



A NNO OCTAVO

# Gulielmi IV. Regis.

No. 10.

*By His Excellency SIR JOHN FRANKLIN Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Greek Order of the Redeemer and a Captain in His Majesty's Royal Navy, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council.*

*An Act for extending to Van Diemen's Land the provisions of a Statute passed to consolidate and Amend the Laws relating to Merchant Seamen.*

**WHEREAS** an Act was passed in the fifth and sixth year of His Majesty's Reign intituled "*An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom and for forming and maintaining a Register of all the men engaged in that Service:*"—**AND WHEREAS** by the said Act sundry Statutes passed in England in different Reigns for the Encouragement and Regulation of Merchant Seamen are repealed—and particularly an Act passed in the second year of Queen Anne for the Increase of Seamen—an Act of the second year of King George the Second an Act of the second year another Act of the thirty-first year of King George the Third passed respectively for the regulation and

Recites 5 and 6 W. 4, c. 19, passed 1835.

Recites Particular Provisions of the said Act.

(Statutes of 2 & 3 Anne, c. 6; 2 G. 2. c. 36; 2 G. 3, c. 31; 31 G. 3, c. 39; 37 G. 3, c. 73; 58 G. 3, c. 38; 59 G. 3, c. 58; and 4 G. 4, c. 25,—Repealed.)

Ship's Articles, § 2 & 3.

Desertion or other absences  
of Seamen, § 6, et seq.

Harbouring Deserters ; or  
detaining Seamen's Effects  
for Debt. § 10.

Payment of Seamen's wages  
§§ 11, 12, 14 and 15.

Government of Seamen—two Acts of the thirty-seventh year of King George the Third and fourth year of King George the Fourth respectively relative to the Desertion of Seamen—and two other Acts passed respectively in the fifty-eighth and fifty-ninth years of King George the Third for the Relief of Seamen and for facilitating the Recovery of their Wages ;—and instead of the provisions of the said several Acts so repealed the following amongst others are substituted (that is to say)—  
It is enacted that no Master of any Vessel of the burthen of eighty tons or upwards (whether trading coastwise or otherwise) shall take any Seamen (Apprentices excepted) without first entering into an Agreement in Writing in a certain prescribed form :—*And* it is enacted that in case any Seaman having signed any such Agreement shall at any time afterwards refuse or neglect to join his Ship or to proceed to Sea in her or shall absent himself therefrom without leave any Justice of the Peace in any of His Majesty's Dominions at home or abroad on complaint on oath of the Master Mate or Owner to cause such Seamen to be apprehended and (if no satisfactory reason be given for such refusal neglect or absence) either to commit him to some House of Correction to be kept to Hard Labour for any period not exceeding thirty days or (at the request of the Master) if such Seamen shall consent to proceed on his voyage then to cause him to be conveyed on board his Ship and to award to the Master the costs of such apprehension as aforesaid not exceeding forty shillings to be abated from the offender's wages :—*And* in certain other cases of Desertion or temporary Absences of Seamen without leave provision is made for the Forfeiture of their Wages either wholly or in part and (in some instances) of their Clothes and other Effects also :—*And* it is enacted that if any person shall harbour or secrete any Seamen knowing or having reason to believe him to be a Deserter or to be absent without Leave such person shall forfeit a Penalty of Ten Pounds and that no Debt exceeding Five Shillings incurred by any Seaman after having signed any such agreement as aforesaid shall be recovered until after the termination of the voyage and that in case of any Keeper of any Inn or Lodging House detaining any Effects of any Seamen for any pretended debt alleged to have been contracted by him such Effects may be seized by Warrant to be granted by any Justice of the Peace in His Majesty's Dominions and be restored to such Seamen :—*And* it is enacted that no Assignment or Sale of Wages made prior to the earning thereof shall be valid and certain periods are fixed at which in all cases a Seaman shall be entitled to demand his Wages and after the Discharge of a Seamen he is to be entitled (in certain cases) to immediate payment thereof and a Summary Remedy is provided for the recovery of Seamen's Wages not exceeding Twenty Pounds by complaint on oath made before any Justice of the Peace in His Majesty's dominions and by Summons to be issued and order made by such Justice thereon with power to such Justice to levy the amount of the Wages awarded by him by Distress and Sale of the goods of the Master or Owner or by levy on the Ship or her Tackle and Apparel and in any Action at Law for the recovery of any Seamen's Wages under Twenty Pounds no costs are to be allowed the Plaintiff where he might have effectually adopted such Summary Proceedings :—*And* it is enacted that (in respect of all Vessels

