A BILL

To amend and consolidate the Laws relating to Merchant Seamen.

[Mr. Smart;—11 August, 1863.]

WHEREAS it is expedient to amend and consolidate the Laws Preamble.
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
5 Assembly of New South Wales in Parliament assembled and by the
authority of the same as follows:—

- This Act shall be styled and may be cited as the "Seamen's short title.
 Laws Consolidation Act of 1863" and shall commence and take effect on and from the first day of January one thousand eight hundred and 10 sixty-four.
 - 2. The following terms in inverted commas shall for the pur-Interpretation. poses 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.

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- "Intercolonial Ship" Every ship engaged in trading between any port in this Colony and any other such port or any other Australian Colony or 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 the vessel shall belong or any agent for any such owner.
- "Master"—Every person having charge or command of any vessel except pilots.
- "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.

113—A "Minister"

Preliminary.

- "Minister"—The Minister for the time being administering this Act.
- "Justice"—Any Justice of the Peace.

And the word "Agreement" shall besides its ordinary meaning include also the Ship's Articles whether written or printed 5 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 The Acts and parts of Acts specified in the first Schedule hereto are hereby repealed Provided that nothing done or in progress thereunder shall be affected by such repeal.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 10 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.

SHIPPING OFFICES AND MASTERS.

PART I.

Appointment of Shipping Master &c.

5. The Governor with the advice of the Executive Council may 20 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 25 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:—

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To facilitate the making of apprenticeships to the sea service.

To facilitate the engagement and discharge of seamen and to keep a registry of their names and characters.

To

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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.

PART I.

- 7. The fees specified in the third Schedule hereto shall be Fees on engagements and dispayable to the Shipping Masters upon all engagements and discharges effected before them 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 10 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 15 Schedule.
- 8. Any Shipping Master who demands or receives any remune-Penalty for taking other remuneration ration 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 20 not exceeding twenty pounds or be dismissed by the Minister.
- 9. By direction of the Minister at any place where there is no Shipping business may be done at Shipping Office the whole or any part of the business of such office Custom Houses. may be conducted at the Custom House And the Officer of Customs there conducting such business shall for all purposes be deemed a 25 Shipping Master.
 - 10. The Minister may for special reason dispense in writing Shipping Master may be dispensed under his hand with the transacting before a Shipping Master of any with.

 matter required by this Act to be so transacted and the matter so transacted shall thereupon be equally valid in law.

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APPRENTICESHIP.

PART II.

11. All indentures of apprenticeship to the sea service shall be How indentures to be executed by the apprentice and the person to whom he is bound in attested.

the presence of and be attested by a Justice who shall before such execution satisfy himself that the intended apprentice has freely

35 consented to be bound—has attained the age of twelve years—and is of sufficient health and strength—and if under 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.

PART II.
And recorded.

12. 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 some Shipping Master who shall record one copy in his office and indorse a memorandum of such recording on the other copy 5 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 10 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. 13. All such apprenticeships made by the authorized officer of 15 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 14. The master of every Foreign-trade ship shall before carrying any apprentice to sea from any place in the Colony cause him to appear before and 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 25 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. And the master shall for every default in obeying any provision of this section incur a penalty not exceeding five pounds.

PART III.
Penalties—

ENGAGEMENT OF SEAMEN.

15. 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 bond fide servant and in the constant 35 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.

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

PART III.

(3.) Whosoever contrary to this Act demands or receives or for receiving directly or indirectly from any seaman or apprentice or seamen for shipping 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.

16. Every master of any Intercolonial ship except ships Agreements to be made with seamen of less than eighty tons registered tonnage who shall engage any containing certain

15 seaman from any port in the Colony as one of his crew shall enter into an agreement with him in the form of the fourth Schedule 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 stipu-

20 lations 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 signed by the master in his presence.

17. Every master of every such ship except as aforesaid when seamen to be 25 engaging seamen at the port of Sydney shall engage them either Shipping Master or on board the ship in before the Shipping Master at the Shipping Master's Office or on which they are to serve. board the ship in which they are to be employed—and if before the Shipping Master the Shipping Master shall read or cause to be read 30 and (if required) shall explain to such seaman the agreement so entered into and shall then attest the signature of each seaman who signs in

his presence—and if on board the ship in which the service is to be performed then in the presence of the master or owner and some officer engaged on board the said ship for the voyage mentioned in 35 such agreement and such master or owner and officer shall attest the signature of each seaman Provided that 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 except before a Shipping Master

40 nor without production of his discharge from the ship in which he last served or satisfactory proof of its existence and loss.

PART III.

For foreign-trade ships agreements to be made before Owner or Shipping Master.

- 18. In the case of all foreign-trade ships wherever registered the following 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 the Owner or 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.

To be in duplicate.

(3.) When the crew is previously engaged the agreement shall 10 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. 15

To regulate fees payable on running agreements.

19. 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 20 Intermediate engagements and discharges shall be considered to be engagements and discharges of single seamen.

Duplicates of

20. In cases in which such running agreements are made the running agreements how to be dealt with duplicate agreement retained by the Shipping Master upon the first engagement of the crew shall be kept by the Shipping Master until 25 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.

21. 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 30 master and the seamen may be engaged to serve in any two or more of such ships Provided that the name of the ship 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 35 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

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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.

- 22. If at the expiration of his term of service any seaman Fresh engagement in same vessel with 5 shall be desirous with the consent of the master or owner to engage out further charge. for further service in any ship or vessel 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.
- 10 23. If in any case a master carries any seamen to sea without Penalty for shipping seamen without having entered into an agreement with him in the form and manner and agreement duly 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 15 exceeding five pounds.
- 24. The master of every foreign-trade ship of which the Changes in crew to be reported. crew has been engaged before a Shipping Master shall before leaving the Colony sign and send to a Shipping Master a full and accurate statement of every change which takes place in his crew 20 before finally so leaving the Colony And shall for every offence against this enactment incur a penalty not exceeding five pounds.
- 25. Every master of a ship registered in the United Kingdom Seamen engaged in the Colonies to be or belonging to any British Possession other than this Colony who shipped before some engages any seaman in this Colony shall engage him before 25 the Shipping Master and upon every such engagement such Shipping Master shall indorse upon the agreement an attestation to the effect that the same has been signed in his presence and otherwise made as required by this Act And if in any case such attestation is not made the burden of proving that the seaman was duly engaged as hereby 30 required shall lie upon the master.
- 26. Every erasure interlineation or alteration in any agreement with seamen except additions for shipping substitutes or persons to have been made to have been made with the consent of all parties.

 35 of all the persons interested in such erasure interlineation or alteration by the written attestation of some Shipping Master or Justice or if made out of the Colony of a British Consular Officer or if none such of two British merchants.

PART III.

27. Whosoever fraudulently alters assists in fraudulently Penalty for falsifying 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 misde- 5 meanor.

Seamen not to be bound to produce agreement.

28. 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. 10

Copy of agreement to be made accessible to crew.

29. 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. 15

Seamen discharged before end of agreement to have compensation.

30. 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 20 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.

WAGES AND DISCHARGES.

Regulations as to allotment notes.

31. All stipulations made at the commencement of a voyage 25 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.

32. The wife father or mother grandfather or grandmother 30 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 35 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

PART III,

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 5 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 10 from her husband shall thereby forfeit all right to further payment of any allotment of his wages made in her favor.

