

Legislative Council.

42° VICTORIA, 1878.

A BILL

**To protect South Sea Islanders and others from imposition
when engaging as Seamen.**

[MR. FOSTER;—9 *October*, 1878.]

WHEREAS it is believed that the Law at present in force regula-
ting the engagement of Seamen is insufficient to protect
Natives of the South Sea Islands Polynesians and other Asiatics from
being imposed upon when being engaged as seamen at ports in this
5 Colony and it is expedient to amend the law so as to afford some
measure of protection to such persons upon their entering into any
such engagements Be it therefore enacted by the Queen's Most
Excellent Majesty by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South Wales in
10 Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the "Islanders' Shipping Engage-
ments Act 1878." Short title &c. of Act
2. Notwithstanding anything to the contrary in the "Seamen's
Laws Consolidation Act of 1864" it shall not be lawful for any master
15 of a ship or other person to enter into any agreement with or to engage
as a seaman any South Sea Islander Polynesian or Asiatic (hereinafter
termed "islander") at any port or place in New South Wales unless
such agreement or engagement shall be entered into as hereinafter
provided before the Shipping Master of such port or place. Islanders to be
engaged before Ship-
ping Master.

How agreements to
be made with
Islanders.

3. The master of any ship of whatever tonnage such ship may be and in whatever trade she may be engaged who shall engage any islander as a seaman at any port or place in New South Wales shall enter into an agreement with him in the form of the Schedule hereto And every such agreement shall be so framed as to admit of stipulations being introduced therein at the joint will of the master and islander in each case as to advance and allotment of wages or any other stipulations not contrary to law and shall be prepared and signed in duplicate and be filled up by the Shipping Master and in all cases shall be signed by the master in the presence of and attested by such Shipping Master And one of such duplicates shall in every case be left with the Shipping Master and be retained by him in his office Provided always that before any such agreement shall be signed by such islander the same shall be read over and explained to him by the Shipping Master or some person authorized by him and the signature (or mark if the islander be unable to write) shall thereupon be attested by the Shipping Master but no islander shall be allowed by the Shipping Master to sign or affix his mark to any such agreement unless in the Shipping Master's opinion such islander shall appear fully to comprehend the nature and effect of such agreement and of the remuneration whether by wages lay or otherwise therein stipulated for.

Penalty.

4. If any master shall hire or engage or enter into an agreement with any islander within the meaning of this Act in contravention of the provisions of the second section hereof he shall be liable to a penalty not exceeding _____ pounds and not less than _____ pounds which shall and may be recovered and applied in the same manner as a penalty under the said "Seamen's Laws Consolidation Act of 1864" is therein directed to be recovered and applied Provided always that no proceedings under this section shall be commenced after *six* calendar months from the expiration or other determination of such hiring engagement or agreement.

Interpretation.

5. In this Act "Master" "Seaman" "Ship" and "Shipping Master" shall for the purposes thereof have the like meanings and include the same persons and things respectively as the said words bear and include under the said "Seamen's Laws Consolidation Act."

SCHEDULE.

SHIP'S ARTICLES OF AGREEMENT.

Intercolonial and (or) Foreign-going.

No.

5	Name of Ship.	Official No.	Port of Registry.	Port No. and date of Register.	Registered Tonnage.	Nominal horse-power of Engines.
	Managing Owner.			Master.		
	Name.	Address.	Name.	No. of Certificate.	Address.	

10	Scale of Provisions to be served out to the Crew during the Voyage.								An agreement made in pursuance of the "Islanders' Shipping Engagement Act 1878" between	
		Bread.	Beef.	Flour.	Rice.	Tea.	Coffee.	Sugar.	Water.	the
		lb.	lb.	lb.	lb.	oz.	oz.	oz.	qts.	of the
	Sunday	1	1	1	1	1	1	1	1	
	Monday	1	1	1	1	1	1	1	1	
	Tuesday	1	1	1	1	1	1	1	1	
15	Wednesday	1	1	1	1	1	1	1	1	
	Thursday	1	1	1	1	1	1	1	1	
	Friday	1	1	1	1	1	1	1	1	
	Saturday	1	1	1	1	1	1	1	1	
20	Equivalent substitutes for all or any of the above may be issued at the Master's discretion such as fish or pork for beef yams or potatoes for flour or rice &c. Lime or lemon-juice and sugar or other anti-scorbutics to be issued according to law.								all of the Port of Sydney New South Wales of which vessels respectively	

25 And it is agreed by and on the part of the said persons and they severally hereby engage to serve on board the said ship or either of the abovenamed ships for the term of this agreement and signed the articles thereof respectively in the several capacities set against their respective names on voyage from the Port of Sydney New South Wales¹

30 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 to be obedient to the lawful commands of the master in everything relating to the said ship and the materials stores and cargo thereof whether on board such ship or in boats or on shore²

35 In consideration of which services to be duly honestly and faithfully performed the said master doth hereby promise and agree to pay to the said crew by way of compensation or wages the amount expressed against their respective names And it is hereby agreed that any embezzlement or wilful or negligent loss or destruction of any part of the ship's cargo or stores shall be made good to the owner out of the wages (so far as they will extend) of the seaman guilty of the same And if any seaman shall have entered himself as qualified for a duty to which he shall prove not to be competent he shall be subject to a reduction of the rate of wages hereby agreed for in proportion to his incompetency.