sailing from the United Kingdom) a sufficient supply of Medicines shall be kept constantly on board and that every Seaman injured in the service of such Vessel shall be entitled without any deduction on that account from his wages to all such Surgical or Medical aid as he shall be in need of until cured or brought back to the United Kingdom :— *And* (in order the better to provide for the increase of Seamen) it is enacted that Poor Boys or Boys whose Parents are Poor and chargeable as such to any Parish may in certain cases be bound Apprentices to the Sea Service in any British Vessel and no British Vessel is to clear out from the United Kingdom without having on board a certain prescribed number of Apprentices in proportion to her tonnage--and various provisions are made for the encouragement and protection of all such Apprentices and in particular no Apprentices are to be discharged from any Vessel without unavoidable cause to be certified in the Log-Book and any Two Justices of the Peace at or near any Port at which any Vessel having on board any Apprentice shall at any time arrive are to have power to inquire into and determine all claims of any such Apprentice upon his Master under his Indentures and all complaints made by any such Apprentice of hard or ill-usage and on the other hand such Justices may punish any misbehaviour on the part of any such Apprentice as they may by Law do in any other case between Master and Apprentice :— *And* by the said now reciting Act the Summary Jurisdiction provided in certain cases of Assault and Battery by the Statute commonly called Lord Lansdowne's Act and by that Act vested in any Two Justices is extended to all similar offences committed at Sea or elsewhere on board of any British Vessel although she may have been at the time in a Foreign Country— *And* by the same Act now in recital it is enacted that if any Master of any British Vessel shall wilfully and wrongfully leave behind on Shore or at Sea in or out of His Majesty's Dominions any of his Crew before completion of the voyage agreed for (whether the person formed part of the original Crew or not) such Master shall be deemed guilty of a Misdemeanor which may be prosecuted in any Court in His Majesty's Dominions having Criminal Jurisdiction and it is provided that no such Master shall discharge any of his Crew in any of His Majesty's Colonies without the previous sanction of the Officer administering the Government or shall leave any of his Crew behind at any place abroad on the plea of his having deserted or not being in a condition to proceed unless upon a certificate of the fact to be there previously obtained by such Master for that purpose and then only after payment of the party's Wages :— *And* it is further enacted that the Master of every British Vessel shall upon demand produce his Muster-Roll and the Agreement with his Crew to any Commissioned Officer of any of His Majesty's Ships and to any Collector or other Chief Officer of the Customs who may respectively at any time require the same and who may respectively muster the Crew in order to be satisfied that the provisions of the said Act and of all other Acts relating to the Crews of Merchant Ships have been duly complied with :— *And lastly* special provision is by the said Act made for the Recovery and Appropriation of the several Penalties and Forfeitures which the said Act imposes as by the said Act on reference thereto will more fully appear :—

Medical Attendance on Seamen § 18.

Ship's Apprentices § 26 et seq. §§ 36 and 37.

Summary Jurisdiction in cases of Assault on board Ship, § 38.

Leaving Seamen on Shore, § 40, et seq.

Production of Ship's Articles and Muster Roll, § 50.

Recovery of Penalties, 53.

Recites the expediency of fully adopting all the provisions of the said Act.

AND WHEREAS it is expedient to remove doubts as to the operation within this Island of such parts of the said recited Act as are not in terms made expressly to apply to all His Majesty's Dominions and the interests of the Community but particularly those of Commerce and of Shipping would be promoted by establishing as Law certain other of the provisions of the said Act at present not applying to the Colony:—

All parts of the said Act, not already in force, or not hereinafter specially introduced, extended to this Colony.

BE IT THEREFORE ENACTED by His Excellency Sir John Franklin, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, that on and from and after the First Day of September now next ensuing [on which day this present Act shall commence and take effect] all and singular the provisions of the said recited Act of the fifth and sixth year of His Majesty's Reign for Amending and Consolidating the Laws relative to Merchant Seamen which provisions do not already extend and apply to this Colony shall (except in so far as the same respectively may be inconsistent with any provisions contained in this present Act) extend and apply to and be severally in force within this Island and its Dependencies and be applied in the Administration of Justice (so far as the same can be applied) on and from the said first day of September accordingly. *Provided* that with respect to every provision of the said Act which (according to the true construction either of such provision or of some other provision of the Act) is now in force within this Colony nothing contained in this Act shall be construed to alter or affect or as intended to alter or affect any such provision.

