounds to be forthwith paid to such seaman or apprentice in addition to the value of the monies documents or effects aforesaid subject to deduction as aforesaid.

Penalty for going on board before actual arrival.

69. Every person not in Her Majesty's service or otherwise authorized by law going on board any ship about to arrive before her actual arrival at the place of her discharge without permission of the master shall for every such offence incur a penalty not exceeding twenty pounds and may forthwith be apprehended by the master and given in custody to be dealt with according to law.

Penalty for solicitation by lodging-house keeper.

70. Whosoever within twenty-four hours after the arrival of any ship at any port in the Colony solicits any seaman to become a lodger at his lodging-house or takes out of the ship any effects of any seaman except under his direction and by permission of the master shall for every such offence incur a penalty not exceeding five pounds.

Masters to deliver lists of their crews on departure and return.

71. The master of every ship bound to any part of the world beyond the limits of this Colony shall on his departure from the port of clearance deliver a list of his crew as provided by the sixth section of the Act of the then Legislature of this Colony fourth Victoria number seventeen and the master or owner of every such ship shall on his return to this Colony within twenty-four hours after her arrival at her final port of destination in this Colony deliver or send to the Shipping Master in addition to the list provided by the sixth section of the said Act fourth Victoria number seventeen an account or list signed by such master of all seamen and others including apprentices who shall have belonged to such ship at any time during her absence from this Colony which account or list shall be in the form of and shall contain a full true and correct return under their respective heads of the several particulars expressed in the ninth Schedule hereto and no such ship shall be entitled to enter inwards at the Custom House until the master or owner thereof shall produce a certificate from the proper officer that such respective lists have been delivered and every master or owner who shall neglect or refuse to deliver such lists as aforesaid or either of them shall forfeit and pay a penalty not exceeding fifty pounds.

Masters or owners of coasters to deliver lists containing certain particulars half-yearly.

72. Within twenty-one days after the thirtieth day of June and the thirty-first day of December in each year the master or owner of every ship engaged in trading or going from one part to another of the coast of this Colony not being of less burden than ten tons shall deliver or send to the Shipping Master an account signed by such master or owner of any voyage or voyages in which such ship shall have been engaged during the preceding half-year ending on the respective days above mentioned and setting forth the names of the several persons including the master and apprentices who shall have belonged to the ship at any such periods respectively which account shall be in the form of and shall contain a true and correct return under their respective heads of the several particulars expressed in the tenth Schedule hereto and any master or owner who shall refuse or neglect to deliver such accounts as aforesaid shall forfeit and pay for every such offence a penalty of not more than ten pounds.

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DISCIPLINE.

~~71.~~ **73.** Any master seaman or apprentice who by breach or neglect of duty or drunkenness does anything tending to the loss destruction or damage of the ship or to endanger life or limb or refuses or omits to do any act required to be done by him for preserving such ship from loss destruction or damage or preserving any person from danger to life or limb shall for every such offence be deemed guilty of a misdemeanor. Misconduct endangering ship or life or limb a misdemeanor.

~~72.~~ **74.** Any seaman or apprentice committing any of the following offences shall be liable to be punished summarily as follows :— Offences of seamen and apprentices and their punishments

(1.) For desertion—to be imprisoned for any period not exceeding three months with or without hard labour—~~or~~ **and** to forfeit all or any part of his wages or emoluments then earned. Desertion.

(2.) For neglecting or refusing without reasonable cause to join his ship or to proceed to sea therein or for absence without leave at any time within twenty-four hours of the ship's sailing from any port or for absence at any time from his ship or duty without leave not amounting to desertion or not treated as such by the master—to be imprisoned for any period not exceeding two months with or without hard labor—~~or~~ **and also at the discretion of the Court** to forfeit out of his wages ten days pay And for every twenty-four hours of such absence not exceeding ten days pay. Neglect or refusal to join &c.

(3.) For quitting the ship without leave after her arrival and before she is placed in security—to forfeit out of his wages not exceeding one month's pay. Quitting before ship is secured.

(4.) For wilful disobedience to any lawful command or for insubordination—to be imprisoned for any period not exceeding one month with or without hard labor—~~or~~ **and also at the discretion of the Court** to forfeit out of his wages not exceeding ten days pay. Disobedience.

(5.) For continued wilful disobedience to lawful commands or continued wilful neglect of duty—to be imprisoned for any period not exceeding three months with or without hard labor—~~or~~ **and also at the discretion of the Court** to forfeit the whole or any part of his wages. Continued disobedience.

(6.) For assaulting any master or mate—to be imprisoned for any period not exceeding three months with or without hard labor. Assault on officers.

(7.) For combining with any other of the crew to disobey lawful commands or to neglect duty or to impede the navigation of the ship or the progress of the voyage—to be imprisoned for any period not exceeding six months with or without hard labor. Combining to disobey.

(8.) For wilfully damaging the ship or embezzling or wilfully damaging any of her stores or cargo—to forfeit out of his wages a sum equal to the loss sustained and at the direction of the Court to be imprisoned for any period not exceeding three months with or without hard labor. Wilful damage or embezzlement.

(9.) For any act of smuggling for which he is convicted whereby loss or damage is occasioned to the master or owner—to pay such master or owner a sum sufficient to reimburse such loss or damage and to have the whole or a proportionate part of his wages retained to meet such liability without prejudice to any further remedy. Smuggling to the loss of owner.

~~73.~~ **75.**

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Entry in the log of offence and offender's defence if any.

~~73.~~ **75.** Upon the commission of any offence aforesaid an entry thereof shall be made in the log-book and shall be signed by the master and also by the mate or one of the crew and the offender if still in the ship shall be furnished with a copy of such entry or have the same read over to him and may thereupon make such a reply thereto as he thinks fit which shall also be entered and signed in like manner And in any subsequent legal proceeding such entries shall be produced or proved or in default thereof the Court may at its discretion refuse to receive evidence of the offence.

Master or owner may apprehend deserters without warrant.

76. Whenever either at the commencement or during the progress of any voyage any seaman or apprentice neglects or refuses to join or deserts from or refuses to proceed to sea in any ship in which he is duly engaged to serve or is found otherwise absenting himself therefrom without leave the master or any mate or the owner ship's husband or consignee may with or without the assistance of any police officers or constables who are hereby directed to give the same if required apprehend him without first procuring a warrant and may thereupon in any case and shall in case he so requires and it is practicable convey him before some Court capable of taking cognizance of the matter to be dealt with according to law and may for the purpose of conveying him before such Court detain him in custody for a period not exceeding twenty-four hours or such shorter time as may be necessary or may if he does not so require or if there is no such Court at or near the place at once convey him on board And if any such apprehension appears to the Court before which the case is brought to have been made on improper or on insufficient grounds the master mate owner ship's husband or consignee who makes the same or causes the same to be made shall incur a penalty not exceeding twenty pounds but such penalty if inflicted shall be a bar to any action for false imprisonment in respect of such apprehension.

Seamen imprisoned for desertion or breach of discipline may be sent on board before termination of sentence.

77. If any seaman or apprentice is imprisoned on the ground of his having neglected or refused to join or to proceed to sea in any ship in which he is engaged to serve or of having deserted or otherwise absented himself therefrom without leave or of his having committed any other breach of discipline and if during such imprisonment and before his engagement is at an end his services are required on board his ship any Justice may at the request of the master or of the owner or his agent cause such seaman or apprentice to be conveyed on board his said ship for the purpose of proceeding on the voyage or to be delivered to the master or any mate of the ship or to the owner or his agent to be by them so conveyed notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

Deserters may be sent on board in lieu of being imprisoned.

~~74.~~ **78.** Whenever any seaman or apprentice is brought before any Court on the ground of his having neglected or refused to join or to proceed to sea in any ship in which he is engaged to serve or of having deserted or otherwise absented himself therefrom without leave such Court may upon proof of the offence instead of committing the offender to prison if the master or the owner or his agent so requires ~~and if such seaman consent thereto~~ cause him to be conveyed on board for the purpose of proceeding on the voyage or deliver him to the master or any mate of the ship or the owner or his agent to be by them so conveyed and may also in any such case order any costs or expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender and if necessary to be deducted from any wages which he has then earned or which by virtue of his then existing engagement he may afterwards earn.

Facilities for proving desertion as far as concerns forfeiture of wages.

~~75.~~ **79.** Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion it shall be sufficient for the parties insisting on the forfeiture to shew that such seaman or

apprentice

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apprentice was duly engaged in or that he belonged to the ship from which he is alleged to have deserted and that he quitted such ship without leave before the completion of the voyage or engagement or if such voyage was to be completed in the Colony and the ship has not returned that he is absent from her and that an entry of the desertion has been duly made in the log-book And thereupon the desertion shall so far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained be deemed to be proved unless the seaman or apprentice can produce a proper certificate of discharge or can otherwise shew to the satisfaction of the Court that he had sufficient reasons for leaving the ship.

Costs of procuring imprisonment may be deducted from wages.

~~59.~~ **80.** Whenever in any proceeding relating to wages it is shewn that any seaman or apprentice entitled thereto has in the course of the voyage been lawfully convicted of any offence and rightfully punished therefor the Court may direct a part of such wages not exceeding two pounds to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

Amount of forfeiture how ascertained when seamen contract for voyage.

~~60.~~ **81.** Whenever any seaman contracts for wages by the voyage or by the run or by the share and not by the month or other stated period of time the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share as a month or other period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage and if the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited the forfeiture shall extend to the whole wages or share.

Questions of forfeiture may be decided in suits for wages.

~~61.~~ **82.** Any question concerning the forfeiture of or deduction from the wages of any seaman or apprentice may be determined in any proceeding lawfully instituted respecting such wages notwithstanding that the offence as to which such question arises has not been made the subject of any criminal proceeding.

Penalty for false statement as to last ship or name.

~~76.~~ **83.** If any seaman on or before being engaged **to serve in any ship of whatever tonnage** wilfully makes a false statement of the name of his last ship or of his own name he shall incur a penalty not exceeding five pounds And such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid and shall be paid and applied in the same manner as other penalties payable under this Act.

Penalty for enticing to desert and harboring deserters.

~~77.~~ **84.** Every person who by any means whatever persuades or attempts to persuade any seaman or apprentice to neglect or refuse to join or to proceed to sea in or to desert from his ship or otherwise to absent himself from his duty shall for every such offence in respect of each such seaman or apprentice incur a penalty not exceeding ten pounds And every person who wilfully harbors or secretes any seaman or apprentice who has deserted from his ship or wilfully neglected or refused to join knowing or having reason to believe such seaman or apprentice to have so done shall for every such seaman or apprentice so harbored or secreted incur a penalty not exceeding twenty pounds.

Desertion after departure of ship may be prosecuted by Shipping Master.

~~78.~~ **85.** When any seaman who shall have deserted from any ship **or have neglected or refused without reasonable cause to join his ship or to proceed to sea therein or who shall have been absent therefrom without leave at any time within twenty-four hours of the ship's sailing from any port or shall have been absent at any time from his ship or duty without leave such absence not amounting to desertion or not treated as such by the master** shall not be apprehended until after the departure of such ship from the Colony or so shortly before such departure that he cannot conveniently be brought to trial before the same or that the Master cannot reasonably be expected to attend for

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for the purpose of prosecuting him and of producing original documentary evidence against him the Shipping Master shall prosecute such deserter and upon the hearing of the charge verified copies of the ships' articles and of the entry in the log book in which respectively such offender's name shall appear shall be admitted as evidence against him.

Penalty on seamen secreting themselves on board other ship.

~~79.~~ **86.** Any seaman who having deserted from his ship shall secrete himself on board any other ship **or otherwise** with intent to evade apprehension or escape from his existing engagement as a seaman shall incur a penalty not exceeding five pounds or be liable to imprisonment for any period not exceeding three weeks with or without hard labor.

Master may give drunken or disorderly seaman &c. into custody.

~~80.~~ **87.** The master of any ship in harbour may give in charge to a water policeman or other constable any seaman or other person who shall be drunk riotous or disorderly on board such ship and such policeman or constable shall receive such offender and convey him to some watch-house until he can be conveyed before the Water Police Magistrate or some other Justice at the next usual hour of business And such seaman or other person shall for every such offence incur a penalty not exceeding forty shillings or in default of immediate payment shall be imprisoned for any time not exceeding two days.

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MISCELLANEOUS MATTERS.

Regulations for carrying Act into full effect.

~~81.~~ **88.** The Governor with the advice aforesaid may make such regulations not inconsistent with any provisions of this Act as shall appear necessary to provide for all such matters of detail as are not expressly determined by enactment and generally for the purpose of carrying this Act into full effect And such regulations upon being published in the *Gazette* shall have the force of law And copies thereof shall be laid before both Houses of Parliament forthwith if then sitting or if not then within fourteen days of the opening of the next session.

Printed forms to be supplied by Shipping Master.

~~82.~~ **89.** Printed forms of agreements certificates of discharge mutual releases and of all other documents required to be used under this Act shall be supplied at the Shipping Office to all persons who shall apply for the same at such reasonable prices for the purpose of covering the cost thereof as the Shipping Master may with the approval of the Minister determine.

Penalties for offences not specified.

~~83.~~ **90.** Whosoever shall commit any offence against this Act for which no penalty is herein expressly enacted shall incur a penalty not exceeding five pounds.

Recovery and application of penalties.

~~84.~~ **91.** All penalties and forfeitures incurred under this Act may be recovered before the Water Police Magistrate or any other stipendiary Magistrate or before any two Justices and if not hereby specifically appropriated shall be paid to the Colonial Treasurer to be by him carried over to the Consolidated Revenue Fund.

Document proved without calling attesting witness.

92. Any document required by this Act to be executed in the presence of or to be attested by any witness or witnesses may be proved by the evidence of any person who is able to bear witness to the requisite facts without calling the attesting witness or witnesses or any of them.

Sums ordered to be paid leviable by distress on ships.

~~85.~~ **93.** In all cases in which any Court or Tribunal has power under this Act to direct payment of any wages penalty or other sum of money and the party directed to pay the same being master or owner of a ship does not pay the same at the time and in the manner prescribed by the order the Court or Tribunal lawfully making the order may in addition to any other of its powers in that behalf for the purpose of compelling such payment direct the amount or the portion thereof

thereof remaining unpaid to be levied by distress and sale of the ship her tackle furniture and apparel or a sufficient part thereof and such sale shall be made accordingly.

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94. This Act shall extend and apply as follows (that is to say) :—

To what ships this Act extends.

(1.) As to ships registered in or belonging to this Colony (except pleasure yachts)—the whole Act.

(2.) As to pleasure yachts registered in or belonging to this Colony—so much of section sixteen as directs that no seaman shall be hired or engaged to serve in any ship of whatever tonnage the same may be unless he produces and delivers up to the Shipping Master or the owner or master engaging him his discharge or license to ship and that in all cases where any such discharge or license to ship shall be delivered to any such owner or master the same shall be forthwith delivered or sent by such owner or master to the Shipping Master to be by him kept and preserved in his office—The whole of section thirty-one and so much of section thirty-two as dispenses with the production or giving of discharges or licenses to ship by or to seamen who immediately re-engage to serve in the same ship and as requires the master in such cases to send to the Shipping Master a written statement signed by him setting forth the fact of such re-engagements being so entered into.

(3.) As to ships registered in or belonging to the United Kingdom or any of Her Majesty's dominions other than this Colony whilst such ships shall be within this Colony—The whole Act except so far as other provisions are made in respect thereof by the Imperial Act seventeenth and eighteenth Victoria chapter one hundred and four or any other Act of the Imperial Parliament relating thereto.

(4.) As to ships registered in or belonging to any Foreign State or Country whilst such ships shall be within this Colony—The whole of sections one to twelve both inclusive—The whole of sections fourteen to nineteen both inclusive—The whole of sections twenty-one twenty-two twenty-four thirty-one thirty-three fifty-nine sixty-seven sixty-eight sixty-nine seventy eighty-three and eighty-four and the whole of section eighty-six and the following sections to and inclusive of this section except so far as other provisions are made in respect thereof by the Act of the then Legislature of this Colony sixteenth Victoria number five.

95. Nothing herein contained shall extend or apply to any of Her Majesty's or the ships-of-war of any Foreign State or Power.

Not to extend to ships of war.

FIRST

FIRST SCHEDULE.

Acts and parts of Acts repealed.

Fourth William IV. Number Seven	**The whole of** Section forty-four ~~only.~~
Eleventh Victoria Number Twenty-three... ...	The whole.
Thirteenth Victoria Number Twenty-eight ...	The whole.
Seventeenth Victoria Number Thirty-six... ...	~~The whole except so much as relates to the Water Police~~ **The whole of sections three to fourteen both inclusive the whole of sections seventeen to twenty-five both inclusive the whole of section twenty-seven so much of section twenty-nine as applies or extends to or affects ships or vessels in port which are moored to any wharf and the whole of sections thirty-one to forty-four both inclusive.**
Nineteenth Victoria Number Eight	The whole.
Twenty-third Victoria Number Eleven	The whole.

SECOND SCHEDULE.

Declaration to be made by Shipping Master.

I do solemnly and sincerely declare that I will faithfully and truly perform the office and duty of Shipping Master according to the true intent and meaning of the Seamen's Laws Consolidation Act of 1863 **4** and that I will not either directly or indirectly personally or by means of any other person or persons on my behalf receive any fee reward or gratuity whatsoever by reason of any duty of my office as Shipping Master except such as are authorized by the said Act and that I will act without partiality favor or affection and to the best of my knowledge and ability.

THIRD SCHEDULE.

FEES to be charged for ~~matters transacted at Shipping Offices~~ **engagements and discharges of Crews and Seamen howsoever made the same to be paid to the Shipping Master at the Port where the engagements or discharges takes place.**

1. *Engagement of Crews.*

	£	s.	d.
In ships under 30 tons	0	2	0
30 to 60 „	0	4	0
60 to 100 „	0	7	0
100 to 200 „	0	15	0
200 to 300 „	1	0	0
300 to 400 „	1	5	0
400 to 500 „	1	10	0
500 to 600 „	1	15	0
600 to 700 „	2	0	0
700 to 800 „	2	5	0
800 to 900 „	2	10	0
900 to 1,000 „	2	15	0

And so on for ships of larger tonnage adding for every 100 tons above 1,000 five shillings.

2. *Engagement of Seamen separately.*

Two shillings for each.

3. *Discharge of Crews.*

	£	s.	d.
In ships under 60 tons	0	4	0
60 to 100 „	0	7	0
100 to 200 „	0	15	0
200 to 300 „	1	0	0
300 to 400 „	1	5	0
400 to 500 „	1	10	0
500 to 600 „	1	15	0
600 to 700 „	2	0	0
700 to 800 „	2	5	0
800 to 900 „	2	10	0
900 to 1,000 „	2	15	0

And so on for ships of larger tonnage adding for every 100 tons above 1,000 five shillings.

4. *Discharge of Seamen separately.*

Two shillings for each.

SUMS TO BE DEDUCTED FROM WAGES BY WAY OF PARTIAL REPAYMENT OF ABOVE FEES.

1. *In respect of Engagements and Discharges of Crews.*

Upon each engagement and each discharge from the wages of each seaman—sixpence.

2. *In respect of Engagements and Discharges of Seamen separately.*

Upon each engagement and each discharge—sixpence.

FOURTH SCHEDULE.

AN Agreement made in pursuance of the "Seamens' Laws Consolidation Act of 1863 4," between the master of the ship of the Port of and of the burden of tons and the several persons whose names are subscribed hereto :—

IT is agreed by and on the part of the said persons and they severally hereby engage to serve on board the said ship in the several capacities expressed against their respective names on a voyage from the Port of to [*here the intended voyage is to be described as nearly as can be done and the places at which it is intended the ship shall touch or if that cannot be done the nature of the voyage in which she is to be employed and also when practicable the probable duration of the voyage* **and if a running agreement the several voyages or trips for which the seamen are engaged and the limits as near as may be both of time and place within which such voyages are to be comprised and the final place of discharge**] and the said crew further engage to conduct themselves in an orderly faithful honest careful and sober manner and to be at all times diligent in their respective duties and stations and to be obedient to the lawful commands of the master in everything relating to the said ship and the materials stores and cargo thereof whether on board such ship or in boats or on shore [*here may be inserted any other clauses which the parties may think proper to be introduced into the agreement provided that the same be not contrary to or inconsistent with the provisions and spirit of this Act*] in consideration of which services to be duly honestly carefully and faithfully performed the said master doth hereby promise and agree to pay to the said crew by way of compensation or wages the amount expressed against their respective names And it is hereby agreed that any embezzlement or wilful or negligent loss or destruction of any part of the ship's cargo or stores shall be made good to the owner out of the wages (so far as they will extend) of the seamen guilty of the same and if any seaman shall have entered himself as qualified for a duty to which he shall prove not to be competent he shall be subject to a reduction of the rate of wages hereby agreed for in proportion to his incompetency In witness whereof the said parties have hereto subscribed their names on the days mentioned against their respective signatures.

No. and Date of Ship's Register.	The number and description of the crew specifying how many are engaged as sailors.	Place and Time of Entry.				The time at which each seaman is to be on board or to begin work.	Men's Names. Christian and Surnames set forth at full length.	Age.	Town or Country where born.	Capacity of Seaman.	Amount of Wages per Calendar Month ~~Share~~ Run or Voyage or otherwise.	In cases of remuneration by share or lay—amount of such share or lay.	Amount of Wages advanced at the time of entry.			Amount of Monthly Allotment.			Quantity of Provisions per day.	Witness to Signature.	Name of Ship in which the Seaman last served.	Special stipulations, if any.
			Day.	Month.	Year.																	

[Special place or form in the duplicate retained by the master for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship.]

(*Signature of Master.*)

(*Shipping Master's name as witness.*)

FIFTH

FIFTH SCHEDULE.

Form of Allotment Note

I A.B. a seaman engaged to serve in the capacity of on board the ship C.D. master on a voyage [*here describe the intended voyage*] do hereby allot to E.F. [*describe who it is whether wife child or otherwise*] (Here state the precise sum—or the proportionate amount—of the wages to be earned by A.B. which he hereby authorizes to be paid over to E.F. and the periods at which such payments are to be made.)

Signature of Seaman.

Witness—**A. B.**

~~Shipping Master.~~

I hereby issue and give this Allotment Note.

Signature of Owner Master or other authorized Agent.

Witness—A. B.

SIXTH SCHEDULE.

Certificate of Discharge.

Name of Ship.	Official Number.	Port of Registry.

Registered Tonnage.	Description of Voyage or Employment.

	Capacity.
Name of Seaman Place of Birth Date of Birth	

Date of Entry.	Date of Discharge.	Place of Discharge.

I certify that the above particulars are correct and that the above Seaman was discharged accordingly.