33. The owner part owner master or person in charge of any No advance note or merchant ship or the ship's husband or agent shall not pay or advance paid to seamen until after the ship's nor give any note in writing or otherwise in the nature of and purduly signed.

- 15 porting 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 20 thereof may be made to the seaman himself at any period most con-
- venient 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.
- 25 34. In the case of all British foreign-trade ships in whatever Discharge from part of Her Majesty's dominions the same are registered all seamen to be made before Shipping Master. discharged in the Colony shall be discharged before some Shipping Master And any master or owner of any such ship who discharges any seaman belonging thereto within the Colony in any other manner 30 shall incur a penalty not exceeding ten pounds And in the case of Intercolonial ships seamen may if the owner or master so desire be

discharged in like manner.

35. Every master shall not less than twenty-four hours before Master to deliver paying off or discharging any seaman deliver to him a full and true 35 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

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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 5 competent authority of any complaint or question relating to such payments.

Certificates or dis-

Sixth Schedule.

36. 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 10 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.

Shipping Master may decide questions which parties refer to him.

37. Every Shipping Master shall hear and decide any question whatever between a master or owner and any of his crew which both 15 parties agree in writing in submitting 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* 20 evidence thereof.

Master and others to produce ship's papers to Shipping Master and give evidence. 38. 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 25 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 30 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.

39. The following rules shall be observed with respect to the 35 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

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the presence of the Shipping Master sign in the form

PART IV.

of the seventh Schedule hereto a mutual release of all seventh Schedule.

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 to be discharge
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

- (2.) A copy of such release certified under the hand of such and to be evidence.

 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
 - (3.) In cases in which discharge and settlement before a No other receipt to be a discharge. 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
 - (4.) Upon any payment being made by a master before a Voucher to be given to master and to be Shipping Master the Shipping Master shall if required evidence. 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.

40. Upon every discharge effected before a Shipping Master the Master to make reports of character. master shall make and sign in the form of the eighth Schedule hereto a Eighth Schedule.

Report of the conduct character and qualifications of the seamen

- 30 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
- 35 And every person who makes assists in making or procures to be made Penalty for false discharge or report.

 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

 40 any such certificate or report or who fraudulently makes use of any certificate

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.

Right to wages and provisions when to begin.

41. A seaman's right to wages and provisions shall be taken to commence at the time specified in the agreement for his commencement 5 of work or presence on board whichever shall first happen.

Seamen not to give up certain rights. 42. 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 10 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 15 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. 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 25 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.

44. In cases where the service of any seaman terminates before the period contemplated in his agreement by reason of the wreck or 30 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.

Allowance for short or bad provisions.

45. If during a voyage the allowance of any of the provisions 35 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

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 5 of compensation for such reduction or bad quality according to the time of its continuance the following sums in add tion 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

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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
- 15 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 20 modify or refuse compensation as the justice of the case may require.
- 46. No seaman or apprentice shall be entitled to wages for any wages not to accrue period during which he unlawfully refuses or neglects to work when work or imprisonment. required whether before or after the time fixed by the agreement for his beginning work nor for any period during which he is lawfully 25 imprisoned for any offence committed by him unless the Court hearing the case otherwise directs.
 - 47. The master or owner of every ship shall pay to every Period within which 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

35 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 40 a sum equal to one-fourth part of the balance due to him And every

master

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 5 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 10 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 15 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 20 sum of fifty 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 25 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.

bave the same rights liens and remedies for the recovery of his wages 30 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 35 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.

51. Whenever any seaman or apprentice belonging to any ship whether a foreign-trade ship or an Intercolonial ship employed charge of or sell effects of deceased on a voyage which is to terminate in the Colony dies during seaman which are on board and enter the such voyage the master shall take charge of all money clothes and same and wages due in log. 5 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 :-

PART IV.

- (1.) A statement of the amount of money and a description of 10 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.

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- 52. In the cases provided for in the next preceding section the Such effects and wages to be paid to Shipping Master with full accounts. following rules shall be observed:—
- (1.) Within forty-eight hours after the arrival of the ship 20 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 25 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 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 5 and no deductions claimed in such account shall be allowed unless verified if there is a log-book by such entry therein 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 without the 15 production of such certificate.

Penalties for not taking charge of re-

53. Any master who fails to take charge of the money or other mitting or accounting for such monies effects of a seaman or apprentice dying during a voyage or to make and effects. 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 20 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 25 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 30 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 35 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 40

owner

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 5 directs.

55. If the money and effects of any deceased seaman or If less than £50apprentice paid or delivered as aforesaid including the monies received wages and property of deceased seamen apprentice paid or delivered as aforesaid including the monies received of deceased may be paid over may be paid over without probate or any part of the said effects which have been sold either before administration. delivery or by direction of the Minister do not exceed in value 10 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 15 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 20 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 25 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. 56. In cases where the deceased seaman or apprentice has left a Mode of payment under wills made by

will the Minister shall have the following powers:-

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seamen.

- (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 113-C

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 5 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.

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

- 57. The following rules shall be observed with respect to 10 creditors of deceased seamen and apprentices:—
 - (1.) No such creditor shall be entitled to claim 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 25 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 30 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 35 against such person as if he had received the said wages and effects as the legal personal representative of the deceased

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PART IV.

- (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
- 15 (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 sub-20 stantiated 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 there-25 upon 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.

58. In cases of wages or effects of deceased seamen or appren- Mode of dealing with unclaimed tices to which no claim is substantiated within six years after the wages of deceased 30 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 35 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 alters assists in fraudulently altering or procures to be fraudulently altered any document purporting to shew or assist in 5 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 10 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 15 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 20 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 25 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 30 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 35 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.

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 Wages to be paid when seamen are left behind on ground of under a certificate indorsed on the agreement as hereinafter provided inability. of his unfitness or inability to proceed on the voyage shall deliver to one 5 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 10 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 15 such bill is drawn with such further particulars in respect of the And every such master as aforesaid case as the Minister requires 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 20 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 25 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 evi-30 dence 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

62. Whenever in any proceeding relating to wages it is shewn Costs of procuring 35 that any seaman or apprentice entitled thereto has in the course of be deducted from wages. 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.

be deemed prima facie evidence of the facts stated in such indorsement.

Amount of forfeiture how ascertained when seamen contract for voyage.

63. 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 5 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.

64. Any question concerning the forfeiture of or deduction 10 from the wages of any seaman or apprentice may be determined in any proceeding lawfully instituted respecting such wages notwith-standing that the offence as to which such question arises has not been made the subject of any criminal proceeding.

PART V.

PROTECTION.

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Leaving seamen behind a misdemeanor.

- 65. 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 20 deemed guilty of a misdemeanor.
- 66. 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 25 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 30 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.

67. Upon the trial of any information or other proceeding for so discharging or leaving behind any seaman or apprentice it shall lie

upon

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. PART V.

- 68. No assignment or sale of any salvage or wages made by sale of and charge upon salvage on 5 any seaman or apprentice prior to the accrual thereof shall bind the wages invalid.

 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 10 incumbrance or arrestment thereon.
 - 69. The following rules shall be observed with respect to Expenses of medical expenses attendant on illness and death:—
 - (1.) The expense of providing necessary surgical and medical advice attendance and medicine to any seaman or apprentice injured in the ship's service 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.

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- (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.
- 70. Any person demanding or receiving from any seaman or Penalties for over-charge by lodging-apprentice payment for his board or lodging in the house of such house keepers.