Definition of the terms Master, Seamen, Ship, and Owner.

II.—AND (to avoid doubts in the construction of this Act (BE IT ENACTED that every person having the Charge or Command of any Vessel for the time being shall within the meaning and for the purposes of this Act be deemed and taken to be the Master of such Vessel and that every person (Apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall within the meaning and for the purposes of this Act be deemed and taken to be a Seaman and that the term "Ship" and the term "Vessel" used in this Act shall respectively be taken and understood to comprehend every description of Vessel navigating on the Sea and that the term "Owner" as applied to a Vessel shall be understood to comprehend all the several persons if more than one to whom she shall belong and all Vessels whatsoever employed in carrying Passengers or Goods shall be deemed Merchant Vessels within the meaning of this Act.

No Seamen to be taken to Sea without a Written Agreement.

III.—AND BE IT ENACTED that after the commencement of this Act it shall not be lawful for the Master of any Vessel of the burthen of Fifty Tons or upwards registered in or belonging to any person in this Colony whether trading coastwise or otherwise to carry to Sea on any voyage any Seamen (Apprentices excepted) without first entering into an Agreement in Writing with every such Seaman in the form and containing true entries under their respective Heads of the several particulars set forth in the Schedule to this Act so far as the same can be ascertained in which Agreement shall in every case be specified as distinctly as may be

the nature of the intended employment of the Vessel and of the voyage or voyages on which it is proposed that she shall proceed so that every Seaman may have some means of judging of the probable period for which he is likely to be engaged and every such Agreement shall be signed by the Master in the first instance and by the Seamen respectively at the place where each shall be shipped and the Master shall cause the same in the presence of the party attesting their respective signatures to be truly and distinctly read over to every Seaman before he shall be required to sign the same in order that he may be enabled to understand the purport and meaning of the engagement he enters into and the terms to which he is to be bound.

IV.—AND BE IT ENACTED that the Owner or in his default the Master of every such Vessel as last aforesaid shall within ten days next after every thirtieth day of June and thirty-first day of December or next after the Vessel's arrival at her Port of destination in this Colony deposit with the Collector or Comptroller of Customs of the Port to which the Ship belongs a true Copy of every Agreement entered into with any of the Crew thereof within the preceding six months attested by the Signature of such Owner or of the Master for the time being. And all copies of Agreement so deposited shall when required to be produced in evidence on the part of any Seaman be received and taken as legal proof of the contents of the Agreement.

Agreements to be deposited.

V.—AND BE IT ENACTED that if any Master of any such Vessel as aforesaid shall carry out to Sea any Seaman (Apprentices excepted) without having first entered into such agreement as is hereby required with such Seaman he shall forfeit and pay the sum of Ten Pounds in respect of every Seaman so carried out and if any such Master shall neglect to cause the Agreement to be truly and distinctly read over to each Seaman as by this Act is enjoined he shall for every such neglect forfeit and pay the sum of Five Pounds and if the Owner or Master of any such Vessel shall neglect to deposit as aforesaid a copy of the Agreement as hereby required or shall wilfully deposit a false copy of any such Agreement he shall for every such neglect forfeit and pay a penalty or a sum of not less than Five Pounds nor more than Fifty Pounds.—And every such Penalty against the Owner may be recovered by proceeding against all the Owners (if there be more than one) or against any one of them and in the latter case every Owner shall be liable to the one so proceeded against for contribution.

Penalty for default.

VI.—AND BE IT ENACTED that nothing contained in the three preceding Sections or any of them shall extend to any Vessel or Person engaged in the Whale Fisheries where any Agreement in Writing shall have been entered into with any Whaler or Seaman in the manner and form required in that behalf by the Act of this Island passed for the Regulation and Protection of the Whale Fisheries.

Whale Fisheries. (Vide 5. W. 4, No. 13, §§ 3 & 6).