Dated this day of 18 .

(Signed) Master of the Ship.

Witness— ~~Shipping Master.~~

SEVENTH SCHEDULE.

Form of Mutual Release.

THE undersigned A. B. master of the ship and C. D. a seaman recently serving on board the same hereby declare that the agreement entered into between them from the day of 18 has been duly fulfilled on both sides and that all wages earned by the said C. D. have been fully paid or satisfied and that he has been and is fully discharged from his said service And the said parties hereto do hereby mutually acquit and release each other from all further claim under the said agreement or in any other respect arising out of the engagement thereby made.

In witness whereof we have hereto set our hands this day of 18 .

(Signed) Master.
Seaman.

Witness—

Shipping Master.

EIGHTH

EIGHTH SCHEDULE.

Report of Conduct Character and Qualifications.

Name of ship.	Port of registry.	Name of seaman discharged.	Place of birth.	Capacity on board.	Description or nature of voyage.	Report of			If master declines to give opinion on any particulars here state on which.
						Conduct.	Character	Qualification	

I hereby certify that the above is a true report of the conduct character and qualifications of the several seamen above named discharged by me before Shipping Master this day of 18 .

(Signed) Master.

Witness—

~~Shipping Master.~~

NINTH

NEW SCHEDULES

NINTH SCHEDULE.

Ship of the Port of of the burden of tons whereof was Master.

A List of the Crew (including the Master and apprentices) at the period of quitting the Port of in New South Wales from which she took her first departure on her voyage to on the day of and of the men who joined the ship subsequent to such departure and until her return to the Port of being her first final port of destination in New South Wales on the day of 18 .

No. and Date of Ship's Register.	Name, Christian, and Surname at full length.	Age.	Town or Country where born.	Quality.	Ship in which he last served.	Date of joining the Ship.	Place where.	Time of death or leaving the Ship.	Place where.	How disposed of.	Date of apprentices' indentures and assignments.	When and where registered.	Date of Discharge.

NOTE.—If any one of the crew has entered Her Majesty's service, the name of the Queen's ship in which he entered must be stated in the account, under the head of "How disposed of."

TENTH SCHEDULE.

AN account of the voyages in which the Ship of of the burden of tons has been engaged in the half year commencing on the day of 18 and ending on the day of 18 and of all the persons (master and apprentices included) who have belonged to such Ship during that period.

ACCOUNT OF THE VOYAGES.

(Here the several voyages and the periods of such voyages are to be described.)

ACCOUNT OF THE CREW.

No. and date of Ship's Register.	Name, Christian, and Surname at full length.	Age.	Town or County where born.	Quality.	Ship in which he last served.	Date of joining the Ship.	Place where.	Time of death or leaving the Ship.	Place where.	How disposed of.	Date of apprentices' indentures and assignments.	When and where registered.	Date of Discharge.

NOTE.—If any one of the crew shall have entered Her Majesty's Service the name of the Queen's ship in which he entered must be stated in this account, under the head of "How disposed of."

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 4 December, 1863.

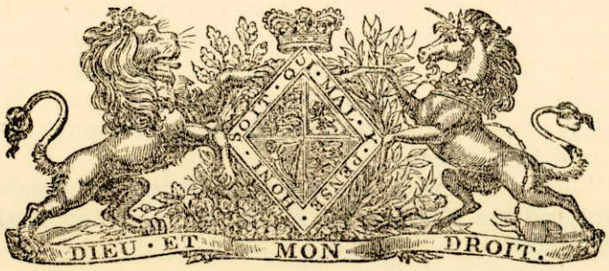
CHA. TOMPSON,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

Legislative Council Chamber,
Sydney, 17th February, 1864.

R. O'CONNOR,
Clerk of the Parliaments.

New South Wales.



ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

* *

No. .

An Act to amend and consolidate the Laws relating to Merchant Seamen.

WHEREAS it is expedient to amend and consolidate the Laws relating to Seamen in the Merchant Service of the Colony Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :— Preamble.

1. This Act shall be styled and may be cited as the "Seamen's Laws Consolidation Act of 1863~~4~~" and shall commence and take effect six days after the Proclamation in the *Gazette* of the approval of Her Majesty in Council granted under the five hundred and forty-seventh section of the Imperial Act seventeenth and eighteenth Victoria chapter one hundred and four. **on the second day of May next.** Short title.

2. The following terms in inverted commas shall for the purposes of this Act when not otherwise expressed and unless the context otherwise indicate bear the meanings set against them respectively :— Interpretation.

"Ship"—Every description of vessel used in navigation not ordinarily propelled by oars.

"Intercolonial Ship" — Every ship engaged in trading between any port in this Colony and any other such port or any other Australasian Colony ~~or~~ **including Tasmania and** New Zealand.

113—A "Foreign-

NOTE.—The words and figures to be *omitted* are *ruled through* ; the words and figures to be *inserted* are printed in **black letter.**

Preliminary.

"Foreign-trade Ship"—Any ship trading to any part of the world not comprehended in the term Intercolonial.

"Owner"—Every person to whom ~~the vessel~~ **any ship or any part or share thereof or therein** shall belong ~~or any agent for any such owner~~.

"Master"—Every person **except pilots** having charge or command of any ~~vessel except pilots~~ **ship.**

"Seaman"—Every person employed or engaged in any capacity on board any ship except masters pilots and apprentices and except persons temporarily employed on board any ship in port.

"Apprentice"—Every person bound by indenture for the sea service to any such owner or master.

"Shipping Master"—Every officer duly authorized for any specified duties of Shipping Master under this Act **and where not otherwise provided the Shipping Master for the port where the ship in reference to which he is acting shall be and shall include any Deputy of such Shipping Master in respect of any duties or acts which such deputy may be authorized to perform.**

"Minister"—The Minister for the time being administering this Act **and the Minister for Finance and Trade shall be such Minister.**

"Justice"—Any Justice of the Peace.

"Desertion"—The absence of a seaman or apprentice from his ship without leave for a period ~~not less than~~ **of** forty-eight hours **without lawful cause or excuse or any unlawful departure or absence from his ship with the intention of not returning thereto.**

"Discharge"—The certificate of the discharge of a seaman from the last ship in which he served.

And the word "Agreement" shall besides its ordinary meaning include also the Ship's Articles whether written or printed or partly written and partly printed.

Repeal of former enactments. First Schedule.

3. The Acts and parts of Acts specified in the first Schedule hereto are hereby repealed Provided that nothing done or in progress thereunder shall be affected by such repeal.

Division of Act into parts.

4. The remainder of this Act shall be divided into the following seven parts relating severally to—

Part I—Shipping Offices and Masters.
Part II—Apprenticeship to the Sea Service.
Part III—Engagement of Seamen.
Part IV—Wages and Discharges.
Part V—Protection.
Part VI—Discipline.
Part VII—Miscellaneous matters.

PART I.

Part I.

Shipping Offices and Masters.

Appointment of Shipping Master &c.

5. The Governor with the advice of the Executive Council may establish Shipping Offices at Sydney and at any other ports and may appoint a Shipping Master to each such office who shall himself or by such deputies clerks and servants as may also be **so** appointed perform all duties required by this Act to be performed by a Shipping Master And each such Shipping Master shall before entering upon his duties give such security for the due performance thereof as may be required by the Minister and shall make and subscribe before a Justice a solemn Declaration in the form of the second Schedule hereto.

Second Schedule.

6.

PART I.

Duties of Shipping Masters.

6. The following shall be the general duties of Shipping Masters:—

To facilitate the making of apprenticeships to the sea service.

To facilitate the engagement and discharge of seamen and to keep a registry **thereof and** of their names and characters in all ~~such~~ cases ~~as are compulsorily or voluntarily brought before them~~ **of their engagement and discharge in this Colony.**

To perform such other duties relating to merchant ships and seamen as are expressly committed to them by and under the provisions of this Act.

Fees on engagements and discharges. Third Schedule.

7. The fees specified in the third Schedule hereto shall be payable to the Shipping Masters upon all engagements and discharges effected ~~before them~~ **under the provisions of this Act** And the Minister shall cause tables of such fees to be conspicuously placed in the Shipping Offices and the Shipping Masters may refuse to proceed with any engagements or discharges until the fees are paid And the owner or master engaging or discharging any seaman shall pay the whole of such fees and may for the purpose of reimbursing himself deduct in respect of each such engagement or discharge from the wages of all seamen so engaged or discharged and retain any sums not exceeding the sums specified in that behalf in the said third Schedule **And all such fees may be sued for and recovered with costs by the Shipping Master from the owner or master in the summary manner in which seamen are by this Act enabled to sue for and recover wages not exceeding fifty pounds** And all fees payable to the Shipping Master under this Act shall be accounted for and paid by him to the Colonial Treasurer and by the said Treasurer be carried over to the Consolidated Revenue Fund.

Penalty for taking other remuneration.

8. Any Shipping Master or any **deputy** clerk or servant in any Shipping office who demands or receives any remuneration whatever directly or indirectly for hiring or supplying any seaman for any ~~merchant~~ ship or for the discharge of any seaman beyond the lawful fees shall for every such offence incur a penalty not exceeding twenty pounds ~~or~~ **and may** be dismissed by the Minister.

Shipping business may be done at Custom Houses.

9. By direction of the Minister at any place where there is no Shipping Office the whole or any part of the business of such office may be conducted at the Custom House And the Officer of Customs there conducting such business shall for all purposes be deemed a Shipping Master.

PART II.

PART II.

APPRENTICESHIP.

How indentures to be executed and attested.

10. All indentures of apprenticeship to the sea service shall be executed by the apprentice and the person to whom he is bound in the presence of and be attested by a Justice who shall before such execution satisfy himself that the intended apprentice has freely consented to be bound—has attained the age of twelve years—and is of sufficient health and strength—and if under twenty-one years old is not acting against the will of his parent or other lawful guardian—and that the master to whom he is bound is a proper person for the purpose **Provided that all such indentures whereby any person under the age of twenty-one years shall be bound without the concurrence of his parent or guardian shall in all cases where by law the consent of such parent or guardian is necessary to make the same binding upon him or her be voidable by such parent or guardian.**

And recorded.

11. All such indentures of apprenticeship shall be in duplicate and every person to whom any apprentice is so bound in the Colony shall within

PART II.

within seven days after the execution of the indentures take or transmit the same to ~~some~~ **the** Shipping Master who shall record **and keep and preserve** one copy in his office and indorse a memorandum of such recording on the other copy and redeliver it to the master of the apprentice And whenever any such indentures are assigned or cancelled or any such apprentice dies or deserts—his master shall—if such assignment cancellation death or desertion happen within the Colony within seven days thereafter or if elsewhere so soon afterwards as circumstances permit—notify the same to the ~~said or some other~~ Shipping Master to be also recorded And every such master of an apprentice failing to comply with this enactment shall incur a penalty not exceeding ten pounds.

Apprentices from charitable institutions.

12. All such apprenticeships made by the authorized officer of any public or charitable institution shall subject as nearly as may be to the foregoing provisions be made in the same manner and be subject to the same laws and regulations as other apprenticeships made by the same persons the form of the indentures being appropriately altered to meet each case.

Apprentices in ~~foreign trade~~ ships **going out of the Colony.**

13. The master of every ~~Foreign trade~~ ship **except ships of less than eighty tons registered tonnage exclusively engaged in trading or going to places within or on the coast of this Colony** shall before carrying any apprentice to sea from any place in the Colony cause him to appear before and **shall** produce to the Shipping Master the indentures by which such apprentice is bound and ~~any and~~ every assignment thereof And the name of such apprentice with the date of such indentures and of ~~any and~~ every such assignment and the name of every port at which the same shall have been registered shall be entered on the ~~agreement for service~~ **ship's articles** And the master shall for every default in obeying any provision of this section incur a penalty not exceeding five pounds **Provided that in the case of Intercolonial ships it shall not be necessary to cause the apprentice to appear before the Shipping Master more frequently than once in twelve months.**

PART III.

PART III.

ENGAGEMENT OF SEAMEN.

Penalties—

14. The following offences relative to the engagement of seamen shall be punishable as hereinafter mentioned :—

For unlawfully supplying seamen or employing others to do so.

(1.) Whosoever **in this Colony** not being the owner or master or mate of the ship—or the *bonâ fide* servant and in the constant employ of the owner—or a Shipping Master—engages or supplies or employs any person other than persons so excepted to engage or supply any seaman or apprentice to be entered on board any ship ~~in the Colony~~ shall for each seaman or apprentice so engaged or supplied incur a penalty not exceeding twenty pounds.

or for receiving seamen unlawfully supplied

(2.) Whosoever knowingly receives or accepts to be entered on board any ship any seaman or apprentice engaged or supplied contrary to the next preceding enactment shall for every seaman or apprentice so engaged or supplied incur a penalty not exceeding twenty pounds.

or for receiving remuneration from seamen for shipping them.

(3.) Whosoever contrary to this Act demands or receives directly or indirectly from any seaman or apprentice or from any person seeking employment as such or from any person on his behalf any remuneration whatever for providing him with employment other than the fees hereby authorized shall for every such offence incur a penalty not exceeding five pounds.

15.

PART III.

Agreements to be made with seamen containing certain particulars.

15. ~~Every~~ The master of ~~any Intercolonial~~ every ship except ships of less than eighty tons registered tonnage exclusively engaged in trading or going to places within or on the coast of this Colony who shall engage any seaman ~~from any port~~ in ~~the~~ this Colony ~~as one of his crew~~ shall enter into an agreement with him in the form of the fourth Schedule hereto and dated at the time of the first signature thereof and signed by the master before any seaman signs the same Provided that every such agreement shall be so framed as to admit of stipulations being introduced therein at the joint will of the master and seaman in each case as to advance and allotment of wages or any other stipulations not contrary to law Provided also that every such agreement shall be filled up by the Shipping Master and shall be prepared and signed in duplicate and shall in all cases be signed by the master in ~~his~~ the presence of and attested by him and one of such duplicates shall in all cases be left with or delivered or sent to the Shipping Master and by him kept and preserved in his office.

Fourth Schedule.

Seamen to be engaged before the Shipping Master or on board the ship in which they are to serve.

16. ~~Every~~ The master of every ~~such~~ ship except as aforesaid when engaging seamen ~~at the port of Sydney~~ in this Colony shall engage them either before the Shipping Master ~~or at the Shipping Master's Office~~ or on board the ship in which they are to be employed Provided that the signature of each seaman shall be attested by the Shipping Master or by ~~the owner or master or other officer engaged on board the ship~~ some other witness and before being signed the agreement shall be read over and explained to such seaman Provided also that ~~as to such ships below eighty tons burden no master shall engage any seaman to serve therein without production of his discharge from the ship in which he last served or satisfactory proof of its existence and loss.~~ no seaman shall be hired or engaged to serve in any ship of whatever tonnage the same may be unless he produces and delivers up to the Shipping Master or the owner or master engaging him his discharge or license to ship and in all cases where any such discharge or license to ship shall be delivered to any such owner or master the same shall be forthwith delivered or sent by such owner or master to the Shipping Master to be by him kept and preserved in his office.

~~For foreign trade ships~~ Further rules for agreements. ~~to be made before Shipping Master.~~

17. In the case of all ~~Foreign trade~~ ships except as aforesaid the following in addition to the rules prescribed in and by the last two preceding sections shall be observed with respect to agreements:—

(1.) Every agreement made in the Colony shall be signed by each seaman in the presence of a Shipping Master.

(2.) The Shipping Master shall either cause the agreement to be read over and explained to each seaman or otherwise ascertain that he understands the same before he signs it and shall himself attest the fact.

(1.) In all cases where the agreement is signed by any seaman in the presence of a Shipping Master the seaman's discharge or license to ship shall be produced and delivered to the Shipping Master to be by him kept and preserved in his office together with the duplicate of the agreement to be left with or delivered or sent to the Shipping Master as herein provided.

(2.) In all cases where the agreement is signed by any seaman otherwise than in the presence of a Shipping Master one of the duplicates thereof certified and attested as such duplicate by the owner or master or other officer engaged on board the ship shall together with the discharges or licenses to ship of each seaman so signing the same be forthwith delivered or sent to the Shipping Master to be by him kept and preserved in his office.

PART III.

To be in duplicate.

(3.) When the crew is ~~previously~~ first engaged the duplicate of the agreement ~~shall be signed in duplicate and one part shall be~~ retained by the ~~Shipping~~ Master ~~and the other part~~ shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship ~~and shall be delivered to the master.~~

Provision as to ships not belonging to the Colony.

(4.) Provided that if the master of any ship not registered in or belonging to this Colony has an agreement with his crew made in due form according to the law of the place to which such ship belongs or in which his crew were engaged and engages single seamen in this Colony such seamen may sign the agreement so made and it shall not be necessary for them to sign an agreement in the form of the fourth Schedule hereto or to have the same filled up by the Shipping Master or prepared and signed in duplicate but in all such cases the master shall observe and conform to all the other directions herein contained relative to the engagement of seamen and shall forthwith leave with or deliver or send to the Shipping Master a true copy attested as such by the master under his hand of the agreement signed by such seamen with the names of the seamen signing the same and of the witnesses attesting their signatures and such copy shall be kept and preserved by the Shipping Master in his office in like manner as the duplicates of agreements to be left with or delivered or sent to him are in other cases to be kept and preserved by him.

To regulate fees payable on running agreements.

18. For the purpose of determining the fees to be paid upon the engagement and discharge of seamen belonging to foreign trade and intercolonial ships which have running agreements the crew shall be considered to be engaged when the agreement is first signed and to be discharged when the agreement finally terminates and all intermediate engagements and discharges shall be considered to be engagements and discharges of single seamen.

Duplicates of running agreements how to be dealt with.

19. In cases in which such running agreements are made the duplicate agreement retained by the Shipping Master upon the first engagement of the crew shall be kept by the Shipping Master until the expiration of the agreement and thereafter dealt with according to any regulations in that behalf duly made as hereinafter enacted.

Special agreements for Intercolonial ships belonging to same owners.

20. In cases where several Intercolonial ships belong to the same owner the agreement with the seamen may notwithstanding anything herein contained be made by the owner instead of by the master and the seamen may be engaged to serve in any two or more of such ships Provided that the names of the ships ~~and of the master~~ and the nature of the service are specified in the agreement Provided also that with the foregoing exception all provisions herein contained which relate to ordinary agreements for Intercolonial ships shall be applicable to agreements made in pursuance of this section Provided further that no seaman having served in any ship which shall have entered any port of the Colony on completion of a voyage shall be compellable under any engagement or agreement to go on board any other ship until after the expiration of twenty-four hours from the completion of such voyage.

Fresh engagement in same vessel without further charge.

21. If at the expiration of his term of service any seaman shall be desirous with the consent of the master or owner to engage for further service in any ship belonging to the same owner such further engagement may be made by causing such seaman to sign a new agreement in the same manner as the primary engagement without any further charge.

~~22.~~ 21.

PART III.

Penalty for shipping seamen without agreement duly executed.

~~22.~~ **21.** If in any case a master carries any seaman to sea without having entered into an agreement with him in the form and manner and at the place and time hereby in such case required the master in the case of a foreign-trade ship and the master or owner in the case of an Intercolonial ship shall for every such offence incur a penalty not exceeding five pounds.

Changes in crew to be reported.

~~23.~~ **22.** The master of every **Intercolonial or** Foreign-trade ship ~~of which the crew has been engaged before a Shipping Master~~ shall before leaving the Colony sign and send to ~~a~~ **the** Shipping Master a full and accurate statement of every change which takes place in his crew before finally so leaving the Colony And shall for every offence against this enactment incur a penalty not exceeding five pounds.

Alterations to be void unless attested to have been made with the consent of all parties.

~~24.~~ **23.** Every erasure interlineation or alteration in any agreement with seamen except additions for shipping substitutes or persons engaged subsequently to the first departure of the ship shall be wholly inoperative unless proved to have been made with the consent of all the persons interested in such erasure interlineation or alteration by the written attestation of **the witness attesting the signature or signatures of the person or persons so interested or** some ~~Shipping Master or~~ Justice or if madeout of the Colony of a British Consular Officer or if none such of two British merchants.

Penalty for falsifying agreement.

~~25.~~ **24.** Whosoever fraudulently alters assists in fraudulently altering or procures to be fraudulently altered or makes or assists in making or procures to be made any false entry in or delivers assists in delivering or procures to be delivered a false copy of any agreement shall for every such offence be deemed guilty of a misdemeanor.

Seamen not to be bound to produce agreement.

~~26.~~ **25.** Any seaman may upon any civil or criminal proceeding by or against him bring forward evidence to prove the contents of any agreement or otherwise to support his case without producing or giving notice to produce the agreement or any copy thereof.

Copy of agreement to be made accessible to crew.

~~27.~~ **26.** The master shall at the commencement of every voyage or engagement cause a legible copy of the agreement (omitting the signatures) to be placed or posted up in such part of the ship as to be accessible to the crew and shall for every neglect of this enactment incur a penalty not exceeding five pounds.

Seamen discharged before end of agreement to have compensation.

~~28.~~ **27.** Any seaman who after having signed an agreement is discharged before the termination of his agreement without fault on his part justifying such discharge and without his consent shall be entitled to receive from the master or owner in addition to any wages he may have earned due compensation not exceeding one months wages and may on adducing such evidence of his having been so improperly discharged as the Court deems satisfactory recover such compensation in the same manner as if it were wages duly earned.

PART IV.

PART IV.

WAGES AND DISCHARGES.

Regulations as to allotment notes.

~~29.~~ **28.** All stipulations made at the commencement of a voyage for the allotment of any part of the wages of a seaman during his absence shall be inserted in the agreement and shall state the amounts and times of the payments to be made And all Allotment notes shall be in the form of the fifth Schedule hereto.

Fifth Schedule.

Allotment notes may be sued on summarily by certain persons on certain conditions.

~~30.~~ **29.** The wife father or mother grandfather or grandmother or any child or grandchild brother or sister of any seaman in whose favor an allotment note of part of the wages of such seaman is made may unless the seaman is shewn in manner hereinafter mentioned to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid and subject as to the wife to the proviso hereinafter contained sue for and recover the sums allotted

by

PART IV,

by the note when and as the same are made payable with costs from the owner or any agent who has authorized the drawing of the note either in the District Court or in the summary manner in which seamen are by this Act enabled to sue for and recover wages not exceeding fifty pounds And in any such proceeding it shall be sufficient for the claimant to prove that he is the person mentioned in the note and that the note was given by ~~the seaman or by~~ the owner or master or some authorized agent and the seaman shall be presumed to be duly earning his wages unless the contrary is shewn to the satisfaction of the Court either by the official statement of the change in the crew caused by his absence signed and sent to the Shipping Master by the master as by this Act is required or by a duly certified copy of some entry in the log-book to the effect that he has left the ship or by a credible letter from the master of the ship to the same effect or by such other evidence of whatever description as the Court in its absolute discretion considers sufficient to shew satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid Provided that the wife of any seaman who deserts her children or so misconducts herself as to be undeserving of support from her husband shall thereby forfeit all right to further payment of any allotment of his wages made in her favor.