 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.
- 71. Any person receiving or taking possession of or under his Penalty for detaining seamen's effects.

 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

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. 72. Every person not in Her Majesty's service or otherwise 5 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 lodginghouse keeper. 73. 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. 15

PART VI.

DISCIPLINE.

Misconduct endangering ship or life or limb a misdemeanor. 74. 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 20 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. Desertion.

- 75. Any seaman or apprentice committing any of the following offences shall be liable to be punished summarily as follows:— 25
 - (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 30 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 35 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.

(3.)

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- (3.) For quitting the ship without leave after her arrival and Quitting before ship before she is placed in security—to forfeit out of his is secured.

 wages not exceeding one month's pay.
- (4.) For wilful disobedience to any lawful command—to be Disobedience. 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.
- (5.) For continued wilful disobedience to lawful commands or Continued disobedience.
 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.
 - (6.) For assaulting any master or mate—to be imprisoned for Assault on officers. any period not exceeding three months with or without hard labor.
 - (7.) For combining with any other of the crew to disobey Combining 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.
 - (8.) For wilfully damaging the ship or embezzling or wilfully wilful damage or 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.
 - (9.) For any act of smuggling for which he is convicted whereby Smuggling to the 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.
- 76. Upon the commission of any offence aforesaid an entry offence and offender 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 shall be 35 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 40 receive evidence of the offence.

PART VI.

of being imprisoned

77. Whenever any seaman or apprentice is brought before any Deserters may be sent on board in lieu 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 instead of committing the offender to prison if the master 5 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 10 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 wages.

78. Whenever a question arises whether the wages of any 15 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 20 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 25 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.

79. If any seaman on or before being engaged wilfully and fraudulently makes a false statement of the name of his last ship or 30 last alleged ship 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 harboing deserters.

80. Every person who by any means whatever persuades or 35 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 And every person who wilfully harbors or secretes any 40

seaman

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 5 exceeding twenty pounds.

PART VI.

MISCELLANEOUS MATTERS.

PART VII.

- 81. The Governor with the advice aforesaid may make such Regulations for regulations not inconsistent with any provisions of this Act as shall into full effect. appear necessary to provide for all such matters of detail as are not 10 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 15 of the next session.
- 82. Printed forms of agreements certificates of discharge Printed forms to be supplied by Shipping mutual releases and of all other documents required to be used under Master. 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 20 covering the cost thereof as the Shipping Master may with the approval of the Minister determine.
 - 83. Whosoever shall commit any offence against this Act for Penalties for offences which no penalty is herein expressly enacted shall incur a penalty not exceeding *five* pounds.
- 84. All penalties and forfeitures incurred under this Act may application of be recovered before the Water Police Magistrate or any other stipential diary 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.
- 30 85. In all cases in which any Court or Tribunal has power Sums ordered to be paid leviable by under this Act to direct payment of any wages penalty or other sum of distress on ships. 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 35 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 SCHEDULE.

Acts and parts of Acts repeale

Fourth William IV. Number Seven ... Section forty-four only.

Eleventh Victoria Number Twenty-three... The whole.

Thirteenth Victoria Number Thirty-six... The whole.

Seventeenth Victoria Number Thirty-six... The whole except so much as relates to the Water Police.

Nineteenth Victoria Number Eight ... The whole.

Twenty-third Victoria Number Eleven ... The whole.

SECOND SCHEDULE.

10

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 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 15 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.

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900 to	"							0	
And so on for ships of lar	750	ge adding	for eve	ry 100	tons			0 five shillings	50

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—one shilling.

In respect of Engagements and Discharges of Seamen separately.
 Upon each engagement and each discharge—one shilling.

FOURTH SCHEDULE.

An Agreement made in pursuance of the "Seamens' Laws Consolidation Act of 1863,"
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 [here the intended voyage names on a voyage from the Port of to 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

No. and Date of Ship's Register.	Pla Ti E	Day.	of y.	Year.	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.
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(Signature of Master.)

(Shipping Master's name as witness.)

on the days mentioned against their respective signatures.

FIFTH SCHEDULE.

Form of	f Allo	tment	Note
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	Form of Attotment Ivote	
I A.B. a sear	man engaged to serve in the capacity of	on board
the ship	C.D. master on a voyage [here d	escribe the intended voyage do
hereby allot to E.F.	[describe who it is whether wife child	
	proportionate amount-of the wages to	
	be paid over to E.F. and the periods at	
be made.)		
		Signature of Seaman.
Witness—		10
100, Apl of 1568,	Shipping Master.	
	Table 1	

SIXTH SCHEDULE.

Certificate of Discharge.

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Dated this day of 18 Master of the Ship. (Signed) Shipping Master. SEVENTH SCHEDULE. 25

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 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 30 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 18 35 of (Signed) Master. Seaman. Witness-Shipping Master.

EIGHTH

EIGHTH SCHEDULE.

Report of Conduct Character and Qualifications.

Name of	Port of registry.	Name of seaman	Place of birth.	Capacity on board.	Description or nature of voyage.	Report of			If master declines to give opinion on any
18 OT	acguray.	discharged.	orra.	on board.		Character	Qualification	particulars here state on which.	
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•					the state				,

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.

Witness-

(Signed)

Master.

Shipping Master.

Sydney: Thomas Richards, Government Printer.—1863.

[Price, 1s. 4d.]

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(Bidmill)

Shirming Master,

A STATE OF THE PARTY OF THE PAR

Presidents.

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.

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

THEREAS it is expedient to amend and consolidate the Laws Preamble. 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 5 Assembly of New South Wales in Parliament assembled and by the

authority of the same as follows:—

1. This Act shall be styled and may be cited as the "Seamen's Short title.

Laws Consolidation Act of 1863" and shall commence and take effect six days after the Proclamation in the Gazette of the approval of Her 10 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.

2. The following terms in inverted commas shall for the pur-Interpretation. poses of this Act when not otherwise expressed and unless the context 15 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 New Zealand.
"Foreign-trade Ship"—Any ship trading to any part of the world not comprehended in the term Intercolonial.

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113-A "Owner"-

Seamen's Laws Consolidation.

"Owner"—Every person to whom the vessel shall belong or Preliminary. any agent for any such owner. "Master"—Every person having charge or command of any vessel except pilots. "Seaman"-Every person employed or engaged in any capacity 5 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. 10 "Shipping Master"-Every officer duly authorized for any specified duties of Shipping Master under this Act.
"Minister"—The Minister for the time being administering this Act. "Justice"—Any Justice of the Peace.
"Desertion"—The absence of a seaman or apprentice from his 15 ship without leave for a period not less than forty-eight And the word "Agreement" shall besides its ordinary meaning include also the Ship's Articles whether written or printed 20 or partly written and partly printed.

3. The Acts and parts of Acts specified in the first Schedule Repeal of former enactments. hereto are hereby repealed Provided that nothing done or in progress First Schedule. thereunder shall be affected by such repeal. 4. The remainder of this Act shall be divided into the following Division of Act into 25 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. 30 Part V—Protection. Part VI—Discipline. Part VII—Miscellaneous matters.

SHIPPING OFFICES AND MASTERS.

PART I.

5. The Governor with the advice of the Executive Council may Appointment of establish Shipping Offices at Sydney and at any other ports and may Shipping Master &c. 35 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 40 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. The following shall be the general duties of Shipping Duties of Shipping 45 Masters: To facilitate the making of apprenticeships to the sea service. To facilitate the engagement and discharge of seamen and to keep a registry of their names and characters in all such cases as are compulsorily or voluntarily brought before 50 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.