VII.—AND BE IT ENACTED that no Seamen by entering into any such Agreement as aforesaid shall forfeit his Lien upon the Ship or

Seamen not to be deprived of any existing remedies, and no Agreement contrary to this Act to be valid.

be deprived of any remedy for recovery of his Wages which Seamen are now entitled to against either the Ship the Master or the Owners nor shall any agreement made contrary to or inconsistent with the provisions of this Act or any clause whereby a Seaman shall consent to forego the right which the Maritime Law gives him to Wages in the case of Freight earned by Ships subsequently lost or containing any words to that effect be valid or binding on any Seaman signing the same and in cases in which it may be necessary that the Agreement shall be produced to sustain a claim on the part of a Seaman no obligation shall be upon such Seaman to produce the same nor shall any Seaman fail in any Suit or Proceeding for recovery of his Wages for want of the production of any such Agreement or of any deposited copy thereof as aforesaid or for the want of any notice to produce the same any Law or Usage to the contrary notwithstanding.

Seamen refusing to join or proceed in the Ship or absents themselves therefrom.

VIII.—AND BE IT ENACTED that in case any Seaman after having signed any such Agreement as aforesaid shall refuse or wilfully neglect to join his Ship or to proceed to Sea in her or shall absent himself therefrom without leave or shall after having signed any such Agreement wilfully enter into any other Agreement or Engagement inconsistent therewith it shall be lawful for any Justice of the Peace upon complaint of the fact made upon oath by the Master Mate or Owner to cause such Seaman to be apprehended and brought before such Justice. And in case such Seaman shall not give a reasonable excuse in that behalf to the satisfaction of such Justice it shall be lawful for such Justice upon proof of such offence to commit such Seaman to some House of Correction there to be kept to Hard Labour for a period not exceeding Thirty Days : Provided that in case such Seaman on being brought before the Justice shall consent to join his Ship and proceed on the voyage agreed for it shall be lawful for such Justice at the request of the Master instead of committing the Seaman to cause him to be conveyed on board the Vessel or delivered to the Master for that purpose. And such Justice shall thereupon award to the Master such costs incurred in the apprehension of the Seaman as shall seem reasonable not exceeding in any case Forty Shillings which shall be chargeable against the Wages to grow due to such Seaman.

Forfeiture for temporary absences; or other neglect of duty.

IX.—AND BE IT ENACTED that if any Seaman after having signed any such Agreement as aforesaid shall before expiration of the period for which he agreed to serve wilfully and without leave absent himself from the Ship or otherwise from his duty he shall (in all cases not of absolute desertion or in all cases of desertion not treated as such by the Master) forfeit out of his wages the amount of two days' pay for every twenty-four hours of absence and in like proportion for any less period of time and in case any Seaman shall without sufficient cause neglect to perform such duty as shall be reasonably required of him he shall be subject to a like forfeiture in respect of every such offence and of every twenty-four hours continuance thereof and in case any Seaman shall at any time unlawfully and without sufficient excuse quit the Ship without a previous discharge from the Master he shall forfeit one month's pay out of

his Wages. *Provided* that no such forfeiture shall be incurred unless the fact of such absence neglect or quitting shall be entered at the time in the Ship's Log-Book which entry shall specify truly the hour of the day at which the offence occurred and the period during which the Seaman was absent or neglected his duty the truth of which entry it shall be incumbent on the Owner or Master in all cases of dispute to substantiate by the evidence of the Mate or some other credible witness.

X.—AND BE IT ENACTED that in all cases where the Seaman shall have contracted for Wages by the Voyage and not by any stated period of time the amount of forfeitures to be incurred by Seamen under this Act shall be ascertained in manner following; (that is to say) if the whole time spent in the Voyage agreed upon exceeds one calendar month the forfeiture of one month's pay shall be accounted a forfeiture of a sum of money bearing the same proportion to the whole wages as a calendar month bears to the whole time spent in a voyage and in like manner a forfeiture of two days' pay or less shall be accounted a forfeiture of a sum bearing the same proportion to the whole Wages as the same period of time bears to the whole time spent in the voyage and if the whole time spent in the voyage do not exceed one calendar month the forfeiture of one month's pay shall be accounted a forfeiture of the whole Wages contracted for and if such time do not exceed two days the forfeiture of two days shall be accounted a forfeiture of the whole Wages contracted for and the Master is hereby authorised to abate the amount of all forfeitures herein before enacted out of the Wages of any Seaman incurring the same.