No advance note or wages to be given or paid to seamen until after the ship's articles have been duly signed.

31. The owner part owner master or person in charge of any merchant ship or the ship's husband or agent shall not pay or advance nor give any note in writing or otherwise in the nature of and purporting to be an advance note for any part of the wages of any seaman engaged or provided to be entered on board such ship until after the agreement shall have been duly signed by such seaman and by the master or owner of such ship and then only to the seaman himself and if such wages or advance of wages be paid in money the payment thereof may be made to the seaman himself at any period most convenient after the signing of such agreement And all payments of wages contrary to this enactment shall be void and the amount thereof shall still be recoverable by the seaman as if they had not been advanced.

Master to deliver account of wages.

~~32.~~ 30. Every master shall ~~not less than twenty-four hours~~ at the time of or before paying off or discharging any seaman deliver to him a full and true account of his wages and of all deductions to be made therefrom on any account whatever and in default shall for every offence incur a penalty not exceeding five pounds And no deduction from the wages of any seaman (except in respect of any matter happening after such delivery) shall be allowed unless it is included in the account so delivered and the master shall during the voyage enter the various matters in respect of which such deductions are made with the amounts of the respective deductions as they occur in a book to be kept for that purpose and shall if required produce such book at the time of the payment of wages and also upon the hearing before any competent authority of any complaint or question relating to such payments.

Certificates of discharge. Sixth Schedule.

33. In every case of a seaman discharged before the Shipping Master the master shall sign and give him a certificate of discharge in the form of the sixth Schedule hereto attested by such Shipping Master And any master who fails to sign and give to any such seaman such certificate of discharge shall for every such offence incur a penalty not exceeding ten pounds.

Mode of discharging seamen.

31. In every case of a seaman discharged in this Colony from any ship of whatever tonnage the same may be such seaman shall either be discharged before the Shipping Master in which case the master shall thereupon sign and give to the seaman in the presence of such Shipping Master a discharge in the form of the sixth Schedule hereto attested by such Shipping Master or the master shall sign and forthwith

PART IV.

forthwith deliver or send to the Shipping Master a discharge of such seaman in the form of the said sixth Schedule hereto attested by the mate of the ship or some other witness And the Shipping Master shall on receipt of such discharge take charge thereof and keep the same in his office until the seaman whose discharge is thereby certified shall apply for the same and upon such application by such seaman shall deliver the same to him and any master who fails to sign and give to the seaman or to sign and deliver or send to the Shipping Master such discharge in conformity with the provisions hereof shall for every such offence incur a penalty not exceeding ten pounds.

No discharge necessary on immediate re-engagements.

32. Provided that in case the crew of a ship or any of them shall immediately upon the expiration of their agreement enter into a new agreement to serve in the same ship then it shall not be necessary for the master to sign or give or send to the Shipping Master a discharge to any seaman so re-engaging or for any seaman so re-engaging to produce or deliver a discharge or license to ship but in all such cases the master shall forthwith leave with or deliver or send to the Shipping Master with the duplicate of the agreement to be left with or delivered or sent to him as herein directed a written statement signed by such master setting forth the fact of such re-engagement being so entered into immediately upon the expiration of their former agreement which written statement shall be kept and preserved by the Shipping Master in his office with such duplicate of the agreement.

Provision in case of loss of discharge.

33. In case any seaman of any ship of whatever tonnage the same may be shall have lost his discharge or from any other cause be unable to produce the same or if any other person shall be desirous of engaging as a seaman it shall be lawful for any Shipping Master on being satisfied of the fact of such loss inability or desire as the case may be to grant and deliver to such seaman or other person a license to ship which license shall be in writing and signed by the Shipping Master and for every such license to ship the person applying for the same shall before he shall be entitled to receive it pay to the Shipping Master granting the same a fee of two shillings.

Shipping Master may decide questions which parties refer to him.

34. Every Shipping Master shall hear and decide any question whatever between a master or owner and any ~~of his crew~~ seaman which both parties agree in writing ~~in submitting~~ to submit to him and every award ~~so~~ made by him shall be binding on both parties and shall in any legal proceeding which may be taken in the matter before any Court be deemed to be conclusive as to the rights of the parties and any document purporting to be such submission or award shall be *primâ facie* evidence thereof.

Master and others to produce ship's papers to Shipping Master and give evidence.

35. In any proceeding relating to wages claims or discharge of any seamen so referred to any Shipping Master he may call upon the owner or his agent or upon the master or mate or any member of the crew to produce any log-book paper or other document in their respective possession or power relating to any matter in question in such proceeding and may call before him and examine on any such matter any of such persons being then at or near the place of inquiry And every owner agent master mate or other member of the crew who when called upon by the Shipping Master does not produce any such paper or document as aforesaid if in his possession or power or does not appear and give evidence shall unless he shews some reasonable cause for his default incur for every such offence a penalty not exceeding five pounds.

Settlement of wages.

36. The following rules shall be observed with respect to the settlement of wages :—

Release to be signed before and attested by Shipping Master

(1.) Upon the completion before a Shipping Master of any discharge and on full payment or satisfaction of wages the master or owner and each seaman shall respectively in the presence of the Shipping Master sign in the form

PART IV.

of the seventh Schedule hereto a mutual release of all claims in respect of the past voyage or engagement and the Shipping Master shall also sign and attest it and shall retain it as herein directed And every such release so signed and attested shall operate as a complete fulfilment of the agreement on both sides and a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement

Seventh Schedule.

to be discharge

(2.) A copy of such release certified under the hand of such Shipping Master to be a true copy shall be given by him to any party thereto requiring the same And such copy shall be receivable in evidence upon any future question touching such claims as aforesaid and shall have all the effect of the original of which it purports to be a copy

and to be evidence.

(3.) In cases in which discharge and settlement **take place** before a Shipping Master ~~are hereby required~~ no payment receipt settlement or discharge otherwise made shall operate or be admitted as evidence of the release or satisfaction of any claim

No other receipt to be a discharge.

(4.) Upon any payment being made by a master before a Shipping Master the Shipping Master shall if required sign and give to such master a statement of the whole amount so paid And such statement shall as between the master and owner be received as evidence that he has made the payments therein mentioned.

Voucher to be given to master and to be evidence.

37. Upon every discharge effected ~~before a Shipping Master~~ **in this Colony from any Foreign-going ship** the master shall make and sign in the form of the eighth Schedule hereto **and forthwith deliver or send to the Shipping Master** a report of the conduct character and qualifications of the seamen discharged or may as to any of such seamen state in a column left for that purpose in the said form that he declines to give any opinion upon such particulars or upon any of them And the Shipping Master shall if desired so to do by any seaman indorse on his certificate of discharge the substance of so much of such report as concerns him And every person who makes assists in making or procures to be made any false certificate of discharge or report of the conduct character or qualifications of any seaman knowing the same to be false or who forges assists in forging or procures to be forged or fraudulently alters assists in fraudulently altering or procures to be fraudulently altered any such certificate or report or who fraudulently makes use of any certificate or report or of any copy of any certificate or report which is forged or altered or does not belong to him shall for every such offence be deemed guilty of a misdemeanor.

Master to make reports of character. Eighth Schedule.

Penalty for false discharge or report.

38. A seaman's right to wages and provisions shall be taken to commence at the time specified in the agreement for his commencement of work or presence on board whichever shall first happen.

Right to wages and provisions when to begin.

39. No seaman shall by any agreement forfeit his lien upon a ship or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled And every stipulation in any agreement inconsistent with any provision of this Act or by which any seaman consents to abandon his right to wages in the case of the loss of the ship or to abandon any right which he may have or obtain in the nature of salvage shall be wholly inoperative in that behalf Provided that nothing in this section shall apply to the case of any stipulation made by any seaman belonging to any ship which according to the terms of the agreement is to be employed on salvage service with respect to the remuneration to be paid to him for salvage service to be rendered by such ship to any other ship.

Seamen not to give up certain rights.

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Wages not to be dependent on the earning of freight.

40. No right to wages shall be dependent on the earning of freight and every seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he has served had earned freight shall subject to all other rules of law and conditions applicable to the case be entitled to claim and recover the same notwithstanding that freight has not been earned But in all cases of wreck or loss of ship proof that any seaman has not exerted himself to the utmost to save the ship cargo and stores shall bar his claim to wages.

Right to wages in case of termination of service by wreck or illness.

41. In cases where the service of any seaman terminates before the period contemplated in his agreement by reason of the wreck or loss of the ship or by reason of his being left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voyage such seaman shall be entitled to wages for the time of service only prior to such termination as aforesaid ~~Provided that~~

42. In every ~~Intercolonial ship trading beyond the Colony~~ **Foreign-going ship** there shall constantly be a chest of medicine selected by ~~an apothecary of known reputation~~ **a duly qualified medical practitioner** accompanied by directions for administering the same And such medicines shall be examined by the same or some other ~~apothecary~~ **such medical practitioner** once at least in every year in which the ship shall be in the Colony and shall be supplied with fresh medicines in place of such as shall have been used or spoiled And in default of having such medicine chest so provided and kept fit for use the master or owner of such ship shall supply and pay for such advice and medicine or attendance of ~~qualified~~ medical practitioners as any seaman or apprentice shall stand in need of in case of illness at every port or place at which such ship may trade or touch during her voyage without any deduction from the wages of such seaman or apprentice.

Lemon juice sugar and vinegar to be kept on board.

43. The master or owner of every Foreign-trade ship shall also provide and cause to be kept on board such ship a sufficient quantity of lime or lemon juice or of such articles as the Minister sanctions as substitutes for lime or lemon juice and also of sugar and vinegar And the master of every such ship as last aforesaid shall serve out the lime or lemon juice or other such articles as aforesaid and sugar and vinegar to the crew whenever they have consumed salt provisions for ten days and so long afterwards as such consumption continues the lime or lemon juice or other articles and sugar daily at the rate of half an ounce each per day and the vinegar weekly at the rate of half a pint per week to each member of the crew And if in any such ship as aforesaid such medicines medical stores lime or lemon juice or other articles sugar and vinegar as are hereinbefore required are not provided and kept on board as hereinbefore required the master or owner shall incur a penalty not exceeding twenty pounds And if the master of any such ship as aforesaid neglects to serve out the lime or lemon juice or other articles sugar or vinegar in the case and manner hereinbefore directed he shall for each such offence incur a penalty not exceeding five pounds And if any master is convicted in either of the last mentioned penalties and it appears that the offence is owing to the act or default of the owner such master may recover the amount of such penalty and the costs incurred by him from the owner.

Masters to keep weights and measures on board.

44. Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out and shall allow the same to be used at the time of serving out such provisions and articles in the presence of a witness whenever any dispute arises about such quantities and in default shall for every offence incur a penalty not exceeding ten pounds.

Allowance for short or bad provisions.

~~42.~~ **45.** If during a voyage the allowance of any of the provisions which any seaman has by his agreement stipulated for is reduced

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(except in accordance with any regulation for reduction by way of punishment contained in the agreement and also except for any time during which such seaman wilfully and without sufficient cause refuses or neglects to perform his duty or is lawfully under confinement for misconduct either on board or on shore) or if it is shewn that any of such provisions are or have been during the voyage bad in quality and unfit for use the seaman shall receive by way of compensation for such reduction or bad quality according to the time of its continuance the following sums in addition to and to be recoverable as wages :—

(1.) If his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement—a sum not exceeding four pence a day

(2.) If his allowance is reduced by more than one-third of such quantity—a sum not exceeding eight pence a day

(3.) In respect of such bad quality as aforesaid—a sum not exceeding one shilling a day

Provided that if it is shewn to the satisfaction of the Court before which the case is tried that any provisions the allowance of which has been reduced could not be procured or supplied in proper quantities and that proper and equivalent substitutes were supplied in lieu thereof the Court shall take such circumstances into consideration and shall modify or refuse compensation as the justice of the case may require.

Wages not to accrue during refusal to work or imprisonment.

~~43.~~ **46.** No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required whether before or after the time fixed by the agreement for his beginning work nor for any period during which he is lawfully imprisoned for any offence committed by him unless the Court hearing the case otherwise directs.

Period within which wages are to be paid.

~~44.~~ **47.** The master or owner of every ship **except ships of less than eighty tons registered tonnage exclusively engaged in trading or going to places within or on the coast of this Colony** shall pay to every seaman his wages within the respective periods following :—

In the case of an Intercolonial ship—within two days after the termination of the agreement or at the time when such seaman is discharged whichever first happens

In the case of all other ships—within three days after the cargo has been delivered or at the time of the seaman's discharge whichever first happens

Provided that this shall not apply to the cases of ships employed in the whale fishery or on other voyages for which seamen by the terms of their agreement are wholly compensated by shares in the profits of the adventure ~~Provided also that in all cases the seaman shall at the time of his discharge be entitled to be paid on account a sum equal to one fourth part of the balance due to him~~ And every master or owner who neglects or refuses to make payment in manner aforesaid without sufficient cause shall pay to the seaman a sum not exceeding the amount of two days pay for each of the days not exceeding ten days during which payment is delayed beyond the respective periods aforesaid and such sum shall be recoverable in the same manner as wages.

Seamen may sue for wages in a summary manner.

~~45.~~ **48.** Any seaman or apprentice or any person duly authorized on his behalf may sue for and recover in a summary manner before any two Justices acting in or near to the place at which the service has terminated or at which the seaman has been discharged or at which the person from whom his wages are due is or resides any amount of wages actually due to such seaman or apprentice not exceeding fifty pounds over and above the costs of such proceeding for the recovery thereof. And every order for payment made by such Justices shall contain a direction that such person shall pay the

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the amount thereby made payable within a time to be named in such order and that in default thereof such person shall be imprisoned for such term not exceeding three months unless the same be sooner paid And every such order of Justices shall be final.

Restrictions on suits for wages in superior Courts.

~~46.~~ **49.** No suit or proceeding for the recovery of wages under the sum of twenty pounds shall be instituted by or on the behalf of any seaman or apprentice in any Vice-Admiralty Court or any Court of Record in the Colony unless the owner of the ship is declared insolvent or unless the ship is under arrest or is sold by the authority of any such Court as aforesaid or unless any Justices as they are hereby authorized to do refer the case to be adjudged by such Court or unless neither the owner nor the master is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore.

Master to have same remedies for wages as seamen.

~~47.~~ **50.** Every master of a ship shall so far as the case permits have the same rights liens and remedies for the recovery of his wages which by this Act or by any law or custom any seaman not being a master has for the recovery of his wages And if any proceeding in any Court of Vice-Admiralty touching the claim of a master to wages any right of set-off or counter-claim is set up such Court may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding and may direct payment of any balance which is found to be due.

Master to take charge of or sell effects of deceased seaman which are on board and enter the same and wages due in log.

~~48.~~ **51.** Whenever any seaman or apprentice belonging to any ship ~~whether a Foreign trade ship or an Intercolonial ship~~ **(except ships of less than eighty tons registered tonnage exclusively employed in trading or going to places within or on the coast of this Colony)** employed on a voyage which is to terminate in ~~the~~ **this** Colony dies during such voyage the master shall take charge of all money clothes and effects which he leaves on board and shall if he thinks fit cause all or any of the said clothes or effects to be sold by auction at the mast or other public auction and shall thereupon sign an entry in the log-book containing the following particulars :—

(1.) A statement of the amount of money and a description of the effects so left by the deceased

(2.) In case of a sale—a description of each article sold and the sum received for each

(3.) A statement of the sum due to the deceased as wages and the total amount of the deductions (if any) to be made therefrom

And shall cause such entry to be attested by a mate and by one of the crew.

Such effects and wages to be paid to Shipping Master with full accounts.

~~49.~~ **52.** In the cases provided for in the next preceding section the following rules shall be observed :—

(1.) Within forty-eight hours after the arrival of the ship at the port of destination in the Colony the master shall deliver any such effects as aforesaid remaining unsold and pay any money which he has taken charge of or received from such sale as aforesaid and also the balance of wages due to the deceased to the Shipping Master at such port

(2.) If before coming to any port in the Colony the ship touches and remains for forty-eight hours at some foreign port or at some other port in Her Majesty's dominions the master shall report the same to the British Consular Officer or Officer of Customs there as the case may be and shall give to such officer any information he requires as to the destination of the ship and probable length of the voyage and such officer shall indorse on the agreement with the crew the substance of such report and information and the master shall within forty-eight hours after his arrival

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arrival at his port of destination in the Colony produce the same to ~~a~~ **the** Shipping Master ~~there~~

(3.) The master shall in all cases in which any seaman or apprentice dies during the progress of a voyage or engagement give to such officer or Shipping Master as aforesaid an account in such form as they respectively require of the effects money and wages so to be delivered and paid and no deductions claimed in such account shall be allowed unless verified ~~if there is a log-book~~ by such entry ~~therein~~ **in the log-book** as hereinbefore required and also by such other vouchers (if any) as may be reasonably required by the officer or Shipping Master to whom the account is rendered

(4.) Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the Colony the Shipping Master shall grant to the master a certificate to that effect and no Officer of Customs shall clear inwards any ~~Foreign trade~~ ship **comprised within this and the next preceding section** without the production of such certificate.

Penalties for not taking charge of remitting or accounting for such monies and effects.

~~50.~~ **53.** Any master who fails to take charge of the money or other effects of a seaman or apprentice dying during a voyage or to make such entries in respect thereof or to procure such attestation to such entries or to make such payment or delivery of any money wages or effects of any seaman or apprentice dying during a voyage or to give such account in respect thereof as hereinbefore respectively directed shall be accountable for the money wages and effects of the seaman or apprentice to a Shipping Master and shall pay or deliver the same accordingly And every master shall in addition for every such offence incur a penalty not exceeding treble the value of the money or effects not accounted for or if such value is not ascertained not exceeding fifty pounds And if any such money wages or effects are not duly paid delivered or accounted for by the master the owner of the ship shall pay deliver and account for the same and such money and wages and the value of such effects shall be recoverable from him accordingly And if in such case the owner fails to account for and pay or deliver the same he shall in addition to the liability for the said money and value incur the same penalty which is hereinbefore mentioned as incurred by the master for the like offence And all money wages and effects of any seaman or apprentice dying during a voyage shall be recoverable by like modes of proceeding as those by which seamen are hereby enabled to recover wages due to them.

Wages and effects of seamen dying in Colony.

~~51.~~ **54.** Whenever any seaman or apprentice dies in the Colony and is at the time of his death entitled to claim from the master or owner of any ship in which he has served any unpaid wages or effects such master or owner shall pay and deliver or account for the same to the Shipping Master at the port where the seaman or apprentice was discharged or was to have been discharged or as the Minister directs.

If less than £50—wages and property of deceased seamen may be paid over without probate or administration.

~~52.~~ **55.** If the money and effects of any deceased seaman or apprentice paid or delivered as aforesaid including the monies received for any part of the said effects which have been sold either before delivery or by direction of the Minister do not exceed in value the sum of fifty pounds then subject to the provisions hereinafter contained and to all lawful deductions for expenses incurred in respect of the seaman or apprentice or of his said money and effects the Minister may pay and deliver the said money and effects either to any claimant who can prove himself either to be his widow or child or to be entitled to the effects of the deceased under his will (if any) or under any Statute of Distribution or under any other statute or at common law or to be entitled

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to procure probate or take out letters of administration although no probate or letters of administration have been taken out and shall thereby be discharged from all further liability in respect of the money and effects so paid and delivered or may if he thinks fit require probate or letters of administration to be taken out and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased And all claimants to whom such money or effects are so paid or delivered shall apply the same in due course of administration And if such money and effects exceed in value the sum of fifty pounds then subject to the provisions hereinafter contained and to deduction for expenses the same shall be paid and delivered to the legal personal representatives of the deceased.

Mode of payment under wills made by seamen.

~~53.~~ **56.** In cases where the deceased seaman or apprentice has left a will the Minister shall have the following powers :—

(1.) He may in his discretion refuse to pay or deliver any such wages or effects as aforesaid to any person claiming to be entitled thereto under a will made on board ship unless such will is in writing and is signed or acknowledged by the testator in the presence of the master or first or only mate of the ship and is attested by such master or mate

(2.) He may in his discretion refuse to pay or deliver any such wages or effects as aforesaid to any person not related to the testator by blood or marriage who claims to to be entitled thereto under a will made elsewhere than on board ship unless such will is in writing and is signed or acknowledged by the testator in the presence of and attested by two witnesses one of whom is a Shipping Master or some Clergyman of the place in which the same is made or in a place where there are no such persons some Justice or some British Consular Officer or Officer of Customs.

(3.) Whenever any claim made under a will is rejected by the Minister on account of the said will not being made and attested as hereinbefore required the wages and effects of the deceased shall be dealt with as if no will had been made.

Provision for payment of just claims by creditors and for preventing fraudulent claims.

~~54.~~ **57.** The following rules shall be observed with respect to creditors of deceased seamen and apprentices :—

(1.) No such creditor shall be entitled to claim **from the Minister** the wages or effects of any such seaman or apprentice or any part thereof by virtue of letters of administration taken out by him

(2.) No such creditor shall be entitled by any means whatever to payment of his debt out of such wages and effects if the debt accrued more than three years before the death of the deceased or if the demand is not made within two years after such death

(3.) Subject as aforesaid the steps to be taken for procuring payment of such debt shall be as follows :—Every person making a demand as creditor shall deliver to the Minister an account in writing in such form as he requires subscribed with the claimant's name stating the particulars of his demand and the place of his abode and verified by his declaration made before a Justice

(4.) If before such demand is made any claim to the wages and effects of the deceased made by any person interested therein as his widow or child or under a will or under any Statute for the Distribution of the Effects of Intestates or under

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under any other statute or at common law has been allowed the Minister shall cause notice to be given to the creditor of the allowance of such person's claim and the creditor shall thereupon have the same rights and remedies against such person as if he had received the said wages and effects as the legal personal representative of the deceased

(5.) If no claim by any such person has been allowed the Minister shall proceed to investigate the creditor's account and may for that purpose require him to prove the same and to produce all books accounts vouchers and papers relating thereto And if by such means the creditor duly satisfies the Minister of the justice of his demand either in the whole or in part the same shall be allowed and paid accordingly so far as the assets extend for that purpose and such payment shall discharge the Minister from all further liability in respect of the money so paid But in default of such satisfaction or if such books accounts vouchers or papers as aforesaid are not produced and no sufficient reason is assigned for not producing them the demand shall be disallowed

(6.) In any case whatever the investigation of any demand made by a creditor for the payment of his debt may be delayed for one year from the time of the first delivery of the demand And if in the course of that time a claim to the wages and effects of the deceased is made and substantiated as hereinbefore required by any person interested therein as a widow or child or under a will or under any Statute for the Distribution of the Effects of Intestates or under any other statute or at common law the same may be paid and delivered to such person And thereupon the creditor shall have the same rights and remedies against such person as if he had received the same as the legal personal representative of the deceased.