7. The fees specified in the third Schedule hereto shall be Fees on engagements and discharges effected before them And the Minister shall cause tables Third Schedule. of such fees to be conspicuously placed in the Shipping Offices

Seamen's Laws Consolidation.

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 5 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 fees payable to the Shipping Master under this Act shall be accounted for and paid by him to the Colonial Treasurer and 10 by the said Treasurer be carried over to the Consolidated Revenue

PART I.

8. Any Shipping Master or any clerk or servant in any Shipping Penalty for taking office who demands or receives any remuneration whatever directly other remuneration. or indirectly for hiring or supplying any seaman for any merchant 15 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 be dismissed by the Minister.

9. By direction of the Minister at any place where there is no Shipping business Shipping Office the whole or any part of the business of such office Custom Houses. 20 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.

APPRENTICESHIP.

PART II.

10. All indentures of apprenticeship to the sea service shall be How indentures to 25 executed by the apprentice and the person to whom he is bound in be executed and attested. 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 30 is not acting against the will of his parent or other lawful guardianand that the master to whom he is bound is a proper person for the purpose.

11. All such indentures of apprenticeship shall be in duplicate And recorded. and every person to whom any apprentice is so bound in the Colony shall 35 within seven days after the execution of the indentures take or transmit the same to some Shipping Master who shall record 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 40 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 45 to comply with this enactment shall incur a penalty not exceeding

ten pounds.

12. All such apprenticeships made by the authorized officer of Apprentices from charitable instituany public or charitable institution shall subject as nearly as may be tions. to the foregoing provisions be made in the same manner and be subject 50 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.

13. The master of every Foreign-trade ship shall before Apprentices in foreign-trade ships. carrying any apprentice to sea from any place in the Colony cause 55 him to appear before and 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

Seamer's Laws Consolidation.

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 And the master shall for every default in obeying any provision of this section incur a 5 penalty not exceeding five pounds.

ENGAGEMENT OF SEAMEN.

PART III.

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

(1.) Whosoever not being the owner or master or mate of For unlawfully 10 the ship—or the bona fide servant and in the constant supplying seamen or employing other employ of the owner-or a Shipping Master-engages to do so. 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 15 seaman or apprentice so engaged or supplied incur a penalty not exceeding twenty pounds.

(2.) Whosoever knowingly receives or accepts to be entered on or for receiving board any ship any seaman or apprentice engaged or supplied supplied contrary to the next preceding enactment shall for every seaman or apprentice so engaged or supplied

incur a penalty not exceeding twenty pounds.

(3.) Whosoever contrary to this Act demands or receives or for receiving remuneration for directly or indirectly from any seaman or apprentice or seamen for shipping from any person seeking employment as such or from any them. 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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15. Every master of any Intercolonial ship except ships Agreements to be 30 of less than eighty tons registered tonnage who shall engage any containing certain seaman from any port in the Colony as one of his crew shall enter particulars. into an agreement with him in the form of the fourth Schedule 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 35 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 signed 40 by the master in his presence.

16. Every master of every such ship except as aforesaid when seamen to be engaging seamen at the port of Sydney shall engage them either shipping Master or before the Shipping Master or at the Shipping Master's Office or on on board the ship in which they are to board the ship in which they are to be employed Provided that the serve.

45 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 50 production of his discharge from the ship in which he last served

or satisfactory proof of its existence and loss.

17. In the case of all foreign-trade ships the following rules For foreign-trade ships agreements e observed with respect to agreements: shall be observed with respect to agreements:

(1.) Every agreement made in the Colony shall be signed by Shipping Master. 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.

(2.)

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Seamen's Laws Consolidation.

PART III. (3.) When the crew is previously engaged the agreement shall be signed in duplicate and one part shall be retained by the To be in duplicate. 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.

18. For the purpose of determining the fees to be paid upon To regulate fees the engagement and discharge of seamen belonging to foreign trade payable on running and intercolonial ships which have running agreements the crew shall

10 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.

19. In cases in which such running agreements are made the Duplicates of 15 duplicate agreement retained by the Shipping Master upon the first running agreements 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.

20. In cases where several Intercolonial ships belong to the special agreements 20 same owner the agreement with the seamen may notwithstanding for Intercolonial anything herein contained be made by the owner instead of by the same owners. master and the seamen may be engaged to serve in any two or more of such ships Provided that the name of the ship and of the master and the nature of the service are specified in the agreement Provided also 25 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 30 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.

21. If at the expiration of his term of service any seaman Fresh engagement shall be desirous with the consent of the master or owner to engage in same vessel with-35 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. If in any case a master carries any seaman to sea without Penalty for shipping 40 having entered into an agreement with him in the form and manner and seamen without at the place and time hereby in such case required the meeter in the at the place and time hereby in such case required the master in the case executed. 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.

23. The master of every foreign-trade ship of which the changes in crew crew has been engaged before a Shipping Master shall before to be reported. 45 leaving the Colony sign and send to a 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 50 this enactment incur a penalty not exceeding five pounds.

24. Every erasure interlineation or alteration in any agreement Alterations to be with seamen except additions for shipping substitutes or persons void unless attested engaged subsequently to the first departure of the ship shall be with the consent of wholly inoperative unless proved to have been made with the consent all parties.

55 of all the persons interested in such erasure interlineation or alteration by the written attestation of some Shipping Master or Justice or if made out of the Colony of a British Consular Officer or if none such of two British merchants.

25. Whosoever fraudulently alters assists in fraudulently Penalty for falsifying altering or procures to be fraudulently altered or makes or assists in agreement. 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 5 agreement shall for every such offence be deemed guilty of a misdemeanor.

26. Any seaman may upon any civil or criminal proceeding by Seamen not to be bound to produce or against him bring forward evidence to prove the contents of any agreement. agreement or otherwise to support his case without producing or

10 giving notice to produce the agreement or any copy thereof.

27. The master shall at the commencement of every voyage or Copy of agreement to be made accessible engagement cause a legible copy of the agreement (omitting the to crew. 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 15 incur a penalty not exceeding five pounds.

28. Any seaman who after having signed an agreement is dis-Seamen discharged before end of agreecharged before the termination of his agreement without fault on his part ment to have justifying such discharge and without his consent shall be entitled to compensation. receive from the master or owner in addition to any wages he may have

20 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.

WAGES AND DISCHARGES.

25 29. All stipulations made at the commencement of a voyage Regulations as to for the allotment of any part of the wages of a seaman during allotment notes. 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.

30. The wife father or mother grandfather or grandmother Allotment notes may or any child or grandchild brother or sister of any seaman in whose be sued on summarily by certain persons on favor an allotment note of part of the wages of such seaman is certain conditions. made may unless the seaman is shewn in manner hereinafter mentioned to have forfeited or ceased to be entitled to the wages out

35 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

40 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

45 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.

31. The owner part owner master or person in charge of any No advance note or merchant ship or the ship's husband or agent shall not pay or advance paid to seamen until nor give any note in writing or otherwise in the nature of and puraticles have been porting to be an advance note for any part of the wages of any duly signed. seaman engaged or provided to be entered on board such ship until

55 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 5 advanced.

PART IV.

32. Every master shall not less than twenty-four hours before Master to deliver paying off or discharging any seaman deliver to him a full and true account of wages. 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

10 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

15 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.