Amount of forfeitures when Seamen contract for the Voyage.

XI.—AND BE IT ENACTED that every Seaman who shall absolutely desert his Ship shall forfeit to the Owner thereof all his Clothes and Effects which he may leave on board and all Wages and Emoluments to which he might otherwise be entitled provided the circumstances attending such desertion be entered in the Log-Book at the time and certified by the signature of the Master and Mate or other credible witness and that an absence of a Seaman from the Ship for any time within the space of twenty-four hours immediately preceding the sailing of the Ship without permission from the Master or for any period however short under circumstances plainly showing that it was his intention not to return thereto shall be deemed an absolute Desertion.

Forfeiture for Desertion.

XII.—AND BE IT ENACTED that the several provisions of the four last preceding Sections shall equally apply and be in force with respect to Vessels and Seamen engaged in the Whale Fisheries. *Provided* that in order to prevent two forfeitures or two proceedings for one and the same offence any conviction had or forfeiture insisted on under the present Act shall (in respect of the same subject matter or occasion) be a bar to every proceeding to be taken or forfeiture which might otherwise be insisted on under the aforesaid Act passed for the Regulation and Protection of the Whale Fisheries and in like manner any conviction or forfeiture under the last mentioned Act shall be equally a bar to every proceeding to be taken or forfeiture insisted on under this Act.

Seamen in the Whale Fisheries.

(See Whaling Act, Section 4.)

Colonial Government Vessels.

XIII.—AND BE IT ENACTED that in case the Master of any Vessel the property of His Majesty employed in the service of this Government for the time being shall at any time by direction of the Lieutenant-Governor enter into any Agreement in Writing with the Crew of such Vessel or any of them in the form and manner required by this Act in the case of Vessels and Seamen in the Merchant Service then the several provisions hereinbefore contained with respect to Agreements of that nature and the several provisions contained in this Act for the Protection Regulation and Controul of Seamen having signed any such agreement and for facilitating the Recovery of their Wages shall extend and apply to such Master in respect of the Agreement so entered into by him and to every Seaman who shall have signed the same. *And* no allegation that any such Agreement was in fact entered into by the Lieutenant-Governor's direction shall be necessary in any proceeding under this Act nor shall any Master having entered into any such Agreement be permitted in any proceeding thereon against himself to allege that there was no such direction. *And* for the purposes of this Act the Officer for the time being having the immediate direction or controul of such Master shall be deemed the Owner of the Vessel commanded by him.

Harbouring Deserters.

XIV.—AND BE IT ENACTED that if any person shall either on Shipboard or on Shore harbour or secrete any Seaman who shall have signed any such Agreement as aforesaid and shall have Deserted or unlawfully Absented himself from his Ship knowing or having reason to believe him to be a Deserter or to be absent without leave every person so offending shall forfeit and pay a penalty or sum of not less than Two Pounds nor more than Twenty Pounds.

Certain Debts not recoverable from a Seaman.

XV.—AND BE IT ENACTED that no Debt exceeding in amount Five Shillings incurred by any Seaman after he shall have signed any such Agreement as aforesaid shall be recoverable until the voyage or period agreed for shall have been concluded and that it shall not be lawful for any person to withhold or detain any Effects of any Seaman for any debt exceeding Ten Shillings contracted or alleged to have been contracted by such Seaman and in case any such Effects shall be withheld or detained contrary to this Act it shall be lawful for any Justice of the Peace upon complaint on oath made in that behalf to inquire into the matter and if he shall see right to cause any such Effects to be seized and delivered over to the Seaman.

Period within which Wages are to be paid.

XVI.—AND BE IT ENACTED that the Master or Owner of every Ship shall pay to every Seaman his Wages if the same be demanded within the periods following (that is to say) if the ship be employed in trading coastwise within two days after termination of the Agreement or at the time when any such Seaman is discharged whichever shall first happen and if the Ship be employed in trading otherwise than at the latest within three days after delivery of the Cargo or three days after the Seaman's discharge whichever shall first happen and in either of such last mentioned cases of payment being delayed the Seaman shall at the time of his discharge be entitled to be paid on account a sum equal to one



fourth part of the estimated balance due to him. *And* in case any Master or Owner shall not make payment in manner aforesaid he shall forfeit and pay to the Seaman the amount of two days' pay for each day during which payment shall without sufficient cause be delayed and for the recovery of such forfeiture the Seaman shall have the same remedies as he is by Law entitled to for the recovery of his Wages. *Provided* that nothing in this Section shall extend to the case of Vessels employed in the Whale Fishery.