Mode of dealing with unclaimed wages of deceased seamen.

~~55.~~ **58.** In cases of wages or effects of deceased seamen or apprentices to which no claim is substantiated within six years after the receipt thereof it shall be in the absolute discretion of the Minister if any subsequent claim is made either to allow or to refuse the same But subject to the proviso next hereinafter contained all monies arising from the unclaimed wages and effects of deceased seamen shall be paid over to the Colonial Treasurer and such monies shall be carried to and form part of the Consolidated Fund of the Colony Provided that upon a certificate from the Minister of his allowance of any claim the said Treasurer may upon a warrant under the hand of the Governor pay and satisfy the amount thereof out of the said fund.

Punishment for forgery and false representations in order to obtain wages and property of deceased seamen.

~~56.~~ **59.** Every person who for the purpose of obtaining either for himself or for another any money or effects of any deceased seamen or apprentice forges assists in forging or procures to be forged or fraudulently alters assists in fraudulently altering or procures to be fraudulently altered any document purporting to shew or assist in shewing a right to such wages or effects and every person who for the purpose aforesaid makes use of any such forged or altered document as aforesaid or who for the purpose aforesaid gives or makes or procures to be given or made or assists in giving or making or procuring to be given or made any false evidence or representation knowing the same to be false shall be deemed guilty of felony and be liable to penal servitude for a term not exceeding four years or to imprisonment with or without hard labor for any period not exceeding two years.

PART IV.

Recovery of wages &c. of seamen lost with their ship.

~~57.~~ **60.** The wages of seamen or apprentices who are lost with the ship to which they belong shall be dealt with as follows:—

(1.) The Minister may recover the same from the owner of the ship in the same manner in which seamen's wages are recoverable

(2.) In any proceedings for the recovery of such wages if it is shewn by some official return or by other evidence that the ship has twelve months or upwards before the institution of the proceeding left a port of departure and if it is not shewn that she has been heard of within twelve months after such departure she shall be deemed to have been lost with all hands on board either immediately after the time she was last heard of or at such later time as the Court hearing the case may think probable

(3.) The production of any duplicate agreement or list of the crew made out at the time of the last departure of the ship from the Colony or of a certificate puporting to be a certificate from a Consular or other public Officer at any port abroad stating that certain seamen or apprentices were shipped in the ship from the said port shall in the absence of proof to the contrary be sufficient proof that the seamen or apprentices therein named were on board at the time of the loss and thereupon such wages shall be dealt with in the manner in which the wages of other deceased seamen and apprentices are to be dealt with under this Act.

Wages to be paid when seamen are left behind on ground of inability.

~~58.~~ **61.** Every master of a ship who leaves any seaman or apprentice on shore at any place abroad in or out of Her Majesty's dominions under a certificate indorsed on the agreement as hereinafter provided of his unfitness or inability to proceed on the voyage shall deliver to one of the functionaries who may sign such certificate or (in the absence of such functionaries) to the merchants by whom such certificate is signed or if there be but one merchant resident at such place to him a full and true account of the wages due to such seaman or apprentice such account when delivered to a Consular Officer to be in duplicate and shall pay the same when practicable in money and otherwise by a bill drawn upon the owner And in case of every bill so drawn such functionary or merchant as aforesaid shall by indorsement certify thereon that the same is drawn for money due on account of a seaman's wages and shall also indorse the amount for which such bill is drawn with such further particulars in respect of the case as the Minister requires And every such master as aforesaid who refuses or neglects to deliver a full account of such wages and pay the amount thereof in money or bill as hereinbefore required shall for every such offence or default in addition to the payment of the wages incur a penalty not exceeding ten pounds And every such master who delivers a false account of such wages shall for every such offence in addition to the payment of the wages incur a penalty not exceeding twenty pounds ~~And in cases where payment is~~

made by a bill drawn by the master the owner of the ship shall be liable to pay the amount for which the same is drawn to the holder or indorsee thereof and it shall not be necessary in any proceeding against the owner upon such bill to prove that the master had authority to draw the same and any bill purporting to be drawn in pursuance of this section and indorsed as herein required shall be received in evidence and any indorsement or any such bill purporting to be made in pursuance of this section and to be signed by one of the functionaries herein referred to shall also be received in evidence and be deemed *primâ facie* evidence of the facts stated in such indorsement.

PART V.

PROTECTION.

Leaving seamen behind a misdemeanor.

62. If the master or any other person wilfully and wrongfully leaves behind in any place on shore or at sea in or out of Her Majesty's dominions any seaman or apprentice belonging to any ship before the completion of the voyage for which he was engaged or the return of the ship to the Colony he shall for every such offence be deemed guilty of a misdemeanor.

63. If the master of any ship does any of the following things:—

(1.) Discharges any seaman or apprentice in any place out of the Colony without the sanction in writing indorsed on the agreement of some Officer of Customs or if out of Her Majesty's dominions of the British Consular Officer or of two resident merchants there

(2.) Or leaves behind any seaman or apprentice at any place out of the Colony without a certificate in writing so indorsed from such functionary officer or person as the case may be stating the fact and its cause whether unfitness or inability desertion disappearance or other cause

He shall for every such offence or default be deemed guilty of a misdemeanor.

Proof of such certificate to be upon master.

64. Upon the trial of any information or other proceeding for so discharging or leaving behind any seaman or apprentice it shall lie upon the accused to produce the sanction or certificate hereby required or to prove that he had obtained the same before such discharge or leaving behind or that it was impracticable for him to do so.

Sale of and charge upon salvage on wages invalid.

65. No assignment or sale of any salvage or wages made by any seaman or apprentice prior to the accrual thereof shall bind the person making the same and no power of attorney or authority for the receipt of any such salvage or wages shall be irrevocable and every payment in respect thereof to the seaman or apprentice himself shall be valid as against any previous sale or assignment or any attachment incumbrance or arrestment thereon.

Expenses of medical attendance.

66. The following rules shall be observed with respect to expenses attendant on illness and death:—

(1.) The expense of providing necessary surgical and medical advice attendance and medicine for any seaman or apprentice injured in the ship's service **unless such injury is caused by his drunkenness or other misconduct** and of his subsistence until he is cured or dies or is brought back to the Colony and the expense (if any) of his burial shall be defrayed by the owner without any deduction from his wages.

(2.) The expense of the temporary removal of a sick seaman or apprentice from his ship to prevent infection or otherwise for the ship's convenience and all medical expenses and subsistence as under No. (1) shall be defrayed in like manner.

(3.) All medical expenses as aforesaid to any seaman or apprentice while on board shall be defrayed in like manner.

(4.) In all other cases reasonable expenses incurred by the owner for any seaman in respect of illness or the burial of any seaman or apprentice dying on service shall if duly proved be deducted from wages.

PART V.

Penalties for overcharge by lodging-house keepers.

67. Any person demanding or receiving from any seaman or apprentice payment for his board or lodging in the house of such person for a longer period than such seaman or apprentice has actually resided a boarder therein shall incur for every such offence a penalty not exceeding ten pounds.

Penalty for detaining seamen's effects.

68. Any person receiving or taking possession of or under his control any monies documents or effects of any seaman or apprentice and not returning the same or paying the value thereof when required by him subject to any deduction lawfully due in respect of board lodging or otherwise or absconding therewith shall incur a penalty not exceeding ten pounds to be forthwith paid to such seaman or apprentice in addition to the value of the monies documents or effects aforesaid subject to deduction as aforesaid.

Penalty for going on board before actual arrival.

69. Every person not in Her Majesty's service or otherwise authorized by law going on board any ship about to arrive before her actual arrival at the place of her discharge without permission of the master shall for every such offence incur a penalty not exceeding twenty pounds and may forthwith be apprehended by the master and given in custody to be dealt with according to law.

Penalty for solicitation by lodging-house keeper.

70. Whosoever within twenty-four hours after the arrival of any ship at any port in the Colony solicits any seaman to become a lodger at his lodging-house or takes out of the ship any effects of any seaman except under his direction and by permission of the master shall for every such offence incur a penalty not exceeding five pounds.

Masters to deliver lists of their crews on departure and return.

71. The master of every ship bound to any part of the world beyond the limits of this Colony shall on his departure from the port of clearance deliver a list of his crew as provided by the sixth section of the Act of the then Legislature of this Colony fourth Victoria number seventeen and the master or owner of every such ship shall on his return to this Colony within twenty-four hours after her arrival at her final port of destination in this Colony deliver or send to the Shipping Master in addition to the list provided by the sixth section of the said Act fourth Victoria number seventeen an account or list signed by such master of all seamen and others including apprentices who shall have belonged to such ship at any time during her absence from this Colony which account or list shall be in the form of and shall contain a full true and correct return under their respective heads of the several particulars expressed in the ninth Schedule hereto and no such ship shall be entitled to enter inwards at the Custom House until the master or owner thereof shall produce a certificate from the proper officer that such respective lists have been delivered and every master or owner who shall neglect or refuse to deliver such lists as aforesaid or either of them shall forfeit and pay a penalty not exceeding fifty pounds.

Masters or owners of coasters to deliver lists containing certain particulars half-yearly.

72. Within twenty-one days after the thirtieth day of June and the thirty-first day of December in each year the master or owner of every ship engaged in trading or going from one part to another of the coast of this Colony not being of less burden than ten tons shall deliver or send to the Shipping Master an account signed by such master or owner of any voyage or voyages in which such ship shall have been engaged during the preceding half-year ending on the respective days above mentioned and setting forth the names of the several persons including the master and apprentices who shall have belonged to the ship at any such periods respectively which account shall be in the form of and shall contain a true and correct return under their respective heads of the several particulars expressed in the tenth Schedule hereto and any master or owner who shall refuse or neglect to deliver such accounts as aforesaid shall forfeit and pay for every such offence a penalty of not more than ten pounds.

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DISCIPLINE.

~~71.~~ **73.** Any master seaman or apprentice who by breach or neglect of duty or drunkenness does anything tending to the loss destruction or damage of the ship or to endanger life or limb or refuses or omits to do any act required to be done by him for preserving such ship from loss destruction or damage or preserving any person from danger to life or limb shall for every such offence be deemed guilty of a misdemeanor. Misconduct endangering ship or life or limb a misdemeanor.

~~72.~~ **74.** Any seaman or apprentice committing any of the following offences shall be liable to be punished summarily as follows :— Offences of seamen and apprentices and their punishments

(1.) For desertion—to be imprisoned for any period not exceeding three months with or without hard labour—~~or~~ **and** to forfeit all or any part of his wages or emoluments then earned. Desertion.

(2.) For neglecting or refusing without reasonable cause to join his ship or to proceed to sea therein or for absence without leave at any time within twenty-four hours of the ship's sailing from any port or for absence at any time from his ship or duty without leave not amounting to desertion or not treated as such by the master—to be imprisoned for any period not exceeding two months with or without hard labor—~~or~~ **and also at the discretion of the Court** to forfeit out of his wages ten days pay And for every twenty-four hours of such absence not exceeding ten days pay. Neglect or refusal to join &c.

(3.) For quitting the ship without leave after her arrival and before she is placed in security—to forfeit out of his wages not exceeding one month's pay. Quitting before ship is secured.

(4.) For wilful disobedience to any lawful command or for insubordination—to be imprisoned for any period not exceeding one month with or without hard labor—~~or~~ **and also at the discretion of the Court** to forfeit out of his wages not exceeding ten days pay. Disobedience.

(5.) For continued wilful disobedience to lawful commands or continued wilful neglect of duty—to be imprisoned for any period not exceeding three months with or without hard labor—~~or~~ **and also at the discretion of the Court** to forfeit the whole or any part of his wages. Continued disobedience.

(6.) For assaulting any master or mate—to be imprisoned for any period not exceeding three months with or without hard labor. Assault on officers.

(7.) For combining with any other of the crew to disobey lawful commands or to neglect duty or to impede the navigation of the ship or the progress of the voyage—to be imprisoned for any period not exceeding six months with or without hard labor. Combining to disobey.

(8.) For wilfully damaging the ship or embezzling or wilfully damaging any of her stores or cargo—to forfeit out of his wages a sum equal to the loss sustained and at the direction of the Court to be imprisoned for any period not exceeding three months with or without hard labor. Wilful damage or embezzlement.

(9.) For any act of smuggling for which he is convicted whereby loss or damage is occasioned to the master or owner—to pay such master or owner a sum sufficient to reimburse such loss or damage and to have the whole or a proportionate part of his wages retained to meet such liability without prejudice to any further remedy. Smuggling to the loss of owner.

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Entry in the log of offence and offender's defence if any.

~~73.~~ 75. Upon the commission of any offence aforesaid an entry thereof shall be made in the log-book and shall be signed by the master and also by the mate or one of the crew and the offender if still in the ship shall be furnished with a copy of such entry or have the same read over to him and may thereupon make such a reply thereto as he thinks fit which shall also be entered and signed in like manner And in any subsequent legal proceeding such entries shall be produced or proved or in default thereof the Court may at its discretion refuse to receive evidence of the offence.

Master or owner may apprehend deserters without warrant.

76. Whenever either at the commencement or during the progress of any voyage any seaman or apprentice neglects or refuses to join or deserts from or refuses to proceed to sea in any ship in which he is duly engaged to serve or is found otherwise absenting himself therefrom without leave the master or any mate or the owner ship's husband or consignee may with or without the assistance of any police officers or constables who are hereby directed to give the same if required apprehend him without first procuring a warrant and may thereupon in any case and shall in case he so requires and it is practicable convey him before some Court capable of taking cognizance of the matter to be dealt with according to law and may for the purpose of conveying him before such Court detain him in custody for a period not exceeding twenty-four hours or such shorter time as may be necessary or may if he does not so require or if there is no such Court at or near the place at once convey him on board And if any such apprehension appears to the Court before which the case is brought to have been made on improper or on insufficient grounds the master mate owner ship's husband or consignee who makes the same or causes the same to be made shall incur a penalty not exceeding twenty pounds but such penalty if inflicted shall be a bar to any action for false imprisonment in respect of such apprehension.

Seamen imprisoned for desertion or breach of discipline may be sent on board before termination of sentence.

77. If any seaman or apprentice is imprisoned on the ground of his having neglected or refused to join or to proceed to sea in any ship in which he is engaged to serve or of having deserted or otherwise absented himself therefrom without leave or of his having committed any other breach of discipline and if during such imprisonment and before his engagement is at an end his services are required on board his ship any Justice may at the request of the master or of the owner or his agent cause such seaman or apprentice to be conveyed on board his said ship for the purpose of proceeding on the voyage or to be delivered to the master or any mate of the ship or to the owner or his agent to be by them so conveyed notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

Deserters may be sent on board in lieu of being imprisoned.

~~74.~~ 78. Whenever any seaman or apprentice is brought before any Court on the ground of his having neglected or refused to join or to proceed to sea in any ship in which he is engaged to serve or of having deserted or otherwise absented himself therefrom without leave such Court may upon proof of the offence instead of committing the offender to prison if the master or the owner or his agent so requires ~~and if such seaman consent thereto~~ cause him to be conveyed on board for the purpose of proceeding on the voyage or deliver him to the master or any mate of the ship or the owner or his agent to be by them so conveyed and may also in any such case order any costs or expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender and if necessary to be deducted from any wages which he has then earned or which by virtue of his then existing engagement he may afterwards earn.

Facilities for proving desertion as far as concerns forfeiture of wages.

~~75.~~ 79. Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion it shall be sufficient for the parties insisting on the forfeiture to shew that such seaman or apprentice

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apprentice was duly engaged in or that he belonged to the ship from which he is alleged to have deserted and that he quitted such ship without leave before the completion of the voyage or engagement or if such voyage was to be completed in the Colony and the ship has not returned that he is absent from her and that an entry of the desertion has been duly made in the log-book And thereupon the desertion shall so far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained be deemed to be proved unless the seaman or apprentice can produce a proper certificate of discharge or can otherwise shew to the satisfaction of the Court that he had sufficient reasons for leaving the ship.

Costs of procuring imprisonment may be deducted from wages.

~~59.~~ **80.** Whenever in any proceeding relating to wages it is shewn that any seaman or apprentice entitled thereto has in the course of the voyage been lawfully convicted of any offence and rightfully punished therefor the Court may direct a part of such wages not exceeding two pounds to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

Amount of forfeiture how ascertained when seamen contract for voyage.

~~60.~~ **81.** Whenever any seaman contracts for wages by the voyage or by the run or by the share and not by the month or other stated period of time the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share as a month or other period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage and if the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited the forfeiture shall extend to the whole wages or share.

Questions of forfeiture may be decided in suits for wages.

~~61.~~ **82.** Any question concerning the forfeiture of or deduction from the wages of any seaman or apprentice may be determined in any proceeding lawfully instituted respecting such wages notwithstanding that the offence as to which such question arises has not been made the subject of any criminal proceeding.

Penalty for false statement as to last ship or name.

~~76.~~ **83.** If any seaman on or before being engaged **to serve in any ship of whatever tonnage** wilfully makes a false statement of the name of his last ship or of his own name he shall incur a penalty not exceeding five pounds And such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid and shall be paid and applied in the same manner as other penalties payable under this Act.

Penalty for enticing to desert and harboring deserters.

~~77.~~ **84.** Every person who by any means whatever persuades or attempts to persuade any seaman or apprentice to neglect or refuse to join or to proceed to sea in or to desert from his ship or otherwise to absent himself from his duty shall for every such offence in respect of each such seaman or apprentice incur a penalty not exceeding ten pounds And every person who wilfully harbors or secretes any seaman or apprentice who has deserted from his ship or wilfully neglected or refused to join knowing or having reason to believe such seaman or apprentice to have so done shall for every such seaman or apprentice so harbored or secreted incur a penalty not exceeding twenty pounds.

Desertion after departure of ship may be prosecuted by Shipping Master.

~~78.~~ **85.** When any seaman who shall have deserted from any ship **or have neglected or refused without reasonable cause to join his ship or to proceed to sea therein or who shall have been absent therefrom without leave at any time within twenty-four hours of the ship's sailing from any port or shall have been absent at any time from his ship or duty without leave such absence not amounting to desertion or not treated as such by the master** shall not be apprehended until after the departure of such ship from the Colony or so shortly before such departure that he cannot conveniently be brought to trial before the same or that the Master cannot reasonably be expected to attend

for

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for the purpose of prosecuting him and of producing original documentary evidence against him the Shipping Master shall prosecute such deserter and upon the hearing of the charge verified copies of the ships' articles and of the entry in the log book in which respectively such offender's name shall appear shall be admitted as evidence against him.

Penalty on seamen secreting themselves on board other ship.

~~79.~~ **86.** Any seaman who having deserted from his ship shall secrete himself on board any other ship **or otherwise** with intent to evade apprehension or escape from his existing engagement as a seaman shall incur a penalty not exceeding five pounds or be liable to imprisonment for any period not exceeding three weeks with or without hard labor.

Master may give drunken or disorderly seaman &c. into custody.

~~80.~~ **87.** The master of any ship in harbour may give in charge to a water policeman or other constable any seaman or other person who shall be drunk riotous or disorderly on board such ship and such policeman or constable shall receive such offender and convey him to some watch-house until he can be conveyed before the Water Police Magistrate or some other Justice at the next usual hour of business And such seaman or other person shall for every such offence incur a penalty not exceeding forty shillings or in default of immediate payment shall be imprisoned for any time not exceeding two days.

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PART VII.

MISCELLANEOUS MATTERS.

Regulations for carrying Act into full effect.

~~81.~~ **88.** The Governor with the advice aforesaid may make such regulations not inconsistent with any provisions of this Act as shall appear necessary to provide for all such matters of detail as are not expressly determined by enactment and generally for the purpose of carrying this Act into full effect And such regulations upon being published in the *Gazette* shall have the force of law And copies thereof shall be laid before both Houses of Parliament forthwith if then sitting or if not then within fourteen days of the opening of the next session.

Printed forms to be supplied by Shipping Master.

~~82.~~ **89.** Printed forms of agreements certificates of discharge mutual releases and of all other documents required to be used under this Act shall be supplied at the Shipping Office to all persons who shall apply for the same at such reasonable prices for the purpose of covering the cost thereof as the Shipping Master may with the approval of the Minister determine.

Penalties for offences not specified.

~~83.~~ **90.** Whosoever shall commit any offence against this Act for which no penalty is herein expressly enacted shall incur a penalty not exceeding five pounds.

Recovery and application of penalties.

~~84.~~ **91.** All penalties and forfeitures incurred under this Act may be recovered before the Water Police Magistrate or any other stipendiary Magistrate or before any two Justices and if not hereby specifically appropriated shall be paid to the Colonial Treasurer to be by him carried over to the Consolidated Revenue Fund.

Document proved without calling attesting witness.

92. Any document required by this Act to be executed in the presence of or to be attested by any witness or witnesses may be proved by the evidence of any person who is able to bear witness to the requisite facts without calling the attesting witness or witnesses or any of them.

Sums ordered to be paid leviable by distress on ships.

~~85.~~ **93.** In all cases in which any Court or Tribunal has power under this Act to direct payment of any wages penalty or other sum of money and the party directed to pay the same being master or owner of a ship does not pay the same at the time and in the manner prescribed by the order the Court or Tribunal lawfully making the order may in addition to any other of its powers in that behalf for the purpose of compelling such payment direct the amount or the portion thereof

thereof remaining unpaid to be levied by distress and sale of the ship her tackle furniture and apparel or a sufficient part thereof and such sale shall be made accordingly.

PART VII.

94. This Act in addition to its general application according to its subject matter to all persons within the jurisdiction of the Government of this Colony shall extend and apply as follows (that is to say) :—

To what ships this Act extends.

(1.) As to ships registered in or belonging to this Colony (except pleasure yachts) and the owners masters and crews of such ships wherever the same may be—The whole Act—except so far as other provisions are made in respect thereof when such ships are out of the jurisdiction of the Government of this Colony by the Imperial Act seventeenth and eighteenth Victoria chapter one hundred and four or any other Act of the Imperial Parliament relating thereto.