33. In every case of a seaman discharged before the Shipping Certificates of dis-20 Master the master shall sign and give him a certificate of discharge charge. in the form of the sixth Schedule hereto attested by such Shipping Sixth Schedule. Master And any master who fails to sign and give to any such seaman such certificate of discharge shall for every such offence incur

25 a penalty not exceeding ten pounds. 34. Every Shipping Master shall hear and decide any question Shipping Master whatever between a master or owner and any of his crew which both which parties refer

parties agree in writing in submitting to him and every award so made to him. by him shall be binding on both parties and shall in any legal proceed-30 ing 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 prima facie evidence thereof.

35. In any proceeding relating to wages claims or discharge Master and others 35 of any seamen so referred to any Shipping Master he may call to produce ship's upon the owner or his agent or upon the master or mate or Master and give 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 40 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 45 give evidence shall unless he shews some reasonable cause for his

default incur for every such offence a penalty not exceeding five pounds. 36. The following rules shall be observed with respect to the settlement of wages, settlement of wages :-

(1.) Upon the completion before a Shipping Master of any Release to be signed discharge and on full payment or satisfaction of wages the before and attested master or owner and each seemen shall represent the by Shipping Master 50 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 seventh Schedule. claims in respect of the past voyage or engagement and the Shipping Master shall also sign and attest it and 55 shall retain it as herein directed And every such release to be discharge 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 60 in respect of the past voyage or engagement

(2.)

(2.) A copy of such release certified under the hand of such PART IV. Shipping Master to be a true copy shall be given by him and to be evidence. 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

(3.) In cases in which discharge and settlement before a No other receipt to Shipping Master are hereby required no payment receipt be a discharge. settlement or discharge otherwise made shall operate or be admitted as evidence of the release or satisfaction of

any claim

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(4.) Upon any payment being made by a master before a Voucher to be given Shipping Master the Shipping Master shall if required to master and to be 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.

37. Upon every discharge effected before a Shipping Master the Master to make master shall make and sign in the form of the eighth Schedule hereto a reports of character shall make and sign in the form of the eighth Schedule hereto a Fighth Schedule. 20 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

25 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 Penalty for false any false certificate of discharge or report of the conduct character or discharge or report. qualifications of any seaman knowing the same to be false or who forges assists in forging or procures to be forged or fraudulently alters

30 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.

38. A seaman's right to wages and provisions shall be taken to Right to wages and commence at the time specified in the agreement for his commencement begin. 35 of work or presence on board whichever shall first happen.

39. No seaman shall by any agreement forfeit his lien upon Seamen not to give a ship or be deprived of any remedy for the recovery of his wages up certain rights. 40 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

45 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 50 any other ship.

40. No right to wages shall be dependent on the earning of Wages not to be freight and every seaman and apprentice who would be entitled to earning of freight. 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 55 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.

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41. In cases where the service of any seaman terminates before the period contemplated in his agreement by reason of the wreck or Right to wages in loss of the ship or by reason of his being left on shore at any place case of termination abroad under a certificate of his unfitness or inability to proceed on of service by wreck 5 the voyage such seaman shall be entitled to wages for the time of service only prior to such termination as aforesaid Provided that in every intercolonial ship trading beyond the Colony there shall constantly be a chest of medicine selected by an apothecary of known reputation accompanied by directions for administering the same 10 And such medicines shall be examined by the same or some other apothecary 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

15 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.

42. If during a voyage the allowance of any of the provisions Allowance for short which any seaman has by his agreement stipulated for is reduced or bad provisions. (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 25 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 30 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 40 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.

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43. No seaman or apprentice shall be entitled to wages for any Wages not to accrue period during which he unlawfully refuses or neglects to work when work or imprisonrequired whether before or after the time fixed by the agreement for ment. his beginning work nor for any period during which he is lawfully imprisoned for any offence committed by him unless the Court 50 hearing the case otherwise directs.

44. The master or owner of every ship shall pay to every Period within which seaman his wages within the respective periods following: wages are to be paid.

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 113—B

Provided

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 5 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 10 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.

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45. Any seaman or apprentice or any person duly authorized Seamen may sue for on his behalf may sue for and recover in a summary manner before manner. 15 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 20 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

25 paid And every such order of Justices shall be final.

46. No suit or proceeding for the recovery of wages under the Restrictions on suits sum of twenty pounds shall be instituted by or on the behalf of any for wages in superior seaman or apprentice in any Vice-Admiralty Court or any Court of Record in the Colony unless the owner of the ship is declared insol-30 vent 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.

47. Every master of a ship shall so far as the case permits Master to have same 35 have the same rights liens and remedies for the recovery of his wages as seamen. 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

40 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.

48. Whenever any seaman or apprentice belonging to any Master to take ship whether a foreign-trade ship or an Intercolonial ship employed effects of deceased on a voyage which is to terminate in the Colony dies during seaman which are on board and enter the such voyage the master shall take charge of all money clothes and same and wages due effects which he leaves on board and shall if he thinks fit cause all or in log.

50 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

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

PART IV.

49. In the cases provided for in the next preceding section the such effects and following rules shall be observed:-

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(1.) Within forty-eight hours after the arrival of the ship with full accounts. 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 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 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 without the production of such certificate.

50. Any master who fails to take charge of the money or other Penalties for not 40 effects of a seaman or apprentice dying during a voyage or to make taking charge of resuch entries in respect thereof or to procure such attestation to such ing for such monies entries or to make such payment or delivery of any money wages or and effects. effects of any seaman or apprentice dying during a voyage or to give such account in respect thereof as hereinbefore respectively directed

45 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

50 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

55 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

60 are hereby enabled to recover wages due to them.

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 Wages and effects of 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 Colony. 5 the Shipping Master at the port where the seaman or apprentice was discharged or was to have been discharged or as the Minister directs.

52. If the money and effects of any deceased seaman or If less than £50apprentice paid or delivered as aforesaid including the monies received wages and property 10 for any part of the said effects which have been sold either before may be paid over delivery or by direction of the Minister do not exceed in value without probate or 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 15 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 20 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 25 and deliver the said money and effects to the legal personal represen-

tatives 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 30 and to deduction for expenses the same shall be paid and delivered to the legal personal representatives of the deceased.

53. In cases where the deceased seaman or apprentice has left a Mode of payment under wills made by

will the Minister shall have the following powers :-

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(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.

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

by creditors and for the control of the creditors of deceased seamen and apprentices:-

(1.) No such creditor shall be entitled to claim the wages or preventing fraudueffects of any such seaman or apprentice or any part lent claims. 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

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Seamen's Laws Consolidation.

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 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.

55. In cases of wages or effects of deceased seamen or appren-Mode of dealing tices to which no claim is substantiated within six years after the wages of deceased receipt thereof it shall be in the absolute discretion of the Minister seamen. 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 55 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 60 fund.

PART IV.

56. Every person who for the purpose of obtaining either for himself or for another any money or effects of any deceased seamen or Punishment for apprentice forges assists in forging or procures to be forged or forgery and false fraudulently alters assists in fraudulently altering or procures to be order to obtain 5 fraudulently altered any document purporting to shew or assist in wages and property shewing a right to such wages or effects and every person who for the of deceased seamen. 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 pro-10 curing 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.

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

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(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.