45 In witness whereof the said parties have hereto subscribed their names on the days mentioned against their respective signatures.

Signed by _____ witnessed by _____ on the _____ day of _____ 187 .

Shipping Master.
Name

¹ Here the intended voyage is to be described as nearly as can be done and the places at which it is intended the ship shall touch or if that cannot be done the nature of the voyage in which she is to be employed and also when practicable the probable duration of the voyage and if a running agreement the several voyages or trips for which the seamen are engaged and the limits as near as may be both of time and place within which such voyages are to be comprised and the final port of discharge.

² 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.

[34.]

Sydney : Thomas Richards, Government Printer.—1878.

Name of Ship

Agreement No.

Reference No.	Particulars of Engagement.														Particulars of Discharge &c. <i>To be filled in by the master upon the discharge death or desertion of any member of his crew.</i>			Release (late M).		Reference No.	
	Signatures of Crew.	Age	Town or country where born.	If in the Reserve No. of Commission or R V 2.	Ship in which he last served.		Date and place of joining this Ship.		In what capacity engaged and if master mate or engineer No. of his certificate.	Time at which he is to be on board.	Amount of wages per week calendar month share or voyage.	Amount of wages advanced on entry.	Amount of weekly or monthly allotment.	Signature or initials of Superintendent Consul or officer of Customs.	Date place and cause of leaving this ship or of death.			Balance of wages paid on discharge.	We the undersigned members of the crew of this ship do hereby release this ship and the master and owner or owners thereof from all claims for wages or otherwise in respect of this voyage. Signatures of crew (each to be on the line on which he signed in col. 1).		Signature or initials of Superintendent Consul or officer of Customs before whom the balance of wages was paid and release signed.
					State name and official No. or port she belonged to.	Year.	Date.	Place.							Cause.*	Date.	Place.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		
1	Master to sign first.							Master.													1
2																					2
3																					3

* If any member of the crew enters Her Majesty's Service the name of the Queen's ship into which he enters is to be stated under the head of "Cause of leaving the ship" thus H.M.S. "Revenge" and the other causes of leaving the ship should be briefly stated thus "discharged" "deserted" "left sick" "died."

Certificates or indorsements made by Consuls or by Officers in British Possessions abroad.

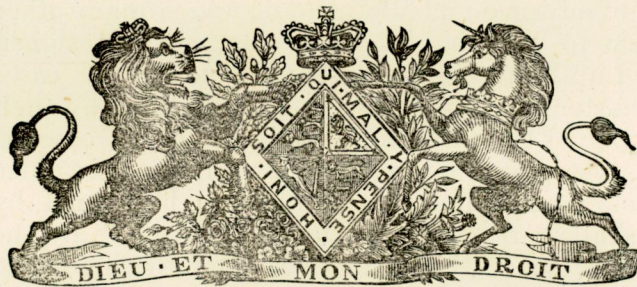
Islanders' Shipping Engagement.

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

Legislative Council Chamber, }
Sydney, 13th November, 1878. }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUADRAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. .

An Act to protect the Aboriginal Natives of the Islands of the Pacific Ocean from imposition when engaging as Seamen.

WHEREAS it is believed that the Law at present in force regulating the engagement of Seamen is insufficient to protect Aboriginal Natives of the Islands of the Pacific Ocean from being imposed upon when being engaged as seamen at ports in this Colony and it is expedient to amend the law so as to afford some measure of protection to such persons upon their entering into any such engagements Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the "Islanders' Shipping Engagements Act 1878." Short title of Act.

2. Notwithstanding anything to the contrary in the "Seamen's Laws Consolidation Act of 1864" it shall not be lawful for any master of a ship or other person to enter into any agreement with or to engage as a seaman any Aboriginal Native of any of the Islands of the Pacific Ocean (hereinafter termed "islander") at any port or place in New South Wales unless such agreement or engagement shall be entered into as hereinafter provided before the Shipping Master of such port

Islanders to be engaged before Shipping Master.

Islanders' Shipping Engagement.

or place Provided that no such agreement with any such islander made out of the Colony and not made and appearing to have been made at a Shipping or Consular Office and before either a Shipping Master or a Consul shall be enforceable as against such islander in any
 5 of the Courts of the Colony unless a Shipping Master shall have certified that in his opinion such agreement reasonably provides for the victualling and remuneration of such islander And it shall be the duty of such Shipping Master when applied to for that purpose to express in writing his opinion whether such agreement does or does not so
 10 provide.