(2.) As to pleasure yachts registered in or belonging to this Colony and the owners masters and crews thereof—so much of section sixteen as directs that no seaman shall be hired or engaged to serve in any ship of whatever tonnage the same may be unless he produces and delivers up to the Shipping Master or the owner or master engaging him his discharge or license to ship and that in all cases where any such discharge or license to ship shall be delivered to any such owner or master the same shall be forthwith delivered or sent by such owner or master to the Shipping Master to be by him kept and preserved in his office—The whole of section thirty-one and so much of section thirty-two as dispenses with the production or giving of discharges or licenses to ship by or to seamen who immediately re-engage to serve in the same ship and as requires the master in such cases to send to the Shipping Master a written statement signed by him setting forth the fact of such re-engagements being so entered into.

(3.) As to ships registered in or belonging to the United Kingdom or any of Her Majesty's dominions other than this Colony and the owners masters and crews of such ships when such ships are within the jurisdiction of the Government of this Colony—The whole Act except so far as other provisions are made in respect thereof by the Imperial Act seventeenth and eighteenth Victoria chapter one hundred and four or any other Act of the Imperial Parliament relating thereto.

(4.) As to ships registered in or belonging to any Foreign State or Country and the owners masters and crews of such ships when such ships are within the jurisdiction of the Government of this Colony—The whole of section seven—The whole of sections fourteen to nineteen both inclusive—The whole of sections twenty-one twenty-two thirty-one thirty-two sixty-seven sixty-eight sixty-nine seventy eighty-three and eighty-four and the whole of section eighty-six and the following sections to and inclusive of this section except so far as other provisions are made in respect thereof by the Act of the then Legislature of this Colony sixteenth Victoria number twenty-five.

95. Nothing herein contained shall extend or apply to any of Her Majesty's or the ships-of-war of any Foreign State or Power.

Not to extend to ships of war.

FIRST

FIRST SCHEDULE.

Acts and parts of Acts repealed.

Fourth William IV. Number Seven	The whole of Section forty-four ~~only.~~
Eleventh Victoria Number Twenty-three... ...	The whole.
Thirteenth Victoria Number Twenty-eight ...	The whole.
Seventeenth Victoria Number Thirty-six... ...	~~The whole except so much as relates to the Water Police~~ **The whole of sections three to fourteen both inclusive the whole of sections seventeen to twenty-five both inclusive the whole of section twenty-seven so much of section twenty-nine as applies or extends to or affects ships or vessels in port which are moored to any wharf and the whole of sections thirty to forty-four both inclusive.**
Nineteenth Victoria Number Eight	The whole.
Twenty-third Victoria Number Eleven	The whole.

SECOND SCHEDULE.

Declaration to be made by Shipping Master.

I do solemnly and sincerely declare that I will faithfully and truly perform the office and duty of Shipping Master according to the true intent and meaning of the Seamen's Laws Consolidation Act of 1863 4 and that I will not either directly or indirectly personally or by means of any other person or persons on my behalf receive any fee reward or gratuity whatsoever by reason of any duty of my office as Shipping Master except such as are authorized by the said Act and that I will act without partiality favor or affection and to the best of my knowledge and ability.

THIRD SCHEDULE.

FEES to be charged for ~~matters transacted at Shipping Offices~~ **engagements and discharges of Crews and Seamen howsoever made the same to be paid to the Shipping Master at the Port where the engagements or discharges take place.**

1. *Engagement of Crews.*

	£	s.	d.
In ships under 30 tons	0	2	0
30 to 60 „	0	4	0
60 to 100 „	0	7	0
100 to 200 „	0	15	0
200 to 300 „	1	0	0
300 to 400 „	1	5	0
400 to 500 „	1	10	0
500 to 600 „	1	15	0
600 to 700 „	2	0	0
700 to 800 „	2	5	0
800 to 900 „	2	10	0
900 to 1,000 „	2	15	0

And so on for ships of larger tonnage adding for every 100 tons above 1,000 five shillings.

2. *Engagement of Seamen separately.*

Two shillings for each.

3. *Discharge of Crews.*

	£	s.	d.
In ships under 60 tons	0	4	0
60 to 100 „	0	7	0
100 to 200 „	0	15	0
200 to 300 „	1	0	0
300 to 400 „	1	5	0
400 to 500 „	1	10	0
500 to 600 „	1	15	0
600 to 700 „	2	0	0
700 to 800 „	2	5	0
800 to 900 „	2	10	0
900 to 1,000 „	2	15	0

And so on for ships of larger tonnage adding for every 100 tons above 1,000 five shillings.

4. *Discharge of Seamen separately.*

Two shillings for each.

SUMS TO BE DEDUCTED FROM WAGES BY WAY OF PARTIAL REPAYMENT OF ABOVE FEES.

1. *In respect of Engagements and Discharges of Crews.*

Upon each engagement and each discharge from the wages of each seaman—sixpence.

2. *In respect of Engagements and Discharges of Seamen separately.*

Upon each engagement and each discharge—sixpence.

FOURTH SCHEDULE.

AN Agreement made in pursuance of the "Seamens' Laws Consolidation Act of 1863 4," between the master of the ship of the Port of and of the burden of tons and the several persons whose names are subscribed hereto :—

IT is agreed by and on the part of the said persons and they severally hereby engage to serve on board the said ship in the several capacities expressed against their respective names on a voyage from the Port of to [*here the intended voyage is to be described as nearly as can be done and the places at which it is intended the ship shall touch or if that cannot be done the nature of the voyage in which she is to be employed and also when practicable the probable duration of the voyage* **and if a running agreement the several voyages or trips for which the seamen are engaged and the limits as near as may be both of time and place within which such voyages are to be comprised and the final place of discharge**] and the said crew further engage to conduct themselves in an orderly faithful honest careful and sober manner and to be at all times diligent in their respective duties and stations and to be obedient to the lawful commands of the master in everything relating to the said ship and the materials stores and cargo thereof whether on board such ship or in boats or on shore [*here may be inserted any other clauses which the parties may think proper to be introduced into the agreement provided that the same be not contrary to or inconsistent with the provisions and spirit of this Act*] in consideration of which services to be duly honestly carefully and faithfully performed the said master doth hereby promise and agree to pay to the said crew by way of compensation or wages the amount expressed against their respective names And it is hereby agreed that any embezzlement or wilful or negligent loss or destruction of any part of the ship's cargo or stores shall be made good to the owner out of the wages (so far as they will extend) of the seamen guilty of the same and if any seaman shall have entered himself as qualified for a duty to which he shall prove not to be competent he shall be subject to a reduction of the rate of wages hereby agreed for in proportion to his incompetency In witness whereof the said parties have hereto subscribed their names on the days mentioned against their respective signatures.

No. and Date of Ship's Register.	The number and description of the crew specifying how many are engaged as sailors.	Place and Time of Entry.				The time at which each seaman is to be on board or to begin work.	Men's Names. Christian and Surnames set forth at full length.	Age.	Town or Country where born.	Capacity of Seaman.	Amount of Wages per Calendar Month ~~Share~~ **Run or Voyage or otherwise.**	In cases of remuneration by share or lay—amount of such share or lay.	Amount of Wages advanced at the time of entry.			Amount of Monthly Allotment.			Quantity of Provisions per day.	Witness to Signature.	Name of Ship in which the Seaman last served.	Special stipulations, if any.
			Day.	Month.	Year.																	

[Special place or form in the duplicate retained by the master for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship.]

(*Signature of Master.*)

(*Shipping Master's name as witness.*)

FIFTH

FIFTH SCHEDULE.

Form of Allotment Note

I A.B. a seaman engaged to serve in the capacity of on board the ship C.D. master on a voyage [*here describe the intended voyage*] do hereby allot to E.F. [*describe who it is whether wife child or otherwise*] (Here state the precise sum—or the proportionate amount—of the wages to be earned by A.B. which he hereby authorizes to be paid over to E.F. and the periods at which such payments are to be made.)

Signature of Seaman.

Witness—**A. B.**

~~Shipping Master.~~

I hereby issue and give this Allotment Note.

Signature of Owner Master or other authorized Agent.

Witness—A. B.

SIXTH SCHEDULE.

Certificate of Discharge.

Name of Ship.	Official Number.	Port of Registry.

Registered Tonnage.	Description of Voyage or Employment.

	Capacity.
Name of Seaman Place of Birth Date of Birth	

Date of Entry.	Date of Discharge.	Place of Discharge.

I certify that the above particulars are correct and that the above Seaman was discharged accordingly.

Dated this day of 18 .

(Signed) Master of the Ship.

Witness— ~~Shipping Master.~~

SEVENTH SCHEDULE.

Form of Mutual Release.

THE undersigned A. B. master of the ship and C. D. a seaman recently serving on board the same hereby declare that the agreement entered into between them from the day of 18 has been duly fulfilled on both sides and that all wages earned by the said C. D. have been fully paid or satisfied and that he has been and is fully discharged from his said service And the said parties hereto do hereby mutually acquit and release each other from all further claim under the said agreement or in any other respect arising out of the engagement thereby made.

In witness whereof we have hereto set our hands this day of 18 .

(Signed) Master.
Seaman.

Witness—

Shipping Master.

EIGHTH

EIGHTH SCHEDULE.

Report of Conduct Character and Qualifications.

Name of ship.	Port of registry.	Name of seaman discharged.	Place of birth.	Capacity on board.	Description or nature of voyage.	Report of			If master declines to give opinion on any particulars here state on which.
						Conduct.	Character	Qualification	

I hereby certify that the above is a true report of the conduct character and qualifications of the several seamen above named discharged by me before Shipping Master this day of 18 .

(Signed) Master.

Witness—

~~Shipping Master.~~

NINTH

NEW SCHEDULES

NINTH SCHEDULE.

Ship of the Port of of the burden of tons whereof was Master.

A List of the Crew (including the Master and apprentices) at the period of quitting the Port of in New South Wales from which she took her first departure on her voyage to on the day of and of the men who joined the ship subsequent to such departure and until her return to the Port of being her first final port of destination in New South Wales on the day of 18 .

No. and Date of Ship's Register.	Name, Christian, and Surname at full length.	Age.	Town or Country where born.	Quality.	Ship in which he last served.	Date of joining the Ship.	Place where.	Time of death or leaving the Ship.	Place where.	How disposed of.	Date of apprentices' indentures and assignments.	When and where registered.	Date of Discharge.

NOTE.—If any one of the crew has entered Her Majesty's service, the name of the Queen's ship in which he entered must be stated in the account, under the head of "How disposed of."

TENTH SCHEDULE.

AN account of the voyages in which the Ship of of the burden of tons has been engaged in the half year commencing on the day of 18 and ending on the day of 18 and of all the persons (master and apprentices included) who have belonged to such Ship during that period.

ACCOUNT OF THE VOYAGES.

(Here the several voyages and the periods of such voyages are to be described.)

ACCOUNT OF THE CREW.

No. and date of Ship's Register.	Name, Christian, and Surname at full length.	Age.	Town or County where born.	Quality.	Ship in which he last served.	Date of joining the Ship.	Place where.	Time of death or leaving the Ship.	Place where.	How disposed of.	Date of apprentices' indentures and assignments.	When and where registered.	Date of Discharge.

NOTE.—If any one of the crew shall have entered Her Majesty's Service the name of the Queen's ship in which he entered must be stated in this account, under the head of "How disposed of."

SEAMEN'S LAWS AMENDMENT AND CONSOLIDATION BILL.

SCHEDULE of the Amendments made by the Legislative Council in the Bill intituled "An Act to amend and consolidate the Laws relating to Merchant Seamen" *returned to the Legislative Assembly with Message of* 17*th February*, 1864.

R. O'Connor,
Clerk of the Parliaments.

Page 1, clause 1, line 8. *Omit* the figure "3" *insert* "4"
" " lines 9 to 12. *Omit* remainder of clause *insert* "on the second day of May next"
" clause 2, line 20. *After* "Colony" *omit* "or" *insert* "including Tasmania and"
Page 2, " line 3. *Omit* "the vessel" *insert* "any ship or any part or share thereof or therein"
" " line 4. *Omit* "or any agent for any such owner"
" " line 6. *After* "person" *insert* "except pilots"
" " line 7. *Omit* "vessel except pilots" *insert* "ship"
" " line 15. *After* "Act" *add* "and where not otherwise provided the "Shipping Master for the port where the ship in reference to which he "is acting shall be and shall include any Deputy of such Shipping "Master in respect of any duties or acts which such Deputy may be "authorized to perform."
" " line 22. *After* "Act" *add* "and the Minister for Finance and Trade shall be such Minister"
" " line 26. *Omit* "not less than" *insert* "of"
" " line 27. *After* "hours" *add* "without lawful cause or excuse or any "unlawful departure or absence from his ship with the intention of not "returning thereto"
" " line 30. *Insert* the following paragraph:—
"Discharge—The certificate of the discharge of a seaman from the last ship in which he served."
" *Above* "Shipping Offices and Masters" *insert* "PART I."
" clause 5, line 52. *Before* "appoint" *insert* "so"
Page 3, clause 6, line 5. *After* "registry" *insert* "thereof and"
" " line 6. *Omit* "such"
" " " *Omit* "as are compulsory or voluntarily brought before them" *insert* "of their engagement and discharge in this Colony"
" clause 7, line 14. *Omit* "before them" *insert* "under the provisions of this Act"
" " line 23. *After* "Schedule" *insert* "and all such fees may be sued for "and recovered with costs by the Shipping Master from the owner or "master in the summary manner in which seamen are by this Act "enabled to sue for and recover wages not exceeding fifty pounds"
" clause 8, line 29. *After* "or any" *insert* "deputy"
" " line 32. *Omit* "merchant"
" " line 34. *Omit* "or" *insert* "and may"
" *Above* "Apprenticeship" *insert* "PART II."
" clause 10, line 49. *After* "purpose" *add* Proviso.
Page 4, clause 11, line 2. *Omit* "some" *insert* "the"
" " " *After* "record" *insert* "and keep and preserve."
" " line 9. *Omit* "said or some other"
" clause 13, line 19. *Omit* "Foreign trade"
" " " *After* "ship" *insert* "except ships of less than eighty tons "registered tonnage exclusively engaged in trading or going to places "within or on the coast of this Colony"
" " line 23. *Before* "produce" *insert* "shall"
" " line 24. *Omit* "any and"
" " line 26. *Omit* "any and"
" " line 28. *Omit* "agreement for service" *insert* "ship's articles"
" " line 30. *After* "pounds" *add* Proviso.
" *Above* "Engagement of Seamen" *insert* "PART III."
" clause 14, line 37. *After* "whosoever" *insert* "in this Colony"
" " line 42. *Omit* "in the Colony"
Page 5, clause 15, line 1. *Omit* "Every" *insert* "The"
" " " *Omit* "any Intercolonial" *insert* "every"
" " line 2. *After* "tonnage" *insert* "exclusively engaged in trading or going to places within or on the coast of this Colony"
" " line 4. *Omit* "from any port"
" " " *Omit* "the" *insert* "this"
" " " *Omit* "as one of his crew"
" " line 12. *After* "Shipping Master and shall be" *insert* "prepared and signed in duplicate and shall in all cases be"
" " line 14. *Omit* "his" *insert* "the"
" " " *After* "presence" *add* "of and attested by him and one of "such duplicates shall in all cases be left with or delivered or sent to the "Shipping Master and by him kept and preserved in his office"

Page 5, clause 16, line 17. *Omit* "Every" *insert* "The"
" " " *Omit* "such"
" " line 18. *Omit* "at the Port of Sydney" *insert* "in this Colony"
" " line 19. *Omit* "or at the Shipping Master's office"
" " line 22. *Omit* "the owner or master or other officer engaged on board the ship" *insert* "some other witness"
" " line 24. *After* "Provided also that" *omit* remainder of clause *insert* new Proviso.
" clause 17, line 35. *Omit* "Foreign trade"
" " " *After* "ships" *insert* "except as aforesaid"
" " line 36. *After* "following" *insert* "in addition to the"
" " " *After* "rules" *insert* "prescribed in and by the last two preceding sections"
" " lines 38 to 43. *Omit* Paragraphs (1) and (2) *insert* new Paragraphs (1) and (2).
Page 6, " line 1. *Omit* "previously" *insert* "first"
" " " *After* "engage the" *insert* "duplicate of the"
" " line 2. *Omit* "shall be signed in duplicate and one part shall be"
" " line 3. *Omit* "Shipping"
" " " *Omit* "and the other part"
" " line 6. *Omit* "and shall be delivered to the Master"
" " *After* line 6 *insert* new Paragraph (4.)
" clause 20, line 45. *Add* "s" to "name"
" " " *Add* "s" to "ship"
" " " *Omit* "and of the master"
" clause 21. *Omit* clause 21.
Page 7, clause ~~23~~ **22,** line 7. *After* "every" *insert* "Intercolonial or"
" " lines 7 and 8. *Omit* "of which the crew has been engaged before a Shipping Master"
" " line 9. *Before* "Shipping Master" *omit* "a" *insert* "the"
" clause ~~24~~ **23,** line 18. *After* "of" *insert* "the witness attesting the signature or signatures of the person or persons so interested or"
" " line 19. *Omit* "Shipping Master or"
" *Above* "WAGES AND DISCHARGES" *insert* "PART IV."
Page 8, clause ~~30~~ **29,** line 7. *Omit* "the seaman or by"
" " line 10. *After* "Court" *insert* "either by the official statement of the "change in the crew caused by his absence signed and sent to the "Shipping Master by the master as by this Act is required or by a duly "certified copy of some entry in the log-book to the effect that he has "left the ship or by a credible letter from the master of the ship to the "same effect or by such other evidence of whatever description as the "Court in its absolute discretion considers sufficient to shew satisfac-"torily that the seaman has ceased to be entitled to the wages out of "which the allotment is to be paid"
" clause 31. *Omit* clause 31.
" clause ~~32~~ **30,** line 35. *Omit* "not less than twenty-four hours" *insert* "at the time of or"
" clause 33. *Omit* clause 33 *insert* new clauses **31, 32,** and **33.**
Page 9, clause 34, line 35. *Omit* "of his crew" *insert* "seaman"
" " line 36. *Omit* "in submitting" *insert* "to submit"
" " line 37. *Omit* "so"
Page 10, clause 36, line 15. *After* "settlement" *insert* "take place"
" " line 16. *Omit* "are hereby required"
" clause 37, line 26. *Omit* "before a Shipping Master" *insert* "in this Colony from any Foreign-going ship"
" " line 28. *After* "hereto" *insert* "and forthwith deliver or send to the Shipping Master"
Page 11, clause 41, line 15. *End* clause 41 at "aforesaid"
" " " *Omit* "Provided that"
" clause **42,** line 16. *Commence* separate clause at "In every &c."
" " " *Omit* "Intercolonial ship trading beyond the Colony" *insert* "Foreign-going ship"
" " line 18. *Omit* "an apothecary of known reputation" *insert* "a duly qualified medical practitioner"
" " line 20. *Omit* "apothecary" *insert* "such medical practitioner"
" " line 26. *Omit* "qualified"
" *After* clause 41 *insert* new clauses **43** and **44.**
Page 12, clause ~~44~~ **47,** line 30. *After* "ship" *insert* "except ships of less than eighty "tons registered tonnage exclusively engaged in trading or going to "places within or on the coast of this Colony"
" " lines 43 to 45. *Omit* "Provided also that in all cases the seaman "shall at the time of his discharge be entitled to be paid on account a "sum equal to one-fourth part of the balance due to him"
Page 13, clause ~~48~~ **51,** line 25. *Omit* "whether a Foreign-trade ship or an Intercolonial ship" *insert* "(except ships of less than eighty tons registered tonnage "exclusively employed in trading or going to places within or on the "coast of this Colony)"
" " line 28. *Omit* "the" *insert* "this"

Page

Page 14, clause ~~49~~ **52,** line 2. *Omit* " a " *insert* " the "
„ „ „ *Omit* " there "
„ „ line 9. *Omit* " if there is a log-book "
„ „ „ *Omit* " therein " *insert* " in the log-book "
„ „ line 17. *Omit* " Foreign-trade "
„ „ „ *After* " ship " *insert* " comprised within this and the next preceding section "
Page 15, clause ~~53~~ **56.** *After* line 33 *add* new Paragraph (3.)
„ clause ~~54~~ **57,** line 40. *After* " claim " *insert* " from the Minister "
Page 17, clause ~~58~~ **61,** line 48. *After* " twenty pounds " *omit* remainder of clause.
„ clauses 59, 60, and 61. *Transpose* to follow clause ~~75~~ **79.**
Page 18. *Above* " PROTECTION " *insert* " PART V."
„ clause 66, line 38. *After* " service " *insert* " unless such injury is caused by his drunkenness or other misconduct "
Page 19. *After* clause 70 *insert* new clauses **71** and **72.**
Page 20. *Above* " DISCIPLINE " *insert* " PART VI."
„ clause ~~72~~ **74,** line 13. *After* " labor " *omit* " or " *insert* " and "
„ „ line 23. *After* " labor " *omit* " or " *insert* " and also at the discretion of the Court "
„ „ line 32. *After* " labor " *omit* " or " *insert* " and also at the discretion of the Court "
„ „ line 38. *After* " labor " *omit* " or " *insert* " and also at the discretion of the Court "
Page 21. *After* clause ~~73~~ **75** *insert* new clauses **76** and **77.**
„ clause ~~74~~ **78,** line 48. *After* " may " *insert* " upon proof of the offence "
„ „ lines 49 and 50. *Omit* " and if such seaman consent thereto "
Page 22. *After* clause ~~75~~ **79** *insert* transposed clauses ~~59~~ **80,** ~~60~~ **81,** and ~~61~~ **82.**
„ clause ~~76~~ **83,** line 32. *After* " engaged " *insert* " to serve in any ship of whatever tonnage "
„ clause ~~78~~ **85,** line 50. *After* " ship " *insert* " or have neglected or refused " without reasonable cause to join his ship or to proceed to sea therein " or who shall have been absent therefrom without leave at any time " within twenty-four hours of the ship's sailing from any port or shall " have been absent at any time from his ship or duty without leave such " absence not amounting to desertion or not treated as such by the " master "
Page 23, clause ~~79~~ **86,** line 8. *After* " ship " *insert* " or otherwise "
„ *Above* " MISCELLANEOUS MATTERS " *insert* " PART VII."
„ *After* clause ~~84~~ **91** *insert* new clause **92.**
Page 24. *After* clause ~~85~~ **93** *insert* new clauses **94** and **95.**

Page 25. First Schedule, line 3. *Before* " Section " *insert* " the whole of "
„ „ line 4. *Omit* " only "
„ „ lines 7 to 13. *Omit* " The whole except so much as relates to " the Water Police " *insert* " The whole of sections three to fourteen " both inclusive the whole of sections seventeen to twenty-five both " inclusive the whole of section twenty-seven so much of section twenty-" nine as applies or extends to or affects ships or vessels in port which " are moored to any wharf and the whole of sections thirty to forty-four " both inclusive."
„ Second Schedule, line 20. *Omit* the figure " 3 " *insert* " 4 "
„ Third Schedule, line 26. *Omit* " matters transacted at Shipping Offices " *insert* " engagements and discharges of crews and seamen howsoever " made the same to be paid to the Shipping Master at the port where " the engagements or discharges take place."
Page 26. Fourth Schedule, line 7. *Omit* the figure " 3 " *insert* " 4 "
„ „ line 16. *After* " voyage " *insert* " [*and if a running agree-* " *ment the several voyages or trips for which the seamen are engaged and the* " *limits as near as may be both of time and place within which such voyages* " *are to be comprised and the final place of discharge.*]"
„ „ *Between* first and second columns *insert* new column headed— " The number and description of the crew specifying how many are " engaged as sailors."
„ „ *Between* second and third columns *insert* new column headed— " The time at which each seaman is to be on board or to begin work."
„ „ Seventh column *omit* " share " *insert* " run "
„ „ *After* " voyage " *insert* " or otherwise "
„ „ *Between* seventh and eighth columns *insert* new column headed—" In cases of remuneration by share or lay—amount of such share or lay."
„ „ At the foot of the Tabular form *insert* " [*Special place or form* " *in the duplicate retained by the master for the descriptions and signatures* " *of substitutes or persons engaged subsequently to the first departure of* " *the ship.*]"
Page 27. Fifth Schedule, line 11. *Omit* " Shipping Master " *insert* " A.B."
„ At the end of Schedule *add*—
" I hereby issue and give this Allotment Note.
" Signature of owner master or other authorized agent.
" Witness—A.B."
„ Sixth Schedule, line 27. *Under* " (Signed) " *insert* " Witness "
„ „ „ *Omit* " Shipping Master "
Page 28. Eighth Schedule, last line. *Omit* " Shipping Master "
After Eighth Schedule *add* new Schedules ninth and tenth.