40 58. Every master of a ship who leaves any seaman or apprentice Wages to be paid on shore at any place abroad in or out of Her Majesty's dominions when seamen are left under a certificate indorsed on the agreement as hereinafter provided inability. 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

45 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

50 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

And every such master as aforesaid 55 case as the Minister requires 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

PART IV.

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 5 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 evi-

10 dence 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 primá facie evidence of the facts stated in such indorsement.

59. Whenever in any proceeding relating to wages it is shewn costs of procuring imprisonment may 15 that any seaman or apprentice entitled thereto has in the course of be deducted from the voyage been lawfully convicted of any offence and rightfully wages. 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.

60. Whenever any seaman contracts for wages by the voyage Amount of forfeiture or by the run or by the share and not by the month or other stated when seamen 20 period of time the amount of forfeiture to be incurred under this Act contract for voyage. shall be taken to be an amount bearing the same proportion to the whole wages or share as a month or other period hereinbefore 25 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.

61. Any question concerning the forfeiture of or deduction Questions of for-30 from the wages of any seaman or apprentice may be determined in decided in suits for any proceeding lawfully instituted respecting such wages notwith-wages. standing that the offence as to which such question arises has not been made the subject of any criminal proceeding.

PROTECTION.

PART V.

62. If the master or any other person wilfully and wrongfully Leaving seamen 35 leaves behind in any place on shore or at sea in or out of Her meanor. 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 40 deemed guilty of a misdemeanor.

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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.

64. Upon the trial of any information or other proceeding for Proof of such certificate to be upon 55 so discharging or leaving behind any seaman or apprentice it shall lie master. 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. 65.

PART IV.

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 upon salvage on receipt of any such salvage or wages shall be irrevocable and every be 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.

66. The following rules shall be observed with respect to Expenses of medical 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 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.

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(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.

67. Any person demanding or receiving from any seaman or Penalties for over-apprentice payment for his board or lodging in the house of such charge by lodging-person for a longer period than such seaman or apprentice has actually 30 resided a boarder therein shall incur for every such offence a penalty

not exceeding ten pounds.

68. Any person receiving or taking possession of or under his Penalty for detaining control any monies documents or effects of any seaman or apprentice seamen's effects. and not returning the same or paying the value thereof when required

35 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.

40 69. Every person not in Her Majesty's service or otherwise Penalty for going on 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 45 given in custody to be dealt with according to law.

70. Whosoever within twenty-four hours after the arrival of Penalty for solicitation any ship at any port in the Colony solicits any seaman to become a tion by lodging-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 50 shall for every such offence incur a penalty not exceeding five pounds.

DISCIPLINE.

PART VI.

71. Any master seaman or apprentice who by breach or neglect Misconduct enof duty or drunkenness does anything tending to the loss destruction dangering ship or or damage of the ship or to endanger life or limb or refuses or omits demeanor.

55 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.

72.

72. Any seaman or apprentice committing any of the following PART VI. offences shall be liable to be punished summarily as follows:-(1.) For desertion—to be imprisoned for any period not and apprentices and exceeding three months with or without hard labour—or their punishments. Desertion. 5 to forfeit all or any part of his wages or emoluments then earned. (2.) For neglecting or refusing without reasonable cause to Neglect or refusal to join his ship or to proceed to sea therein or for absence join &c. without leave at any time within twenty-four hours of the 10 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 15 not exceeding ten days pay. (3.) For quitting the ship without leave after her arrival and Quitting before ship before she is placed in security—to forfeit out of his is secured. wages not exceeding one month's pay. (4.) For wilful disobedience to any lawful command or for Disobedience. insubordination—to be imprisoned for any period not 20 exceeding one month with or without hard labor-or to forfeit out of his wages not exceeding ten days pay. (5.) For continued wilful disobedience to lawful commands or Continued discontinued wilful neglect of duty-to be imprisoned for obedience. 25 any period not exceeding three months with or without hard labor—or to forfeit the whole or any part of his (6.) For assaulting any master or mate—to be imprisoned for Assault on officers. 30 any period not exceeding three months with or without hard labor. (7.) For combining with any other of the crew to disobey Combining to dislawful commands or to neglect duty or to impede the obey. navigation of the ship or the progress of the voyage—to be imprisoned for any period not exceeding six months 35 with or without hard labor. (8.) For wilfully damaging the ship or embezzling or wilfully Wilful damage or damaging any of her stores or cargo—to forfeit out of his embezzlement. wages a sum equal to the loss sustained and at the direc-40 tion of the Court to be imprisoned for any period not exceeding three months with or without hard labor. (9.) For any act of smuggling for which he is convicted whereby Smuggling to the 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 propor-45 tionate part of his wages retained to meet such liability without prejudice to any further remedy. 73. Upon the commission of any offence aforesaid an entry Entry in the log of thereof shall be made in the log-book and shall be signed by the master offence and offender's defence if any. 50 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 55 proved or in default thereof the Court may at its discretion refuse to receive evidence of the offence. 74. Whenever any seaman or apprentice is brought before any Deserters may be sent on board in lieu Court on the ground of his having neglected or refused to join or to of being imprisoned. proceed to sea in any ship in which he is engaged to serve or of having 113—C

deserted

deserted or otherwise absented himself therefrom without leave such Court may 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 pro-5 ceeding 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 10 he has then earned or which by virtue of his then existing engagement he may afterwards earn.

PART VI.

75. Whenever a question arises whether the wages of any Facilities for proving seaman or apprentice are forfeited for desertion it shall be sufficient desertion as far as for the parties insisting on the forfeiture to shew that such seaman or of wages. 15 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 20 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 25 sufficient reasons for leaving the ship.

76. If any seaman on or before being engaged wilfully Penalty for false makes a false statement of the name of his last ship or of his own statement as to last name, he shall incur a populty not consolir for the name. name he shall incur a penalty not exceeding five pounds And such penalty may be deducted from any wages he may earn by 30 virtue of such engagement as aforesaid and shall be paid and applied in the same manner as other penalties payable under this Act.

77. Every person who by any means whatever persuades or Penalty for enticing to desert and harborattempts to persuade any seaman or apprentice to neglect or refuse to ing deserters. join or to proceed to sea in or to desert from his ship or otherwise to 35 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 40 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.

78. When any seaman who shall have deserted from any ship Desertion after shall not be apprehended until after the departure of such ship from may be prosecuted. 45 the Colony or so shortly before such departure that he cannot con-by Shipping Master. veniently 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 50 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.

79. Any seaman who having deserted from his ship shall Penalty on seamen secrete himself on board any other ship with intent to evade appre- on board other ship. 55 hension 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.

80. The master of any ship in harbour may give in charge to a water policeman or other constable any seaman or other person who Master may give shall be drunk riotous or disorderly on board such ship and such drunken or disorderly seaman or other person who Master may give policeman or constable shall receive such offender and convey him to orderly seaman &c. 5 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.

PART VII.

81. The Governor with the advice aforesaid may make such Regulations for regulations not inconsistent with any provisions of this Act as shall carrying Act appear necessary to provide for all such matters of detail as are not expressly determined by enactment and generally for the purpose 15 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.

82. Printed forms of agreements certificates of discharge Printed forms to be mutual releases and of all other documents required to be used under Master. 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

25 approval of the Minister determine.

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

84. All penalties and forfeitures incurred under this Act may Recovery and application of 30 be recovered before the Water Police Magistrate or any other stipen-penalties. diary 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.

85. In all cases in which any Court or Tribunal has power Sums ordered to be 35 under this Act to direct payment of any wages penalty or other sum of distress on ships. 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 40 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 SCHEDULE.