3. The master of any ship of whatever tonnage such ship may be and in whatever trade she may be engaged who shall engage any islander as a seaman at any port or place in New South Wales shall enter into an agreement with him in the form of the Schedule hereto
 15 And every such agreement shall be so framed as to admit of stipulations being introduced therein at the joint will of the master and islander in each case as to advance and allotment of wages or any other stipulations not contrary to law and shall be prepared and signed in duplicate and be filled up by the Shipping Master and in all cases
 20 shall be signed by the master in the presence of and attested by such Shipping Master And one of such duplicates shall in every case be left with the Shipping Master and be retained by him in his office Provided always that before any such agreement shall be signed by such islander the same shall be read over and explained to him by the
 25 Shipping Master or some person authorized by him and the signature (or mark if the islander be unable to write) shall thereupon be attested by the Shipping Master but no islander shall be allowed by the Shipping Master to sign or affix his mark to any such agreement unless in the Shipping Master's opinion such islander shall appear fully to comprehend the nature and effect of such agreement and of the remuneration
 30 whether by wages lay or otherwise therein stipulated for.

4. If any master shall hire or engage or enter into an agreement
 with any islander within the meaning of this Act in contravention of the provisions of the second section hereof he shall be liable to a
 35 penalty not exceeding fifty pounds and not less than five pounds which shall and may be recovered and applied in the same manner as a penalty under the said "Seamen's Laws Consolidation Act of 1864" is therein directed to be recovered and applied Provided always that no proceedings under this section shall be commenced after six calendar
 40 months from the expiration or other determination of such hiring engagement or agreement.

5. All islanders being seamen in intercolonial or foreign trade ships who are discharged in the Colony of New South Wales shall be discharged and receive their wages in the presence of a Shipping
 45 Master and any master or owner discharging any such islander or paying him his wages in the said Colony in any other manner shall incur a penalty not exceeding fifty pounds.

6. In this Act "Master" "Seaman" "Ship" "Owner" "Inter-
 colonial Ship" "Foreign Trade Ship" and "Shipping Master" shall
 50 for the purposes thereof have the like meanings and include the same persons and things respectively as the said words bear and include under the said "Seamen's Laws Consolidation Act."

Islanders' Shipping Engagement.

SCHEDULE.

SHIP'S ARTICLES OF AGREEMENT.

Intercolonial and (or) Foreign-going.

No.

5	Name of Ship.	Official No.	Port of Registry.	Port No. and date of Register.	Registered Tonnage.	Nominal horse-power of Engines.
Managing Owner.			Master.			
	Name.	Address.	Name.	No. of Certificate.	Address.	

10	Scale of Provisions to be served out to the Crew during the Voyage.								An agreement made in pursuance of the "Islanders' Shipping Engagement Act 1878" between	
		Bread.	Beef.	Flour.	Rice.	Tea.	Coffee.	Sugar.		
		lb.	lb.	lb.	lb.	oz.	oz.	oz.	qts.	of the
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	Friday	1	1	1	1	1	1	1	1	
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20	Equivalent substitutes for all or any of the above may be issued at the Master's discretion such as fish or pork for beef yams or potatoes for flour or rice &c. Lime or lemon-juice and sugar or other anti-scorbutics to be issued according to law.								all of the Port of Sydney New South Wales of which vessels respectively	

25 And it is agreed by and on the part of the said persons and they severally hereby engage to serve on board the said ship or either of the abovenamed ships for the term of this agreement and signed the articles thereof respectively in the several capacities set against their respective names on voyage from the Port of Sydney New South Wales¹

30 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 to be obedient to the lawful commands of the master in everything relating to the said ship and the materials stores and cargo thereof whether on board such ship or in boats or on shore²

35 In consideration of which services to be duly honestly and faithfully performed the said master doth hereby promise and agree to pay to the said crew by way of compensation or wages the amount expressed against their respective names And it is hereby agreed that any embezzlement or wilful or negligent loss or destruction of any part of the ship's cargo or stores shall be made good to the owner out of the wages (so far as they will extend) of the seaman guilty of the same And if any seaman shall have entered himself as qualified for a duty to which he shall prove not to be competent he shall be subject to a reduction of the rate of wages hereby agreed for in proportion to his incompetency.

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Name of Ship

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	Signatures of Crew.	Age	Town or country where born.	Ship in which he last served.		Date and place of joining this Ship.		In what capacity engaged and if master mate or engineer No. of his certificate.	Time at which he is to be on board.	Amount of wages per calendar month run or voyage. In cases of remuneration by share or lay, amounts of such share or lay.	Amount of wages advanced on entry.	Amount of weekly or monthly allotment.	Signature or initials of Superintendent Consul or officer of Customs.	Date place and cause of leaving this ship or of death.			Balance of wages paid on discharge.	We the undersigned members of the crew of this ship do hereby release this ship and the master and owner or owners thereof from all claims for wages or otherwise in respect of this voyage. Signatures of crew (each to be on the line on which he signed in col. 1).		Signature or initials of Superintendent Consul or officer of Customs before whom the balance of wages was paid and release signed.
				State name and official No. or port she belonged to.	Year.	Date.	Place.							Cause.	Date.	Place.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19		
1	Master to sign first.						Master.												1	
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* If any member of the crew enters Her Majesty's Service the name of the Queen's ship into which he enters is to be stated under the head of "Cause of leaving the ship" thus H.M.S. "Revenge" and the other causes of leaving the ship should be briefly stated thus "discharged" "deserted" "left sick" "died."

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