SEAMEN'S LAWS AMENDMENT AND CONSOLIDATION BILL.

SCHEDULE shewing the Legislative Assembly's disagreements from, and Amendments upon the Legislative Council's Amendments in, this Bill:—

Page 5, clause 15, line 14. *Omit* "him," *insert* "such Shipping Master"
Page 6, clause 20, line 45. *Re-insert* "and of the master" and *add* letter "s" to "master"
„ *Re-insert* clause 21.
Page 9, new clause 33, line 31. *Omit* "and for every such license to ship the person "applying for the same shall before he shall be "entitled to receive it pay to the Shipping Master "granting the same a fee of two shillings"
Page 18, clause 66, line 39. *Omit* "drunkenness or other"
Page 19. *After* clause 70, *omit* new clauses 71 and 72.
Page 20, clause ~~72~~ 74, lines 13 and 14. *After* "labor" *re-insert* "or" *omit* "and"
„ „ lines 23 and 24. *After* "labor" *re-insert* "or" *omit* "and also at the discretion of the Court"
„ „ lines 32 and 33. *After* "labor" *re-insert* "or" *omit* "and also at the discretion of the Court"
„ „ line 38. *After* "labor" *re-insert* "or" *omit* "and also at the discretion of the Court"
Page 21. *Omit* new clauses 76 and 77.
„ clause ~~74~~ 78, lines 49 and 50. *Re-insert* "and if such seaman consent thereto"
Page 22, clause ~~78~~ 85, line 52. *After* "therein" *omit* "or who shall have been "absent therefrom without leave at any time within "twenty-four hours of the ship's sailing from any "port or shall have been absent at any time from his "ship or duty without leave such absence not "amounting to desertion or not treated as such by "the master"
Page 23, clause ~~79~~ 86, line 8. *After* "ship" *omit* "or otherwise"
Page 25. First Schedule, lines 8 and 9. *After* "to" *omit* "fourteen both inclusive the whole of sections seventeen to"
Page 29. *Omit* new Schedules Ninth and Tenth.

NOTE.—*These references are to the Council's reprint of the Assembly's Bill.*

I Certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

Legislative Assembly Chamber,
Sydney, 21 *April,* 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

New South Wales.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

* * *

No. XIII.

An Act to amend and consolidate the Laws relating to Merchant Seamen. [Assented to, 22nd April, 1864.]

Preamble. WHEREAS it is expedient to amend and consolidate the Laws relating to Seamen in the Merchant Service of the Colony Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Short title. 1. This Act shall be styled and may be cited as the "Seamen's Laws Consolidation Act of 1864" and shall commence and take effect on the second day of May next.

Interpretation. 2. The following terms in inverted commas shall for the purposes of this Act when not otherwise expressed and unless the context otherwise indicate bear the meanings set against them respectively:—

"Ship"—Every description of vessel used in navigation not ordinarily propelled by oars.

"Intercolonial Ship"—Every ship engaged in trading between any port in this Colony and any other such port or any other Australasian Colony including Tasmania and New Zealand.

"Foreign-trade Ship"—Any ship trading to any part of the world not comprehended in the term Intercolonial.

"Owner"—Every person to whom any ship or any part or share thereof or therein shall belong.

"Master"

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

ROBERT WISDOM,
Chairman of Committees of the Legislative Assembly.

Preliminary.

"Master"—Every person except pilots having charge or command of any ship.

"Seaman"—Every person employed or engaged in any capacity on board any ship except masters pilots and apprentices and except persons temporarily employed on board any ship in port.

"Apprentice"—Every person bound by indenture for the sea service to any such owner or master.

"Shipping Master"—Every officer duly authorized for any specified duties of Shipping Master under this Act and where not otherwise provided the Shipping Master for the port where the ship in reference to which he is acting shall be and shall include any Deputy of such Shipping Master in respect of any duties or acts which such deputy may be authorized to perform.

"Minister"—The Minister for the time being administering this Act and the Minister for Finance and Trade shall be such Minister.

"Justice"—Any Justice of the Peace.

"Desertion"—The absence of a seaman or apprentice from his ship without leave for a period of forty-eight hours without lawful cause or excuse or any unlawful departure or absence from his ship with the intention of not returning thereto.

"Discharge"—The certificate of the discharge of a seaman from the last ship in which he served.

And the word "Agreement" shall besides its ordinary meaning include also the Ship's Articles whether written or printed or partly written and partly printed.

Repeal of former enactments. First Schedule.

3. The Acts and parts of Acts specified in the first Schedule hereto are hereby repealed Provided that nothing done or in progress thereunder shall be affected by such repeal.

Division of Act into parts.

4. The remainder of this Act shall be divided into the following seven parts relating severally to—

Part I—Shipping Offices and Masters.
Part II—Apprenticeship to the Sea Service.
Part III—Engagement of Seamen.
Part IV—Wages and Discharges.
Part V—Protection.
Part VI—Discipline.
Part VII—Miscellaneous matters.

PART I.

PART I.

SHIPPING OFFICES AND MASTERS.

Appointment of Shipping Master &c.

5. The Governor with the advice of the Executive Council may establish Shipping Offices at Sydney and at any other ports and may appoint a Shipping Master to each such office who shall himself or by such deputies clerks and servants as may also be so appointed perform all duties required by this Act to be performed by a Shipping Master And each such Shipping Master shall before entering upon his duties give such security for the due performance thereof as may be required by the Minister and shall make and subscribe before a Justice a solemn Declaration in the form of the second Schedule hereto.

Second Schedule.

Duties of Shipping Masters.

6. The following shall be the general duties of Shipping Masters:—

To facilitate the making of apprenticeships to the sea service.

To facilitate the engagement and discharge of seamen and to keep a registry thereof and of their names and characters in all cases of their engagement and discharge in this Colony.

To

PART I.

To perform such other duties relating to merchant ships and seamen as are expressly committed to them by and under the provisions of this Act.

Fees on engagements and discharges. Third Schedule.

7. The fees specified in the third Schedule hereto shall be payable to the Shipping Masters upon all engagements and discharges effected under the provisions of this Act And the Minister shall cause tables of such fees to be conspicuously placed in the Shipping Offices and the Shipping Masters may refuse to proceed with any engagements or discharges until the fees are paid And the owner or master engaging or discharging any seaman shall pay the whole of such fees and may for the purpose of reimbursing himself deduct in respect of each such engagement or discharge from the wages of all seamen so engaged or discharged and retain any sums not exceeding the sums specified in that behalf in the said third Schedule And all such fees may be sued for and recovered with costs by the Shipping Master from the owner or master in the summary manner in which seamen are by this Act enabled to sue for and recover wages not exceeding fifty pounds And all fees payable to the Shipping Master under this Act shall be accounted for and paid by him to the Colonial Treasurer and by the said Treasurer be carried over to the Consolidated Revenue Fund.

Penalty for taking other remuneration.

8. Any Shipping Master or any deputy clerk or servant in any Shipping office who demands or receives any remuneration whatever directly or indirectly for hiring or supplying any seaman for any ship or for the discharge of any seaman beyond the lawful fees shall for every such offence incur a penalty not exceeding twenty pounds and may be dismissed by the Minister.

Shipping business may be done at Custom Houses.

9. By direction of the Minister at any place where there is no Shipping Office the whole or any part of the business of such office may be conducted at the Custom House And the Officer of Customs there conducting such business shall for all purposes be deemed a Shipping Master.

PART II.

PART II.

APPRENTICESHIP.

How indentures to be executed and attested.

10. All indentures of apprenticeship to the sea service shall be executed by the apprentice and the person to whom he is bound in the presence of and be attested by a Justice who shall before such execution satisfy himself that the intended apprentice has freely consented to be bound—has attained the age of twelve years—and is of sufficient health and strength—and if under twenty-one years old is not acting against the will of his parent or other lawful guardian—and that the master to whom he is bound is a proper person for the purpose Provided that all such indentures whereby any person under the age of twenty-one years shall be bound without the concurrence of his parent or guardian shall in all cases where by law the consent of such parent or guardian is necessary to make the same binding upon him or her be voidable by such parent or guardian.

And recorded.

11. All such indentures of apprenticeship shall be in duplicate and every person to whom any apprentice is so bound in the Colony shall within seven days after the execution of the indentures take or transmit the same to the Shipping Master who shall record and keep and preserve one copy in his office and indorse a memorandum of such recording on the other copy and redeliver it to the master of the apprentice And whenever any such indentures are assigned or cancelled or any such apprentice dies or deserts—his master shall—if such assignment cancellation death or desertion happen within the Colony within seven days thereafter or if elsewhere so soon afterwards as circumstances permit

PART II.

permit—notify the same to the Shipping Master to be also recorded And every such master of an apprentice failing to comply with this enactment shall incur a penalty not exceeding ten pounds.

Apprentices from charitable institutions.

12. All such apprenticeships made by the authorized officer of any public or charitable institution shall subject as nearly as may be to the foregoing provisions be made in the same manner and be subject to the same laws and regulations as other apprenticeships made by the same persons the form of the indentures being appropriately altered to meet each case.

Apprentices in ships going out of the Colony.

13. The master of every ship except ships of less than eighty tons registered tonnage exclusively engaged in trading or going to places within or on the coast of this Colony shall before carrying any apprentice to sea from any place in the Colony cause him to appear before and shall produce to the Shipping Master the indentures by which such apprentice is bound and every assignment thereof And the name of such apprentice with the date of such indentures and of every such assignment and the name of every port at which the same shall have been registered shall be entered on the ship's articles And the master shall for every default in obeying any provision of this section incur a penalty not exceeding five pounds Provided that in the case of Intercolonial ships it shall not be necessary to cause the apprentice to appear before the Shipping Master more frequently than once in twelve months.

PART III.

PART III.

ENGAGEMENT OF SEAMEN.

Penalties—

14. The following offences relative to the engagement of seamen shall be punishable as hereinafter mentioned :—

For unlawfully supplying seamen or employing others to do so.

(1.) Whosoever in this Colony not being the owner or master or mate of the ship—or the *bonâ fide* servant and in the constant employ of the owner—or a Shipping Master—engages or supplies or employs any person other than persons so excepted to engage or supply any seaman or apprentice to be entered on board any ship shall for each seaman or apprentice so engaged or supplied incur a penalty not exceeding twenty pounds.

or for receiving seamen unlawfully supplied

(2.) Whosoever knowingly receives or accepts to be entered on board any ship any seaman or apprentice engaged or supplied contrary to the next preceding enactment shall for every seaman or apprentice so engaged or supplied incur a penalty not exceeding twenty pounds.

or for receiving remuneration from seamen for shipping them.

(3.) Whosoever contrary to this Act demands or receives directly or indirectly from any seaman or apprentice or from any person seeking employment as such or from any person on his behalf any remuneration whatever for providing him with employment other than the fees hereby authorized shall for every such offence incur a penalty not exceeding five pounds.

Agreements to be made with seamen containing certain particulars.

15. The master of every ship except ships of less than eighty tons registered tonnage exclusively engaged in trading or going to places within or on the coast of this Colony who shall engage any seaman in this Colony shall enter into an agreement with him in the form of the fourth Schedule hereto and dated at the time of the first signature thereof and signed by the master before any seaman signs the same Provided that every such agreement shall be so framed as to admit of stipulations being introduced therein at the joint will of the master and seaman in each case as to advance and allotment of wages

Fourth Schedule.

or

PART III.

or any other stipulations not contrary to law Provided also that every such agreement shall be filled up by the Shipping Master and shall be prepared and signed in duplicate and shall in all cases be signed by the master in the presence of and attested by such Shipping Master and one of such duplicates shall in all cases be left with or delivered or sent to the Shipping Master and by him kept and preserved in his office.

Seamen to be engaged before the Shipping Master or on board the ship in which they are to serve.

16. The master of every ship except as aforesaid when engaging seamen in this Colony shall engage them either before the Shipping Master or on board the ship in which they are to be employed Provided that the signature of each seaman shall be attested by the Shipping Master or by some other witness and before being signed the agreement shall be read over and explained to such seaman Provided also that no seaman shall be hired or engaged to serve in any ship of whatever tonnage the same may be unless he produces and delivers up to the Shipping Master or the owner or master engaging him his discharge or license to ship and in all cases where any such discharge or license to ship shall be delivered to any such owner or master the same shall be forthwith delivered or sent by such owner or master to the Shipping Master to be by him kept and preserved in his office.

Further rules for agreements.

17. In the case of all ships except as aforesaid the following in addition to the rules prescribed in and by the last two preceding sections shall be observed with respect to agreements :—

(1.) In all cases where the agreement is signed by any seaman in the presence of a Shipping Master the seaman's discharge or license to ship shall be produced and delivered to the Shipping Master to be by him kept and preserved in his office together with the duplicate of the agreement to be left with or delivered or sent to the Shipping Master as herein provided.

(2.) In all cases where the agreement is signed by any seaman otherwise than in the presence of a Shipping Master one of the duplicates thereof certified and attested as such duplicate by the owner or master or other officer engaged on board the ship shall together with the discharges or licenses to ship of each seaman so signing the same be forthwith delivered or sent to the Shipping Master to be by him kept and preserved in his office.

To be in duplicate.

(3.) When the crew is first engaged the duplicate of the agreement retained by the master shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship.

Provision as to ships not belonging to the Colony.

(4.) Provided that if the master of any ship not registered in or belonging to this Colony has an agreement with his crew made in due form according to the law of the place to which such ship belongs or in which his crew were engaged and engages single seamen in this Colony such seamen may sign the agreement so made and it shall not be necessary for them to sign an agreement in the form of the Fourth Schedule hereto or to have the same filled up by the Shipping Master or prepared and signed in duplicate but in all such cases the master shall observe and conform to all the other directions herein contained relative to the engagement of seamen and shall forthwith leave with or deliver or send to the Shipping Master a true copy attested as such by the master under his hand of the agreement signed

PART III.

signed by such seamen with the names of the seamen signing the same and of the witnesses attesting their signatures and such copy shall be kept and preserved by the Shipping Master in his office in like manner as the duplicates of agreements to be left with or delivered or sent to him are in other cases to be kept and preserved by him.

To regulate fees payable on running agreements.

18. For the purpose of determining the fees to be paid upon the engagement and discharge of seamen belonging to foreign trade and Intercolonial ships which have running agreements the crew shall be considered to be engaged when the agreement is first signed and to be discharged when the agreement finally terminates and all intermediate engagements and discharges shall be considered to be engagements and discharges of single seamen.

Duplicates of running agreements how to be dealt with.

19. In cases in which such running agreements are made the duplicate agreement retained by the Shipping Master upon the first engagement of the crew shall be kept by the Shipping Master until the expiration of the agreement and thereafter dealt with according to any regulations in that behalf duly made as hereinafter enacted.

Special agreements for Intercolonial ships belonging to same owners.

20. In cases where several Intercolonial ships belong to the same owner the agreement with the seamen may notwithstanding anything herein contained be made by the owner instead of by the master and the seamen may be engaged to serve in any two or more of such ships Provided that the names of the ships and of the masters and the nature of the service are specified in the agreement Provided also that with the foregoing exception all provisions herein contained which relate to ordinary agreements for Intercolonial ships shall be applicable to agreements made in pursuance of this section Provided further that no seaman having served in any ship which shall have entered any port of the Colony on completion of a voyage shall be compellable under any engagement or agreement to go on board any other ship until after the expiration of twenty-four hours from the completion of such voyage.

Penalty for shipping seamen without agreement duly executed.

21. If in any case a master carries any seaman to sea without having entered into an agreement with him in the form and manner and at the place and time hereby in such case required the master in the case of a foreign-trade ship and the master or owner in the case of an Intercolonial ship shall for every such offence incur a penalty not exceeding five pounds.

Changes in crew to be reported.

22. The master of every Intercolonial or Foreign-trade ship shall before leaving the Colony sign and send to the Shipping Master a full and accurate statement of every change which takes place in his crew before finally so leaving the Colony And shall for every offence against this enactment incur a penalty not exceeding five pounds.

Alterations to be void unless attested to have been made with the consent of all parties.

23. Every erasure interlineation or alteration in any agreement with seamen except additions for shipping substitutes or persons engaged subsequently to the first departure of the ship shall be wholly inoperative unless proved to have been made with the consent of all the persons interested in such erasure interlineation or alteration by the written attestation of the witness attesting the signature or signatures of the person or persons so interested or some Justice or if made out of the Colony of a British Consular Officer or if none such of two British merchants.

Penalty for falsifying agreement.

24. Whosoever fraudulently alters assists in fraudulently altering or procures to be fraudulently altered or makes or assists in making or procures to be made any false entry in or delivers assists in

in delivering or procures to be delivered a false copy of any agreement shall for every such offence be deemed guilty of a misdemeanor. PART III.

Seamen not to be bound to produce agreement.

25. Any seaman may upon any civil or criminal proceeding by or against him bring forward evidence to prove the contents of any agreement or otherwise to support his case without producing or giving notice to produce the agreement or any copy thereof.

Copy of agreement to be made accessible to crew.

26. The master shall at the commencement of every voyage or engagement cause a legible copy of the agreement (omitting the signatures) to be placed or posted up in such part of the ship as to be accessible to the crew and shall for every neglect of this enactment incur a penalty not exceeding five pounds.

Seamen discharged before end of agreement to have compensation.

27. Any seaman who after having signed an agreement is discharged before the termination of his agreement without fault on his part justifying such discharge and without his consent shall be entitled to receive from the master or owner in addition to any wages he may have earned due compensation not exceeding one months wages and may on adducing such evidence of his having been so improperly discharged as the Court deems satisfactory recover such compensation in the same manner as if it were wages duly earned.

PART IV. PART IV.

WAGES AND DISCHARGES.

Regulations as to allotment notes.

28. All stipulations made at the commencement of a voyage for the allotment of any part of the wages of a seaman during his absence shall be inserted in the agreement and shall state the amounts and times of the payments to be made And all allotment notes shall be in the form of the fifth Schedule hereto. Fifth Schedule.

Allotment notes may be sued on summarily by certain persons on certain conditions.

29. The wife father or mother grandfather or grandmother or any child or grandchild brother or sister of any seaman in whose favor an allotment note of part of the wages of such seaman is made may unless the seaman is shewn in manner hereinafter mentioned to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid and subject as to the wife to the proviso hereinafter contained sue for and recover the sums allotted by the note when and as the same are made payable with costs from the owner or any agent who has authorized the drawing of the note either in the District Court or in the summary manner in which seamen are by this Act enabled to sue for and recover wages not exceeding fifty pounds And in any such proceeding it shall be sufficient for the claimant to prove that he is the person mentioned in the note and that the note was given by the owner or master or some authorized agent and the seaman shall be presumed to be duly earning his wages unless the contrary is shewn to the satisfaction of the Court either by the official statement of the change in the crew caused by his absence signed and sent to the Shipping Master by the master as by this Act is required or by a duly certified copy of some entry in the log-book to the effect that he has left the ship or by a credible letter from the master of the ship to the same effect or by such other evidence of whatever description as the Court in its absolute discretion considers sufficient to shew satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid Provided that the wife of any seaman who deserts her children or so misconducts herself as to be undeserving of support from her husband shall thereby forfeit all right to further payment of any allotment of his wages made in her favor.

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Master to deliver account of wages.

30. Every master shall at the time of or before paying off or discharging any seaman deliver to him a full and true account of his wages and of all deductions to be made therefrom on any account whatever and in default shall for every offence incur a penalty not exceeding five pounds And no deduction from the wages of any seaman (except in respect of any matter happening after such delivery) shall be allowed unless it is included in the account so delivered and the master shall during the voyage enter the various matters in respect of which such deductions are made with the amounts of the respective deductions as they occur in a book to be kept for that purpose and shall if required produce such book at the time of the payment of wages and also upon the hearing before any competent authority of any complaint or question relating to such payments.

Mode of discharging seamen.

31. In every case of a seaman discharged in this Colony from any ship of whatever tonnage the same may be such seaman shall either be discharged before the Shipping Master in which case the master shall thereupon sign and give to the seaman in the presence of such Shipping Master a discharge in the form of the sixth Schedule hereto attested by such Shipping Master or the master shall sign and forthwith deliver or send to the Shipping Master a discharge of such seaman in the form of the said sixth Schedule hereto attested by the mate of the ship or some other witness And the Shipping Master shall on receipt of such discharge take charge thereof and keep the same in his office until the seaman whose discharge is thereby certified shall apply for the same and upon such application by such seaman shall deliver the same to him and any master who fails to sign and give to the seaman or to sign and deliver or send to the Shipping Master such discharge in conformity with the provisions hereof shall for every such offence incur a penalty not exceeding ten pounds.

No discharge necessary on immediate re-engagements.

32. Provided that in case the crew of a ship or any of them shall immediately upon the expiration of their agreement enter into a new agreement to serve in the same ship then it shall not be necessary for the master to sign or give or send to the Shipping Master a discharge to any seaman so re-engaging or for any seaman so re-engaging to produce or deliver a discharge or license to ship but in all such cases the master shall forthwith leave with or deliver or send to the Shipping Master with the duplicate of the agreement to be left with or delivered or sent to him as herein directed a written statement signed by such master setting forth the fact of such re-engagement being so entered into immediately upon the expiration of their former agreement which written statement shall be kept and preserved by the Shipping Master in his office with such duplicate of the agreement.