Acts and parts of Acts repealed.

Fourth William IV. Number Seven ... 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.

Nincteenth Victoria Number Eight ... The whole.

Twenty-third Victoria Number Eleven ... The whole.

SECOND SCHEDULE.

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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 and that I will not either directly or indirectly 15 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.

20 FEES TO BE CHARGED FOR MATTERS TRANSACTED AT SHIPPING OFFICES.

	1. I	Ingage	ment of	Crews	7.	
		-	at brass			£ s. d.
In ships unde	r 30 tons		nes, et		At its 1	0 2 0
30 to	60 "	mp.lib	ecolt b		17	0 4 0
60 to	100 "	277.77	to noite	antogun	ay.of o	0 7 0
100 to	200 ,,		and, thu		larged, pi	0 15 0
200 to	300 "	10.03	as rigid		O STEEL Y	1 0 0
300 to	400 ,,	641.30	(less)		ende en	1 5 0
400 to	500 ,,		Logifor	W	enid fi	1 10 0
500 to	600 ,,	ale de	no real			1 15 0
600 to	700 ,,				afe	2 0 0
	800 ,,		provided.			2 5 0

900 to 1,000 ,, 2 15 0

35 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	e of	Crems
U.	Dischary	0	UI CWS.

								£	S.	d.
40	In ships und	er 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
45	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
50	900 to 1	1,000	,,					2	15	0
49 42 5	0.0			2000		- 0	n 1/	,	4 0	0.0

800 to 900

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

2 10 0

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.

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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,"
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 :-10 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 [here the intended voyage names on a voyage from the Port of 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

No. and Date of Ship's Register.	Place and Time of Entry.	Men's Names. Christian and Surnames set forth at full length.	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 Scaman last served.	Special stipulations, if any.
											320

(Signature of Master.)

(Shipping Master's name as witness.)

on the days mentioned against their respective signatures.

FIFTH SCHEDULE.

		The second secon	
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 5 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.

10 Witness-

Shipping Master.

SIXTH SCHEDULE.

		SIXTH SCHEDULE.		
	a produce de la companya de la comp	Certificate of Discharge	and make make	
	Name of Ship.	Official Number.	Port of Registr	у.
	A ways him self has proper drawn with Late School		the many sets of	
15	Registered Tonnage.	Description of Voyag	e or Employment.	tel all
	edistra, energy to spe		*	
	Name of Seaman		Ca	pacity.
	Place of Birth			
	Date of Birth		and at the last	
20	Date of Entry.	Date of Discharge.	Place of Dis	scharge.
	I certify that the a discharged accordingly.	bove particulars are correct	and that the above	Seaman was
25	Dated this	day of 18 . (Signed)	Master of Shipping	the Ship.
		SEVENTH SCHEDUL	E.	
		Form of Mutual Releas	e.	
30	day of wages earned by the said C. fully discharged from his	declare that the agreement ends to the secondary of the secondary paid or said service. And the said of from all further claim under	ulfilled on both sides sisfied and that he has parties hereto do here	and that all s been and is by mutually
35		we have hereto set our han	ds this	day
	of 18	(Signed)	Master. Seaman.
	Witness-Shipping	g Master.		

EIGHTH

EIGHTH SCHEDULE.

Report of Conduct Character and Qualifications.

Name of ship.	Port of registry.	Port of registry. Name of seaman discharged.	Place of Cap on b	Capacity	Description or nature	Beggingen : LUA	If master declines to give opinion on any		
				on board.	of voyage.	Conduct.	Character	Qualification	particulars here state on which.
						Const District	THE REAL PROPERTY.		
					118	al! yoin	esta -	-	il W ar
			.40)		ITTE				

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)

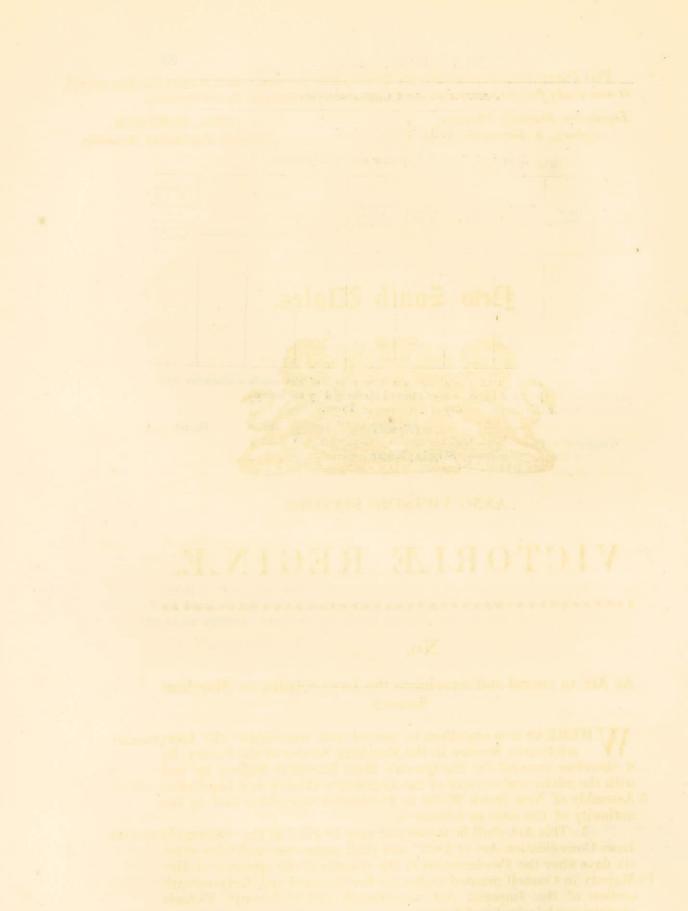
Master.

Witness-

Shipping Master.

Sydney: Thomas Richards, Government Printer.—1868.

[Price, 1s. 2d.]



SEAMEN'S LAWS AMENDMENT AND CONSOLIDATION BILL.

(Amendments to be proposed in Committee of the Whole by Mr. Johnson.)

Page 1, clause 1, line 8. Omit the figures "1863" with a view of inserting in place thereof the figures "1864"

" lines 9, 10, 11, and 12. Omit all these lines with a view of inserting in place thereof the words " on the first day of May next"

" clause 2, line 17. Insert at the end the words " and registered in or belonging to this Colony except pleasure-yachts", line 18. After the words "every ship" insert the words "of the burden of eighty tons registered tonnage or upwards"

in line 20. Omit the word "or" after the word "Colony" with a view of inserting in place thereof the words "including Tasmania and"

line 1. Omit the word "vessel" with a view of inserting in place thereof the words "any Intercolonial or Foreign-going ship or any part or share thereof " Page 2, or therein " , line 4. Omit the word "vessel" with a view of inserting in place thereof the words "Intercolonial or Foreign-going ship", line 6. After the word "any" insert the words "Intercolonial or Foreign-,, going line 12. Insert at the end the words "and where not otherwise provided "the Shipping Master for the port where the ship in reference to which he is " acting shall be' line 14. Insert at the end "and the Minister for Finance and Trade shall "be such Minister." line 17. Omit the words "not less than" with a view of inserting in place thereof the word "of" line 18. Insert at the end the words "without lawful cause or excuse or "any unlawful departure or absence from his ship with the intention of not "" Discharge —The certificate of the discharge of a seaman from the last ship in which he served." " returning thereto clause 6, line 48. After the word "registry" add the words "thereof and"