XVII.—AND BE IT ENACTED that every such payment of Wages shall be valid and effectual in Law notwithstanding any Bill of Sale or Assignment made by any such Seaman of such Wages or of any Attachment or Incumbrance thereon and that no Assignment or Sale of Wages made prior to the earning thereof nor any Power of Attorney expressed to be irrevocable for the receipt of such Wages or of any part thereof shall be binding upon the party making the same.

Payment of Wages to be valid notwithstanding Bill of Sale.

XVIII.—AND BE IT ENACTED that upon the discharge of a Seaman from the Ship in which he has served he shall be entitled to receive from the Master a Certificate of his Service and Discharge specifying truly therein the period of service and the time and place of discharge which Certificate shall be signed by the Master and if any Master shall without reasonable cause refuse to give such Certificate to any such Seaman or shall knowingly insert therein anything contrary to the truth he shall forfeit and pay to such Seaman the sum of Five Pounds.

Master to give Seamen Certificates on discharge.

XIX. AND WHEREAS Seamen in cases of dispute may be exposed to great inconvenience expense and delay in obtaining payment of their Wages—BE IT ENACTED that in all cases of Wages not exceeding Twenty Pounds which shall be due to any Seaman it shall be lawful for any Justice of the Peace upon Complaint on Oath by any such Seaman or on his behalf to summon the Master or Owner to appear to answer such Complaint and upon the appearance of such Master or Owner or in default thereof on proof of his having been so summoned such Justice is hereby empowered to examine upon the Oath of the parties and their respective witnesses (if there be any) touching the complaint and the amount of Wages due and to make such Award or Order for Payment as shall to such Justice appear reasonable and just. *And* the award and decision of such Justice shall be final and conclusive as well on such Seaman as on the Owner and Master.

Summary mode of recovering Wages.

XX.—AND BE IT ENACTED that in case any such Award or Order shall not be obeyed within two days next after the making thereof it shall be lawful for such Justice to issue his Warrant to levy the amount of the Wages awarded by Distress and Sale of the Goods and Chattels of the party on whom such Order was made rendering to such party the overplus (if any shall remain) after deducting thereout all the charges and expenses incurred by the Seaman not only in the making and hearing of the complaint but by such Distress and Levy and Sale and in case sufficient Distress cannot be found it shall be lawful for the

Proceedings thereon.

Justice to cause the amount of such Wages and Expenses to be levied on the Vessel in respect of which the Wages are claimed or her tackle and apparel.

Costs of suit in Actions for recovery of Wages not allowed.

XXI.—AND BE IT ENACTED that if any Suit or Action for the recovery of a Seaman's Wages shall be instituted against the Ship or the Master or Owner thereof and it shall appear to the Judge that the Plaintiff might have had as effectual a remedy for the recovery of his Wages by complaint to a Justice of the Peace as hereinbefore provided then it shall be lawful for such Judge to certify to that effect and thereupon no Costs shall be awarded to the Plaintiff.

Whale Fisheries Act § 7 Repealed. Recovery of Lays.

XXII.—AND BE IT ENACTED that from and after the commencement of this Act so much of the aforesaid Act of this Island for the Regulation and Protection of the Whale Fisheries as relates to Summary Proceedings for the recovery of Lays and Wages shall be and the same is hereby Repealed and the provisions contained in the three Sections of this Act now last preceding shall be in force in lieu thereof and the said provisions shall severally in the case of Seamen engaged in any Whale Fishery extend and apply as well to Lays or other Shares of Profits (where the value does not exceed Twenty Pounds) as to any ordinary case of Wages. *And* the said recited Act for the Regulation and Protection of the Whale Fisheries shall hereafter be cited and read as if the following words contained in the Title of the said Act—that is to say—*“and for extending to this Island the Statute for facilitating the recovery of Seamens' Wages”* had not been inserted therein.

Medicines to be kept on board.