Provision in case of loss of discharge.

33. In case any seaman of any ship of whatever tonnage the same may be shall have lost his discharge or from any other cause be unable to produce the same or if any other person shall be desirous of engaging as a seaman it shall be lawful for any Shipping Master on being satisfied of the fact of such loss inability or desire as the case may be to grant and deliver to such seaman or other person a license to ship which license shall be in writing and signed by the Shipping Master.

Shipping Master may decide questions which parties refer to him.

34. Every Shipping Master shall hear and decide any question whatever between a master or owner and any seaman which both parties agree in writing to submit to him and every award made by him shall be binding on both parties and shall in any legal proceeding which may be taken in the matter before any Court be deemed to be conclusive as to the rights of the parties and any document purporting to be such submission or award shall be *primâ facie* evidence thereof.

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Master and others to produce ship's papers to Shipping Master and give evidence.

35. In any proceeding relating to wages claims or discharge of any seamen so referred to any Shipping Master he may call upon the owner or his agent or upon the master or mate or any member of the crew to produce any log-book paper or other document in their respective possession or power relating to any matter in question in such proceeding and may call before him and examine on any such matter any of such persons being then at or near the place of inquiry And every owner agent master mate or other member of the crew who when called upon by the Shipping Master does not produce any such paper or document as aforesaid if in his possession or power or does not appear and give evidence shall unless he shews some reasonable cause for his default incur for every such offence a penalty not exceeding five pounds.

Settlement of wages.

36. The following rules shall be observed with respect to the settlement of wages :—

Release to be signed before and attested by Shipping Master

(1.) Upon the completion before a Shipping Master of any discharge and on full payment or satisfaction of wages the master or owner and each seaman shall respectively in the presence of the Shipping Master sign in the form of the seventh Schedule hereto a mutual release of all claims in respect of the past voyage or engagement and the Shipping Master shall also sign and attest it and shall retain it as herein directed And every such release so signed and attested shall operate as a complete fulfilment of the agreement on both sides and a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement

Seventh Schedule.

to be discharge

and to be evidence.

(2.) A copy of such release certified under the hand of such Shipping Master to be a true copy shall be given by him to any party thereto requiring the same And such copy shall be receivable in evidence upon any future question touching such claims as aforesaid and shall have all the effect of the original of which it purports to be a copy

No other receipt to be a discharge.

(3.) In cases in which discharge and settlement take place before a Shipping Master no payment receipt settlement or discharge otherwise made shall operate or be admitted as evidence of the release or satisfaction of any claim

Voucher to be given to master and to be evidence.

(4.) Upon any payment being made by a master before a Shipping Master the Shipping Master shall if required sign and give to such master a statement of the whole amount so paid And such statement shall as between the master and owner be received as evidence that he has made the payments therein mentioned.

Master to make reports of character. Eighth Schedule.

37. Upon every discharge effected in this Colony from any Foreign-going ship the master shall make and sign in the form of the eighth Schedule hereto and forthwith deliver or send to the Shipping Master a report of the conduct character and qualifications of the seamen discharged or may as to any of such seamen state in a column left for that purpose in the said form that he declines to give any opinion upon such particulars or upon any of them And the Shipping Master shall if desired so to do by any seaman indorse on his certificate of discharge the substance of so much of such report as concerns him And every person who makes assists in making or procures to be made any false certificate of discharge or report of the conduct character or qualifications of any seaman knowing the same to be false or who forges assists in forging or procures to be forged or fraudulently alters assists in fraudulently altering or procures to be fraudulently altered any such certificate or report or who fraudulently makes use of any certificate or report or of any copy of any certificate or report which is forged or altered or does not belong to him shall for every such offence be deemed guilty of a misdemeanor.

Penalty for false discharge or report.

38.

Right to wages and provisions when to begin.

38. A seaman's right to wages and provisions shall be taken to commence at the time specified in the agreement for his commencement of work or presence on board whichever shall first happen.

Seamen not to give up certain rights.

39. No seaman shall by any agreement forfeit his lien upon a ship or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled And every stipulation in any agreement inconsistent with any provision of this Act or by which any seaman consents to abandon his right to wages in the case of the loss of the ship or to abandon any right which he may have or obtain in the nature of salvage shall be wholly inoperative in that behalf Provided that nothing in this section shall apply to the case of any stipulation made by any seaman belonging to any ship which according to the terms of the agreement is to be employed on salvage service with respect to the remuneration to be paid to him for salvage service to be rendered by such ship to any other ship.

Wages not to be dependent on the earning of freight.

40. No right to wages shall be dependent on the earning of freight and every seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he has served had earned freight shall subject to all other rules of law and conditions applicable to the case be entitled to claim and recover the same notwithstanding that freight has not been earned But in all cases of wreck or loss of ship proof that any seaman has not exerted himself to the utmost to save the ship cargo and stores shall bar his claim to wages.

Right to wages in case of termination of service by wreck or illness.

41. In cases where the service of any seaman terminates before the period contemplated in his agreement by reason of the wreck or loss of the ship or by reason of his being left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voyage such seaman shall be entitled to wages for the time of service only prior to such termination as aforesaid.

Chest of medicine to be kept on board.

42. In every Foreign-going ship there shall constantly be a chest of medicine selected by a duly qualified medical practitioner accompanied by directions for administering the same And such medicines shall be examined by the same or some other such medical practitioner once at least in every year in which the ship shall be in the Colony and shall be supplied with fresh medicines in place of such as shall have been used or spoiled And in default of having such medicine chest so provided and kept fit for use the master or owner of such ship shall supply and pay for such advice and medicine or attendance of medical practitioners as any seaman or apprentice shall stand in need of in case of illness at every port or place at which such ship may trade or touch during her voyage without any deduction from the wages of such seaman or apprentice.

Lemon juice sugar and vinegar to be kept on board.

43. The master or owner of every Foreign-trade ship shall also provide and cause to be kept on board such ship a sufficient quantity of lime or lemon juice or of such articles as the Minister sanctions as substitutes for lime or lemon juice and also of sugar and vinegar And the master of every such ship as last aforesaid shall serve out the lime or lemon juice or other such articles as aforesaid and sugar and vinegar to the crew whenever they have consumed salt provisions for ten days and so long afterwards as such consumption continues the lime or lemon juice or other articles and sugar daily at the rate of half an ounce each per day and the vinegar weekly at the rate of half a pint per week to each member of the crew And if in any such ship as aforesaid such medicines medical stores lime or lemon juice or other articles sugar and vinegar as are hereinbefore required are not provided and kept on board as hereinbefore required the master or owner shall incur a penalty not exceeding twenty pounds And if the

master

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master of any such ship as aforesaid neglects to serve out the lime or lemon juice or other articles sugar or vinegar in the case and manner hereinbefore directed he shall for each such offence incur a penalty not exceeding five pounds And if any master is convicted in either of the last mentioned penalties and it appears that the offence is owing to the act or default of the owner such master may recover the amount of such penalty and the costs incurred by him from the owner.

Masters to keep weights and measures on board.

44. Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out and shall allow the same to be used at the time of serving out such provisions and articles in the presence of a witness whenever any dispute arises about such quantities and in default shall for every offence incur a penalty not exceeding ten pounds.

Allowance for short or bad provisions.

45. If during a voyage the allowance of any of the provisions which any seaman has by his agreement stipulated for is reduced (except in accordance with any regulation for reduction by way of punishment contained in the agreement and also except for any time during which such seaman wilfully and without sufficient cause refuses or neglects to perform his duty or is lawfully under confinement for misconduct either on board or on shore) or if it is shewn that any of such provisions are or have been during the voyage bad in quality and unfit for use the seaman shall receive by way of compensation for such reduction or bad quality according to the time of its continuance the following sums in addition to and to be recoverable as wages :—

(1.) If his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement—a sum not exceeding four pence a day

(2.) If his allowance is reduced by more than one-third of such quantity—a sum not exceeding eight pence a day

(3.) In respect of such bad quality as aforesaid—a sum not exceeding one shilling a day

Provided that if it is shewn to the satisfaction of the Court before which the case is tried that any provisions the allowance of which has been reduced could not be procured or supplied in proper quantities and that proper and equivalent substitutes were supplied in lieu thereof the Court shall take such circumstances into consideration and shall modify or refuse compensation as the justice of the case may require.

Wages not to accrue during refusal to work or imprisonment.

46. No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required whether before or after the time fixed by the agreement for his beginning work nor for any period during which he is lawfully imprisoned for any offence committed by him unless the Court hearing the case otherwise directs.

Period within which wages are to be paid.

47. The master or owner of every ship except ships of less than eighty tons registered tonnage exclusively engaged in trading or going to places within or on the coast of this Colony shall pay to every seaman his wages within the respective periods following :—

In the case of an Intercolonial ship—within two days after the termination of the agreement or at the time when such seaman is discharged whichever first happens

In the case of all other ships—within three days after the cargo has been delivered or at the time of the seaman's discharge whichever first happens

Provided that this shall not apply to the cases of ships employed in the whale fishery or on other voyages for which seamen by the terms of their agreement are wholly compensated by shares in the profits of the adventure And every master or owner who neglects

or

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or refuses to make payment in manner aforesaid without sufficient cause shall pay to the seaman a sum not exceeding the amount of two days pay for each of the days not exceeding ten days during which payment is delayed beyond the respective periods aforesaid and such sum shall be recoverable in the same manner as wages.

Seamen may sue for wages in a summary manner.

48. Any seaman or apprentice or any person duly authorized on his behalf may sue for and recover in a summary manner before any two Justices acting in or near to the place at which the service has terminated or at which the seaman has been discharged or at which the person from whom his wages are due is or resides any amount of wages actually due to such seaman or apprentice not exceeding fifty pounds over and above the costs of such proceeding for the recovery thereof. And every order for payment made by such Justices shall contain a direction that such person shall pay the amount thereby made payable within a time to be named in such order and that in default thereof such person shall be imprisoned for such term not exceeding three months unless the same be sooner paid And every such order of Justices shall be final.

Restrictions on suits for wages in superior Courts.

49. No suit or proceeding for the recovery of wages under the sum of twenty pounds shall be instituted by or on the behalf of any seaman or apprentice in any Vice-Admiralty Court or any Court of Record in the Colony unless the owner of the ship is declared insolvent or unless the ship is under arrest or is sold by the authority of any such Court as aforesaid or unless any Justices as they are hereby authorized to do refer the case to be adjudged by such Court or unless neither the owner nor the master is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore.

Master to have same remedies for wages as seamen.

50. Every master of a ship shall so far as the case permits have the same rights liens and remedies for the recovery of his wages which by this Act or by any law or custom any seaman not being a master has for the recovery of his wages And if any proceeding in any Court of Vice-Admiralty touching the claim of a master to wages any right of set-off or counter-claim is set up such Court may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding and may direct payment of any balance which is found to be due.

Master to take charge of or sell effects of deceased seaman which are on board and enter the same and wages due in log.

51. Whenever any seaman or apprentice belonging to any ship (except ships of less than eighty tons registered tonnage exclusively employed in trading or going to places within or on the coast of this Colony) employed on a voyage which is to terminate in this Colony dies during such voyage the master shall take charge of all money clothes and effects which he leaves on board and shall if he thinks fit cause all or any of the said clothes or effects to be sold by auction at the mast or other public auction and shall thereupon sign an entry in the log-book containing the following particulars :—

(1.) A statement of the amount of money and a description of the effects so left by the deceased

(2.) In case of a sale—a description of each article sold and the sum received for each

(3.) A statement of the sum due to the deceased as wages and the total amount of the deductions (if any) to be made therefrom

And shall cause such entry to be attested by a mate and by one of the crew.

Such effects and wages to be paid to Shipping Master with full accounts.

52. In the cases provided for in the next preceding section the following rules shall be observed :—

(1.) Within forty-eight hours after the arrival of the ship at the port of destination in the Colony the master shall deliver any such effects as aforesaid remaining unsold and pay

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pay any money which he has taken charge of or received from such sale as aforesaid and also the balance of wages due to the deceased to the Shipping Master at such port

(2.) If before coming to any port in the Colony the ship touches and remains for forty-eight hours at some foreign port or at some other port in Her Majesty's dominions the master shall report the same to the British Consular Officer or Officer of Customs there as the case may be and shall give to such officer any information he requires as to the destination of the ship and probable length of the voyage and such officer shall indorse on the agreement with the crew the substance of such report and information and the master shall within forty-eight hours after his arrival at his port of destination in the Colony produce the same to the Shipping Master.

(3.) The master shall in all cases in which any seaman or apprentice dies during the progress of a voyage or engagement give to such officer or Shipping Master as aforesaid an account in such form as they respectively require of the effects money and wages so to be delivered and paid and no deductions claimed in such account shall be allowed unless verified by such entry in the log book as hereinbefore required and also by such other vouchers (if any) as may be reasonably required by the officer or Shipping Master to whom the account is rendered.

(4.) Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the Colony the Shipping Master shall grant to the master a certificate to that effect and no Officer of Customs shall clear inwards any ship comprised within this and the next preceding section without the production of such certificate.

Penalties for not taking charge of remitting or accounting for such monies and effects.

53. Any master who fails to take charge of the money or other effects of a seaman or apprentice dying during a voyage or to make such entries in respect thereof or to procure such attestation to such entries or to make such payment or delivery of any money wages or effects of any seaman or apprentice dying during a voyage or to give such account in respect thereof as hereinbefore respectively directed shall be accountable for the money wages and effects of the seaman or apprentice to a Shipping Master and shall pay or deliver the same accordingly And every master shall in addition for every such offence incur a penalty not exceeding treble the value of the money or effects not accounted for or if such value is not ascertained not exceeding fifty pounds And if any such money wages or effects are not duly paid delivered or accounted for by the master the owner of the ship shall pay deliver and account for the same and such money and wages and the value of such effects shall be recoverable from him accordingly And if in such case the owner fails to account for and pay or deliver the same he shall in addition to the liability for the said money and value incur the same penalty which is hereinbefore mentioned as incurred by the master for the like offence And all money wages and effects of any seaman or apprentice dying during a voyage shall be recoverable by like modes of proceeding as those by which seamen are hereby enabled to recover wages due to them.

Wages and effects of seamen dying in Colony.

54. Whenever any seaman or apprentice dies in the Colony and is at the time of his death entitled to claim from the master or owner of any ship in which he has served any unpaid wages or effects such master or owner shall pay and deliver or account for the same to the Shipping Master at the port where the seaman or apprentice was discharged or was to have been discharged or as the Minister directs.

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If less than £50—wages and property of deceased seamen may be paid over without probate or administration.

55. If the money and effects of any deceased seaman or apprentice paid or delivered as aforesaid including the monies received for any part of the said effects which have been sold either before delivery or by direction of the Minister do not exceed in value the sum of fifty pounds then subject to the provisions hereinafter contained and to all lawful deductions for expenses incurred in respect of the seaman or apprentice or of his said money and effects the Minister may pay and deliver the said money and effects either to any claimant who can prove himself either to be his widow or child or to be entitled to the effects of the deceased under his will (if any) or under any Statute of Distribution or under any other statute or at common law or to be entitled to procure probate or take out letters of administration although no probate or letters of administration have been taken out and shall thereby be discharged from all further liability in respect of the money and effects so paid and delivered or may if he thinks fit require probate or letters of administration to be taken out and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased And all claimants to whom such money or effects are so paid or delivered shall apply the same in due course of administration And if such money and effects exceed in value the sum of fifty pounds then subject to the provisions hereinafter contained and to deduction for expenses the same shall be paid and delivered to the legal personal representatives of the deceased.

Mode of payment under wills made by seamen.

56. In cases where the deceased seaman or apprentice has left a will the Minister shall have the following powers :—

(1.) He may in his discretion refuse to pay or deliver any such wages or effects as aforesaid to any person claiming to be entitled thereto under a will made on board ship unless such will is in writing and is signed or acknowledged by the testator in the presence of the master or first or only mate of the ship and is attested by such master or mate

(2.) He may in his discretion refuse to pay or deliver any such wages or effects as aforesaid to any person not related to the testator by blood or marriage who claims to to be entitled thereto under a will made elsewhere than on board ship unless such will is in writing and is signed or acknowledged by the testator in the presence of and attested by two witnesses one of whom is a Shipping Master or some Clergyman of the place in which the same is made or in a place where there are no such persons some Justice or some British Consular Officer or Officer of Customs.

(3.) Whenever any claim made under a will is rejected by the Minister on account of the said will not being made and attested as hereinbefore required the wages and effects of the deceased shall be dealt with as if no will had been made.

Provision for payment of just claims by creditors and for preventing fraudulent claims.

57. The following rules shall be observed with respect to creditors of deceased seamen and apprentices :—

(1.) No such creditor shall be entitled to claim from the Minister the wages or effects of any such seaman or apprentice or any part thereof by virtue of letters of administration taken out by him

(2.) No such creditor shall be entitled by any means whatever to payment of his debt out of such wages and effects if the debt accrued more than three years before the death of the deceased or if the demand is not made within two years after such death

(3.)

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(3.) Subject as aforesaid the steps to be taken for procuring payment of such debt shall be as follows:—Every person making a demand as creditor shall deliver to the Minister an account in writing in such form as he requires subscribed with the claimant's name stating the particulars of his demand and the place of his abode and verified by his declaration made before a Justice

(4.) If before such demand is made any claim to the wages and effects of the deceased made by any person interested therein as his widow or child or under a will or under any Statute for the Distribution of the Effects of Intestates or under any other statute or at common law has been allowed the Minister shall cause notice to be given to the creditor of the allowance of such person's claim and the creditor shall thereupon have the same rights and remedies against such person as if he had received the said wages and effects as the legal personal representative of the deceased

(5.) If no claim by any such person has been allowed the Minister shall proceed to investigate the creditor's account and may for that purpose require him to prove the same and to produce all books accounts vouchers and papers relating thereto And if by such means the creditor duly satisfies the Minister of the justice of his demand either in the whole or in part the same shall be allowed and paid accordingly so far as the assets extend for that purpose and such payment shall discharge the Minister from all further liability in respect of the money so paid But in default of such satisfaction or if such books accounts vouchers or papers as aforesaid are not produced and no sufficient reason is assigned for not producing them the demand shall be disallowed

(6.) In any case whatever the investigation of any demand made by a creditor for the payment of his debt may be delayed for one year from the time of the first delivery of the demand And if in the course of that time a claim to the wages and effects of the deceased is made and substantiated as hereinbefore required by any person interested therein as a widow or child or under a will or under any Statute for the Distribution of the Effects of Intestates or under any other statute or at common law the same may be paid and delivered to such person And thereupon the creditor shall have the same rights and remedies against such person as if he had received the same as the legal personal representative of the deceased.

Mode of dealing with unclaimed wages of deceased seamen.

58. In cases of wages or effects of deceased seamen or apprentices to which no claim is substantiated within six years after the receipt thereof it shall be in the absolute discretion of the Minister if any subsequent claim is made either to allow or to refuse the same But subject to the proviso next hereinafter contained all monies arising from the unclaimed wages and effects of deceased seamen shall be paid over to the Colonial Treasurer and such monies shall be carried to and form part of the Consolidated Fund of the Colony Provided that upon a certificate from the Minister of his allowance of any claim the said Treasurer may upon a warrant under the hand of the Governor pay and satisfy the amount thereof out of the said fund.

Punishment for forgery and false representations in order to obtain wages and property of deceased seamen.

59. Every person who for the purpose of obtaining either for himself or for another any money or effects of any deceased seamen or apprentice forges assists in forging or procures to be forged or fraudulently

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fraudulently alters assists in fraudulently altering or procures to be fraudulently altered any document purporting to shew or assist in shewing a right to such wages or effects and every person who for the purpose aforesaid makes use of any such forged or altered document as aforesaid or who for the purpose aforesaid gives or makes or procures to be given or made or assists in giving or making or procuring to be given or made any false evidence or representation knowing the same to be false shall be deemed guilty of felony and be liable to penal servitude for a term not exceeding four years or to imprisonment with or without hard labor for any period not exceeding two years.

Recovery of wages &c. of seamen lost with their ship.

60. The wages of seamen or apprentices who are lost with the ship to which they belong shall be dealt with as follows:—

(1.) The Minister may recover the same from the owner of the ship in the same manner in which seamen's wages are recoverable

(2.) In any proceedings for the recovery of such wages if it is shewn by some official return or by other evidence that the ship has twelve months or upwards before the institution of the proceeding left a port of departure and if it is not shewn that she has been heard of within twelve months after such departure she shall be deemed to have been lost with all hands on board either immediately after the time she was last heard of or at such later time as the Court hearing the case may think probable

(3.) The production of any duplicate agreement or list of the crew made out at the time of the last departure of the ship from the Colony or of a certificate puporting to be a certificate from a Consular or other public Officer at any port abroad stating that certain seamen or apprentices were shipped in the ship from the said port shall in the absence of proof to the contrary be sufficient proof that the seamen or apprentices therein named were on board at the time of the loss and thereupon such wages shall be dealt with in the manner in which the wages of other deceased seamen and apprentices are to be dealt with under this Act.

Wages to be paid when seamen are left behind on ground of inability.

61. Every master of a ship who leaves any seaman or apprentice on shore at any place abroad in or out of Her Majesty's dominions under a certificate indorsed on the agreement as hereinafter provided of his unfitness or inability to proceed on the voyage shall deliver to one of the functionaries who may sign such certificate or (in the absence of such functionaries) to the merchants by whom such certificate is signed or if there be but one merchant resident at such place to him a full and true account of the wages due to such seaman or apprentice such account when delivered to a Consular Officer to be in duplicate and shall pay the same when practicable in money and otherwise by a bill drawn upon the owner And in case of every bill so drawn such functionary or merchant as aforesaid shall by indorsement certify thereon that the same is drawn for money due on account of a seaman's wages and shall also indorse the amount for which such bill is drawn with such further particulars in respect of the case as the Minister requires And every such master as aforesaid who refuses or neglects to deliver a full account of such wages and pay the amount thereof in money or bill as hereinbefore required shall for every such offence or default in addition to the payment of the wages incur a penalty not exceeding ten pounds And every such master who delivers a false account of such wages shall for every such offence in addition to the payment of the wages incur a penalty not exceeding twenty pounds.

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PROTECTION.

Leaving seamen behind a misdemeanor.

62. If the master or any other person wilfully and wrongfully leaves behind in any place on shore or at sea in or out of Her Majesty's dominions any seaman or apprentice belonging to any ship before the completion of the voyage for which he was engaged or the return of the ship to the Colony he shall for every such offence be deemed guilty of a misdemeanor.