"lines 49 and 50. Omit all the words after the word "cases" in line 49,
with a view of inserting in place thereof the words "of their engagement and
discharge in this Colony" ", clause 7, line 56. Omit the words "before them" with a view of inserting in place thereof the words "under the provisions of this Act"

Page 3, clause 10, line 33. Insert at the end the words, "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."

clause 11, line 36. Omit the word "some" with a view of inserting in place thereof the word "the" line 43. Omit the words "said or some other"
, clause 13, line 53. After the word "every" insert the words "Intercolonial or"
Page 4, clause 13, line 3. Omit the words "agreement for service" with a view of inserting in place thereof the words "ship's articles" clause 15, line 29. After the word "Intercolonial" insert the words " or Foreigngoing" lines 29 and 30. Omit the words "except ships of less than eighty tons " registered tonnage" line 39. Between the words "be" and "signed" insert the words "prepared and signed in duplicate and shall in all cases be" , line 40. Omit the word "his" with a view of inserting in place thereof the word "the" line 40. Insert at the end the words " 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." clause 16, line 41. Omit the words "such ship except as aforesaid" with a view of inserting in place thereof the words "Intercolonial or Foreign-going ship"

Page

Page 4, clause 16, line 42. Omit the words "at the Port of Sydney" with a view of inserting in place thereof the words "in this Colony"

" lines 48, 49, 50, and 51. Omit all the words in the clause after the word
"that" with a view of inserting in place thereof the words "no scaman shall
"be hired or engaged to serve in any Foreign-going ship or in any ship engaged
"in trading between any port in this Colony and any other such port or any
"other Apetrologies Colony including Teameric and New Zooland of whatever "other Australasian Colony including Tasmania and New Zealand 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"

clause 17, line 52. After the word "all" insert the words "Intercolonial or", line 52. After the word "following" insert the words "in addition to the

foregoing"

"

lines 54 to 59 Omit the whole of these lines with a view of inserting in place thereof the following words:-

"(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 pre-served 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."

" line 1. Omit the word "previously" with a view of inserting in place thereof the word "first"

Page 5,

line 1. After the word "engaged" insert the words "the duplicate of" lines 1 and 2. Omit the words "shall be signed in duplicate and one part " shall be"

line 3.

Omit the word "shipping"
Omit the words "and the other part" line 3.

Omit the words "and shall be delivered to the master" line 6.

clause 20, line 23. To the word "ship" add the letter "s"

" line 23. To the word "master" add the letter "s," and immediately following insert the words "thereof respectively" clause 23, line 45. After the word "every" insert the words "Intercolonial or"

Omit the words "of which the crew has been engaged lines 45 and 46. before a Shipping Master"

clause 24, line 56. After the word "attestation" insert the words "of the witness attesting the signature or signatures of the person or persons so interested or', line 56. Omit the words "Shipping Master or"

Page 6, clause 30, line 43.

Omit the words "the seaman or by"
Omit the word "the" with a view of inserting in place thereof the word "no"

line 50. Omit the words "part owner" with a view of inserting in place thereof the word "or

lines 50 and 51. After the word "master" in line 50 omit the words "or person in charge of any merchant" with a view of inserting in place thereof the words "of any Intercolonial or Foreign-going", line 51. Omit the words "or the" with a view of inserting in place thereof the words "nor any"

line 51. Omit the word "not"

lines 52 and 53. Omit the whole of line 52 and all the words in line 53 ,,

as far as and including the word "for", line 57. Omit the words "paid in money" with a view of inserting in place thereof the word "made"

Page 7, clause 32, line 6. After the word "master" insert the words "of any Inter-

colonial or Foreign-going ship." clause 33. Omit the whole, insert to stand in place of clause 33, as printed, the

following clause :-

"In every case of a seaman discharged in this Colony from any Intercolonial or " Foreign-going ship 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"

Mode of dis-charging seamen

Insert the following new clause, to follow the foregoing new clause:—

"In case any seaman shall have lost his discharge or from any other cause Provision in case
be unable to produce the same or if any other person shall be desirous of charge.

"engaging as a seaman in any Intercolonial or Foreign-going ship 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."

Page 7, clause 34, line 27. After the word "owner" insert the words "of any Intercolonial

or Foreign-going ship", line 28. Omit the words "in submitting" with a view of inserting in place thereof the words "to submit"

Page 8, clause 36, line 7. After the words "settlement" insert the words "take place"

"" line 8. Omit the words "are hereby required"

Page 8, clause 37, line 18. After the word "effected," insert the words "in this Colony from any Intercolonial or Foreign-going ship"

"" " Omit the words "before a Shipping Master"

"" " line 19. After the word "hereto" insert the words "and forthwith deliver or send to the Shipping Master"

Page 9, clause 41, line 7. Omit the words "Intercolonial ship treding beyond the Colony"

Page 9, clause 41, line 7. Omit the words "Intercolonial ship trading beyond the Colony" with a view of inserting in place thereof the words "ship engaged in trading "between this Colony and any part of the world beyond the limits thereof or "any Foreign-going ship"

clause 44, line 51. After the words "owner of every" insert the words "Intercolonial and Foreign-going"

", line 56. Omit the words "all other" with a view of inserting in place thereof the words "Foreign-going"

Page 10, clause 44, lines 4, 5, and 6. Omit all the words of the Proviso commencing in line 4 with the word "Provided" and ending in line 6 with the words "due to

Page 12, clause 53, line 50. At the end insert the following words "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", clause 54, line 54. After the word "claim" add the words "from the Minister"

Minister

Page 16, clause 66, line 12. After the word "service" insert the words "unless such injury is caused by his own drunkenness or other misconduct"

Page 17, clause 72, line 4. Omit the last word "or" with a view of inserting in place

thereof the word "and"

line 14. Omit the second word "or" with a view of inserting in place thereof the word " and "

line 27. Omit the first word "or" with a view of inserting in place "thereof the word "and"

Page 18, clause 74, lines 3 and 4. Omit the words "and if such seaman consent thereto"

FIRST SCHEDULE.

Page 20, line 3. Before the word "section" insert the words "the whole of"

Omit the word "only"

After the words "the whole" insert the words "except sections twenty

twenty-one twenty-four and twenty-five'

lines 6 and 7. Omit the words "the whole except so much as relates to the Water Police" with a view of inserting in place thereof the following words "The whole of sections four 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 to forty-four both inclusive."

SECOND SCHEDULE.

Page 20, line 14. Omit the figures "1863" with a view of inserting in place thereof the figures "1864"

THIRD SCHEDULE.

e 20. Omit the words "matters transacted at Shipping Offices" with a view of inserting in place thereof the words "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" line 20.

Page 21, line 7. Omit the figures "1863" with a view of inserting in place thereof the figures " 1864"

FIFTH SCHEDULE.
e 11. Omit the words "Shipping Master" with a view of inserting in place thereof the letters "A.B." Insert at the end the following words and letters Page 22, line 11. "I hereby issue and give this allotment note."

"Signature of Owner Master or other authorized Agent."

" Witness A.B."

Page 22, line 25. Before the words "Shipping Master" insert the word "witness"

After the words "Shipping Master" insert the words "or other witness as the case may be"

EIGHTH SCHEDULE.

Page 23, last line. Insert at the end, the words "or other witness as the case may be"

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