63. If the master of any ship does any of the following things:—

(1.) Discharges any seaman or apprentice in any place out of the Colony without the sanction in writing indorsed on the agreement of some Officer of Customs or if out of Her Majesty's dominions of the British Consular Officer or of two resident merchants there

(2.) Or leaves behind any seaman or apprentice at any place out of the Colony without a certificate in writing so indorsed from such functionary officer or person as the case may be stating the fact and its cause whether unfitness or inability desertion disappearance or other cause

He shall for every such offence or default be deemed guilty of a misdemeanor.

Proof of such certificate to be upon master.

64. Upon the trial of any information or other proceeding for so discharging or leaving behind any seaman or apprentice it shall lie upon the accused to produce the sanction or certificate hereby required or to prove that he had obtained the same before such discharge or leaving behind or that it was impracticable for him to do so.

Sale of and charge upon salvage on wages invalid.

65. No assignment or sale of any salvage or wages made by any seaman or apprentice prior to the accrual thereof shall bind the person making the same and no power of attorney or authority for the receipt of any such salvage or wages shall be irrevocable and every payment in respect thereof to the seaman or apprentice himself shall be valid as against any previous sale or assignment or any attachment incumbrance or arrestment thereon.

Expenses of medical attendance.

66. The following rules shall be observed with respect to expenses attendant on illness and death:—

(1.) The expense of providing necessary surgical and medical advice attendance and medicine for any seaman or apprentice injured in the ship's service unless such injury is caused by his misconduct and of his subsistence until he is cured or dies or is brought back to the Colony and the expense (if any) of his burial shall be defrayed by the owner without any deduction from his wages.

(2.) The expense of the temporary removal of a sick seaman or apprentice from his ship to prevent infection or otherwise for the ship's convenience and all medical expenses and subsistence as under No. (1) shall be defrayed in like manner.

(3.) All medical expenses as aforesaid to any seaman or apprentice while on board shall be defrayed in like manner.

(4.) In all other cases reasonable expenses incurred by the owner for any seaman in respect of illness or the burial of any seaman or apprentice dying on service shall if duly proved be deducted from wages.

Penalties for overcharge by lodging-house keepers.

67. Any person demanding or receiving from any seaman or apprentice payment for his board or lodging in the house of such person for a longer period than such seaman or apprentice has actually resided a boarder therein shall incur for every such offence a penalty not exceeding ten pounds.

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Penalty for detaining seamen's effects.

68. Any person receiving or taking possession of or under his control any monies documents or effects of any seaman or apprentice and not returning the same or paying the value thereof when required by him subject to any deduction lawfully due in respect of board lodging or otherwise or absconding therewith shall incur a penalty not exceeding ten pounds to be forthwith paid to such seaman or apprentice in addition to the value of the monies documents or effects aforesaid subject to deduction as aforesaid.

Penalty for going board before actual arrival.

69. Every person not in Her Majesty's service or otherwise authorized by law going on board any ship about to arrive before her actual arrival at the place of her discharge without permission of the master shall for every such offence incur a penalty not exceeding twenty pounds and may forthwith be apprehended by the master and given in custody to be dealt with according to law.

Penalty for solicitation by lodging-house keeper.

70. Whosoever within twenty-four hours after the arrival of any ship at any port in the Colony solicits any seaman to become a lodger at his lodging-house or takes out of the ship any effects of any seaman except under his direction and by permission of the master shall for every such offence incur a penalty not exceeding five pounds.

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DISCIPLINE.

Misconduct endangering ship or life or limb a misdemeanor.

71. Any master seaman or apprentice who by breach or neglect of duty or drunkenness does anything tending to the loss destruction or damage of the ship or to endanger life or limb or refuses or omits to do any act required to be done by him for preserving such ship from loss destruction or damage or preserving any person from danger to life or limb shall for every such offence be deemed guilty of a misdemeanor.

Offences of seamen and apprentices and their punishments

72. Any seaman or apprentice committing any of the following offences shall be liable to be punished summarily as follows :—

Desertion.

(1.) For desertion—to be imprisoned for any period not exceeding three months with or without hard labour—or to forfeit all or any part of his wages or emoluments then earned.

Neglect or refusal to join &c.

(2.) For neglecting or refusing without reasonable cause to join his ship or to proceed to sea therein or for absence without leave at any time within twenty-four hours of the ship's sailing from any port or for absence at any time from his ship or duty without leave not amounting to desertion or not treated as such by the master—to be imprisoned for any period not exceeding two months with or without hard labor—or to forfeit out of his wages ten days pay And for every twenty-four hours of such absence not exceeding ten days pay.

Quitting before ship is secured.

(3.) For quitting the ship without leave after her arrival and before she is placed in security—to forfeit out of his wages not exceeding one month's pay.

Disobedience.

(4.) For wilful disobedience to any lawful command or for insubordination—to be imprisoned for any period not exceeding one month with or without hard labor—or to forfeit out of his wages not exceeding ten days pay.

Continued disobedience.

(5.) For continued wilful disobedience to lawful commands or continued wilful neglect of duty—to be imprisoned for any period not exceeding three months with or without hard labor—or to forfeit the whole or any part of his wages.

Assault on officers.

(6.) For assaulting any master or mate—to be imprisoned for any period not exceeding three months with or without hard labor.

(7.)

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(7.) For combining with any other of the crew to disobey lawful commands or to neglect duty or to impede the navigation of the ship or the progress of the voyage—to be imprisoned for any period not exceeding six months with or without hard labor. Combining to disobey.

(8.) For wilfully damaging the ship or embezzling or wilfully damaging any of her stores or cargo—to forfeit out of his wages a sum equal to the loss sustained and at the direction of the Court to be imprisoned for any period not exceeding three months with or without hard labor. Wilful damage or embezzlement.

(9.) For any act of smuggling for which he is convicted whereby loss or damage is occasioned to the master or owner—to pay such master or owner a sum sufficient to reimburse such loss or damage and to have the whole or a proportionate part of his wages retained to meet such liability without prejudice to any further remedy. Smuggling to the loss of owner.

73. Upon the commission of any offence aforesaid an entry thereof shall be made in the log-book and shall be signed by the master and also by the mate or one of the crew and the offender if still in the ship shall be furnished with a copy of such entry or have the same read over to him and may thereupon make such a reply thereto as he thinks fit which shall also be entered and signed in like manner And in any subsequent legal proceeding such entries shall be produced or proved or in default thereof the Court may at its discretion refuse to receive evidence of the offence. Entry in the log of offence and offender's defence if any.

74. Whenever any seaman or apprentice is brought before any Court on the ground of his having neglected or refused to join or to proceed to sea in any ship in which he is engaged to serve or of having deserted or otherwise absented himself therefrom without leave such Court may upon proof of the offence instead of committing the offender to prison if the master or the owner or his agent so requires and if such seaman consent thereto cause him to be conveyed on board for the purpose of proceeding on the voyage or deliver him to the master or any mate of the ship or the owner or his agent to be by them so conveyed and may also in any such case order any costs or expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender and if necessary to be deducted from any wages which he has then earned or which by virtue of his then existing engagement he may afterwards earn. Deserters may be sent on board in lieu of being imprisoned.

75. Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion it shall be sufficient for the parties insisting on the forfeiture to shew that such seaman or apprentice was duly engaged in or that he belonged to the ship from which he is alleged to have deserted and that he quitted such ship without leave before the completion of the voyage or engagement or if such voyage was to be completed in the Colony and the ship has not returned that he is absent from her and that an entry of the desertion has been duly made in the log-book And thereupon the desertion shall so far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained be deemed to be proved unless the seaman or apprentice can produce a proper certificate of discharge or can otherwise shew to the satisfaction of the Court that he had sufficient reasons for leaving the ship. Facilities for proving desertion as far as concerns forfeiture of wages.

76. Whenever in any proceeding relating to wages it is shewn that any seaman or apprentice entitled thereto has in the course of the voyage been lawfully convicted of any offence and rightfully punished therefor the Court may direct a part of such wages not exceeding two pounds to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment. Costs of procuring imprisonment may be deducted from wages.

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Amount of forfeiture how ascertained when seamen contract for voyage.

77. Whenever any seaman contracts for wages by the voyage or by the run or by the share and not by the month or other stated period of time the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share as a month or other period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage and if the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited the forfeiture shall extend to the whole wages or share.

Questions of forfeiture may be decided in suits for wages.

78. Any question concerning the forfeiture of or deduction from the wages of any seaman or apprentice may be determined in any proceeding lawfully instituted respecting such wages notwithstanding that the offence as to which such question arises has not been made the subject of any criminal proceeding.

Penalty for false statement as to last ship or name.

79. If any seaman on or before being engaged to serve in any ship of whatever tonnage wilfully makes a false statement of the name of his last ship or of his own name he shall incur a penalty not exceeding five pounds And such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid and shall be paid and applied in the same manner as other penalties payable under this Act.

Penalty for enticing to desert and harboring deserters.

80. Every person who by any means whatever persuades or attempts to persuade any seaman or apprentice to neglect or refuse to join or to proceed to sea in or to desert from his ship or otherwise to absent himself from his duty shall for every such offence in respect of each such seaman or apprentice incur a penalty not exceeding ten pounds And every person who wilfully harbors or secretes any seaman or apprentice who has deserted from his ship or wilfully neglected or refused to join knowing or having reason to believe such seaman or apprentice to have so done shall for every such seaman or apprentice so harbored or secreted incur a penalty not exceeding twenty pounds.

Desertion after departure of ship may be prosecuted by Shipping Master.

81. When any seaman who shall have deserted from any ship or have neglected or refused without reasonable cause to join his ship or to proceed to sea therein shall not be apprehended until after the departure of such ship from the Colony or so shortly before such departure that he cannot conveniently be brought to trial before the same or that the Master cannot reasonably be expected to attend for the purpose of prosecuting him and of producing original documentary evidence against him the Shipping Master shall prosecute such deserter and upon the hearing of the charge verified copies of the ships' articles and of the entry in the log book in which respectively such offender's name shall appear shall be admitted as evidence against him.

Penalty on seamen secreting themselves on board other ship.

82. Any seaman who having deserted from his ship shall secrete himself on board any other ship or otherwise with intent to evade apprehension or escape from his existing engagement as a seaman shall incur a penalty not exceeding five pounds or be liable to imprisonment for any period not exceeding three weeks, with or without hard labor.

Master may give drunken or disorderly seaman &c. into custody.

83. The master of any ship in harbour may give in charge to a water policeman or other constable any seaman or other person who shall be drunk riotous or disorderly on board such ship and such policeman or constable shall receive such offender and convey him to some watch-house until he can be conveyed before the Water Police Magistrate or some other Justice at the next usual hour of business And such seaman or other person shall for every such offence incur a penalty not exceeding forty shillings or in default of immediate payment shall be imprisoned for any time not exceeding two days.

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MISCELLANEOUS MATTERS.

Regulations for carrying Act into full effect.

84. The Governor with the advice aforesaid may make such regulations not inconsistent with any provisions of this Act as shall appear necessary to provide for all such matters of detail as are not expressly determined by enactment and generally for the purpose of carrying this Act into full effect And such regulations upon being published in the *Gazette* shall have the force of law And copies thereof shall be laid before both Houses of Parliament forthwith if then sitting or if not then within fourteen days of the opening of the next session.

Printed forms to be supplied by Shipping Master.

85. Printed forms of agreements certificates of discharge mutual releases and of all other documents required to be used under this Act shall be supplied at the Shipping Office to all persons who shall apply for the same at such reasonable prices for the purpose of covering the cost thereof as the Shipping Master may with the approval of the Minister determine.

Penalties for offences not specified.

86. Whosoever shall commit any offence against this Act for which no penalty is herein expressly enacted shall incur a penalty not exceeding five pounds.

Recovery and application of penalties.

87. All penalties and forfeitures incurred under this Act may be recovered before the Water Police Magistrate or any other stipendiary Magistrate or before any two Justices and if not hereby specifically appropriated shall be paid to the Colonial Treasurer to be by him carried over to the Consolidated Revenue Fund.

Document proved without calling attesting witness.

88. Any document required by this Act to be executed in the presence of or to be attested by any witness or witnesses may be proved by the evidence of any person who is able to bear witness to the requisite facts without calling the attesting witness or witnesses or any of them.

Sums ordered to be paid leviable by distress on ships.

89. In all cases in which any Court or Tribunal has power under this Act to direct payment of any wages penalty or other sum of money and the party directed to pay the same being master or owner of a ship does not pay the same at the time and in the manner prescribed by the order the Court or Tribunal lawfully making the order may in addition to any other of its powers in that behalf for the purpose of compelling such payment direct the amount or the portion thereof remaining unpaid to be levied by distress and sale of the ship her tackle furniture and apparel or a sufficient part thereof and such sale shall be made accordingly.

To what ships this Act extends.

90. This Act in addition to its general application according to its subject matter to all persons within the jurisdiction of the Government of this Colony shall extend and apply as follows (that is to say) :—

(1.) As to ships registered in or belonging to this Colony (except pleasure yachts) and the owners masters and crews of such ships wherever the same may be—The whole Act —except so far as other provisions are made in respect thereof when such ships are out of the jurisdiction of the Government of this Colony by the Imperial Act seventeenth and eighteenth Victoria chapter one hundred and four or any other Act of the Imperial Parliament relating thereto.

(2.) As to pleasure yachts registered in or belonging to this Colony and the owners masters and crews thereof—so much of section sixteen as directs that no seaman shall be hired

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hired or engaged to serve in any ship of whatever tonnage the same may be unless he produces and delivers up to the Shipping Master or the owner or master engaging him his discharge or license to ship and that in all cases where any such discharge or license to ship shall be delivered to any such owner or master the same shall be forthwith delivered or sent by such owner or master to the Shipping Master to be by him kept and preserved in his office—The whole of section thirty-one and so much of section thirty-two as dispenses with the production or giving of discharges or licenses to ship by or to seamen who immediately re-engage to serve in the same ship and as requires the master in such cases to send to the Shipping Master a written statement signed by him setting forth the fact of such re-engagements being so entered into.

(3.) As to ships registered in or belonging to the United Kingdom or any of Her Majesty's dominions other than this Colony and the owners masters and crews of such ships when such ships are within the jurisdiction of the Government of this Colony—The whole Act except so far as other provisions are made in respect thereof by the Imperial Act seventeenth and eighteenth Victoria chapter one hundred and four or any other Act of the Imperial Parliament relating thereto.

(4.) As to ships registered in or belonging to any Foreign State or Country and the owners masters and crews of such ships when such ships are within the jurisdiction of the Government of this Colony—The whole of section seven—The whole of sections fourteen to nineteen both inclusive—The whole of sections twenty-one twenty-two thirty-one thirty-two sixty-seven sixty-eight sixty-nine seventy seventy-nine and eighty and the whole of section eighty-two and the following sections to and inclusive of this section except so far as other provisions are made in respect thereof by the Act of the then Legislature of this Colony sixteenth Victoria number twenty-five.

Not to extend to ships of war.

91. Nothing herein contained shall extend or apply to any of Her Majesty's or the ships-of-war of any Foreign State or Power.

FIRST

FIRST SCHEDULE.

Acts and parts of Acts repealed.

Fourth William IV. Number Seven	The whole of Section forty-four.
Eleventh Victoria Number Twenty-three... ...	The whole.
Thirteenth Victoria Number Twenty-eight ...	The whole.
Seventeenth Victoria Number Thirty-six... ...	The whole of sections three to fourteen both inclusive the whole of sections seventeen to twenty-five both inclusive the whole of section twenty-seven so much of section twenty-nine as applies or extends to or affects ships or vessels in port which are moored to any wharf and the whole of sections thirty to forty-four both inclusive.
Nineteenth Victoria Number Eight	The whole.
Twenty-third Victoria Number Eleven	The whole

SECOND SCHEDULE.

Declaration to be made by Shipping Master.

I do solemnly and sincerely declare that I will faithfully and truly perform the office and duty of Shipping Master according to the true intent and meaning of the Seamen's Laws Consolidation Act of 1864 and that I will not either directly or indirectly personally or by means of any other person or persons on my behalf receive any fee reward or gratuity whatsoever by reason of any duty of my office as Shipping Master except such as are authorized by the said Act and that I will act without partiality favor or affection and to the best of my knowledge and ability.

THIRD SCHEDULE.

FEES to be charged for engagements and discharges of Crews and Seamen howsoever made the same to be paid to the Shipping Master at the Port where the engagements or discharges take place.

1. *Engagement of Crews.*

	£	s.	d.
In ships under 30 tons	0	2	0
30 to 60 „	0	4	0
60 to 100 „	0	7	0
100 to 200 „	0	15	0
200 to 300 „	1	0	0
300 to 400 „	1	5	0
400 to 500 „	1	10	0
500 to 600 „	1	15	0
600 to 700 „	2	0	0
700 to 800 „	2	5	0
800 to 900 „	2	10	0
900 to 1,000 „	2	15	0

And so on for ships of larger tonnage adding for every 100 tons above 1,000 five shillings.

2. *Engagement of Seamen separately.*

Two shillings for each.

3. *Discharge of Crews.*

	£	s.	d.
In ships under 60 tons	0	4	0
60 to 100 „	0	7	0
100 to 200 „	0	15	0
200 to 300 „	1	0	0
300 to 400 „	1	5	0
400 to 500 „	1	10	0
500 to 600 „	1	15	0
600 to 700 „	2	0	0
700 to 800 „	2	5	0
800 to 900 „	2	10	0
900 to 1,000 „	2	15	0

And so on for ships of larger tonnage adding for every 100 tons above 1,000 five shillings.

4. *Discharge of Seamen separately.*

Two shillings for each.

SUMS

SUMS TO BE DEDUCTED FROM WAGES BY WAY OF PARTIAL REPAYMENT OF ABOVE FEES.

1. *In respect of Engagements and Discharges of Crews.*

Upon each engagement and each discharge from the wages of each seaman—sixpence.

2. *In respect of Engagements and Discharges of Seamen separately.*

Upon each engagement and each discharge—sixpence.

FOURTH SCHEDULE.

AN Agreement made in pursuance of the "Seamens' Laws Consolidation Act of 1864," between the master of the ship of the Port of and of the burden of tons and the several persons whose names are subscribed hereto :—

IT is agreed by and on the part of the said persons and they severally hereby engage to serve on board the said ship in the several capacities expressed against their respective names on a voyage from the Port of to [*here the intended voyage is to be described as nearly as can be done and the places at which it is intended the ship shall touch or if that cannot be done the nature of the voyage in which she is to be employed and also when practicable the probable duration of the voyage and if a running agreement the several voyages or trips for which the seamen are engaged and the limits as near as may be both of time and place within which such voyages are to be comprised and the final place of discharge*] and the said crew further engage to conduct themselves in an orderly faithful honest careful and sober manner and to be at all times diligent in their respective duties and stations and to be obedient to the lawful commands of the master in everything relating to the said ship and the materials stores and cargo thereof whether on board such ship or in boats or on shore [*here may be inserted any other clauses which the parties may think proper to be introduced into the agreement provided that the same be not contrary to or inconsistent with the provisions and spirit of this Act*] in consideration of which services to be duly honestly carefully and faithfully performed the said master doth hereby promise and agree to pay to the said crew by way of compensation or wages the amount expressed against their respective names And it is hereby agreed that any embezzlement or wilful or negligent loss or destruction of any part of the ship's cargo or stores shall be made good to the owner out of the wages (so far as they will extend) of the seamen guilty of the same and if any seaman shall have entered himself as qualified for a duty to which he shall prove not to be competent he shall be subject to a reduction of the rate of wages hereby agreed for in proportion to his incompetency In witness whereof the said parties have hereto subscribed their names on the days mentioned against their respective signatures.

No. and Date of Ship's Register.	The number and description of the crew specifying how many are engaged as sailors.	Place and Time of Entry.				The time at which each seaman is to be on board or to begin work.	Men's Names. Christian and Surnames set forth at full length.	Age.	Town or Country where born.	Capacity of Seaman.	Amount of Wages per Calendar Month Run or Voyage or otherwise.	In cases of remuneration by share or lay—amount of such share or lay.	Amount of Wages advanced at the time of entry.			Amount of Monthly Allotment.			Quantity of Provisions per day.	Witness to Signature.	Name of Ship in which the Seaman last served.	Special stipulations, if any.
			Day.	Month.	Year.																	

[Special place or form in the duplicate retained by the master for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship.]

(*Signature of Master.*)

(*Shipping Master's name as witness.*)

FIFTH

FIFTH SCHEDULE.

Form of Allotment Note

I A.B. a seaman engaged to serve in the capacity of on board the ship C.D. master on a voyage [*here describe the intended voyage*] do hereby allot to E.F. [*describe who it is whether wife child or otherwise*] (Here state the precise sum—or the proportionate amount—of the wages to be earned by A.B. which he hereby authorizes to be paid over to E.F. and the periods at which such payments are to be made.)

Signature of Seaman.

Witness—A. B.

I hereby issue and give this Allotment Note.

Signature of Owner Master or other authorized Agent.

Witness—A. B.

SIXTH SCHEDULE.

Certificate of Discharge.

Name of Ship.	Official Number.	Port of Registry.

Registered Tonnage.	Description of Voyage or Employment.

	Capacity.
Name of Seaman Place of Birth Date of Birth	

Date of Entry.	Date of Discharge.	Place of Discharge.

I certify that the above particulars are correct and that the above Seaman was discharged accordingly.

Dated this day of 18 .

(Signed) Master of the Ship.

Witness—

SEVENTH SCHEDULE.

Form of Mutual Release.

THE undersigned A. B. master of the ship and C. D. a seaman recently serving on board the same hereby declare that the agreement entered into between them from the day of 18 has been duly fulfilled on both sides and that all wages earned by the said C. D. have been fully paid or satisfied and that he has been and is fully discharged from his said service And the said parties hereto do hereby mutually acquit and release each other from all further claim under the said agreement or in any other respect arising out of the engagement thereby made.

In witness whereof we have hereto set our hands this day of 18 .

(Signed) Master.
Seaman.

Witness—

Shipping Master.

EIGHTH

EIGHTH SCHEDULE.

Report of Conduct Character and Qualifications.

Name of ship.	Port of registry.	Name of seaman discharged.	Place of birth.	Capacity on board.	Description or nature of voyage.	Report of			If master declines to give opinion on any particulars here state on which.
						Conduct.	Character	Qualification	

I hereby certify that the above is a true report of the conduct character and qualifications of the several seamen above named discharged by me before Shipping Master this day of 18 .

(Signed) Master.

Witness—

In the name and on the behalf of Her Majesty, I assent to this Act.

JOHN YOUNG,
GOVERNOR.

22 *April*, /64,
Leg. Council Chamber, Sydney.