XXIII.—AND BE IT ENACTED that every Vessel sailing from any Port in this Colony—excepting vessels under Forty Tons trading coastwise only shall have and keep constantly on board the same a sufficient supply of Medicines and other necessaries suitable to accidents and diseases arising on Sea Voyages which supply shall be renewed from time to time as shall be requisite under the penalty upon the Master of such Vessel for the time being of not less than two pounds nor more than Twenty Pounds for every case of default. *And* in case any Seaman shall receive any hurt or injury in the service of the Vessel the expense of all necessary Surgical and Medical Advice and Attendance and of all Medicines which the Seaman shall stand in need of until cured or brought back to his Port or Place of discharge shall be borne and defrayed by the Owner of the Ship or in the first instance by the Master without any deduction whatever on that account from the Seaman's Wages.

Seamen hurt in the Service.

Boys in the Male Orphan School may be put out Apprentices to the Sea Service.

XXIV.—AND WHEREAS the giving of due encouragement to such Youths as shall voluntarily betake themselves to the Sea Service and especially to such as by reason of their poverty are destitute of proper means of obtaining subsistence will greatly tend to the increase of able and experienced Seamen and by providing such Youths with employment will materially diminish the expense cast upon the public for their maintenance :—BE IT THEREFORE ENACTED that it shall

be lawful for the Superintendent for the time being of His Majesty's *Male Orphan School* of this Colony (with the authority in that behalf of the Lieutenant-Governor) and such Superintendent having such authority is hereby empowered to bind by Indenture and put out any Boy now or hereafter being in the said *Male Orphan School* and being there supported either wholly or in part at the Public Expense such Boy having attained the age of Thirteen Years and being of sufficient health and strength and consenting to be so bound but not otherwise an Apprentice in the Sea Service to any Master or owner of any Vessel registered in any Port of this Colony for any term not less than Three Years nor more than Five Years provided that in every case the Parent (if any) of every such child shall have previous notice of such intended binding. And every such binding shall be as effectual in the Law to all intents and purposes as if such Boy were of full age and had bound himself to be such Apprentice.

XXV.—PROVIDED ALWAYS that every such binding as aforesaid shall be made in the presence of Two Justices of the Peace of whom one shall be a Police Magistrate which Justices shall execute the Indenture in testimony of their having been satisfied that such Boy hath attained such age and is of such health and strength and hath given such consent as aforesaid.

Binding to be before two Justices.

XXVI.—AND BE IT ENACTED that in the event of the death of the Master of any such Apprentice to the Sea Service it shall be lawful for the Widow or Executor or Administrator of such Master to assign the Indenture of such Apprentice for the residue of the term then unexpired therein to any Master or Owner of any such Vessel not having her complement of Apprentices as hereinafter mentioned. *Provided* that every such Assignment shall be attested by the Collector or Comptroller of Customs at the Port at which the same is executed. *And* it shall be lawful for the Master of any Apprentice with the consent of such Apprentice if of the age of seventeen years or upwards or if under that age with the approbation of any Justice of the Peace to assign the Indenture of such Apprentice to any other person being the Master or Owner of any such registered Ship as aforesaid and all such Apprentices may during the term for which they were bound be employed in any Vessel of which such Master or his Assignee may be Master or Owner. *Provided* that every such Assignment as last aforesaid shall be produced to and registered by the Collector or Comptroller of Customs at the Port where the Master is resident or to which his Ship belongs.

Indentures may be Assigned.

XXVII.—AND BE IT ENACTED that the Master of every Vessel of the burthen of Fifty Tons or upwards shall have on board thereof at the time of clearing out from any Port in this Colony One Apprentice or more according to the number of Tons of the Vessel's admeasurement in the proportions following that is to say every Vessel under One Hundred Tons One Apprentice every Vessel above that tonnage and under Two Hundred Tons Two Apprentices every Vessel

Every Vessel to have Apprentices according to her Tonnage.

above that tonnage and under Five Hundred Tons Three Apprentices and every Ship of Five Hundred Tons or upwards Five Apprentices all of whom at the period of their being bound respectively shall have been under Seventeen years of age and shall have been duly bound for the term of Three years at the least and if any such Master shall not have on board his Ship on so clearing out at the least the number of Apprentices hereby required unless he shall show a reasonable excuse in that behalf to the satisfaction of the sitting Justices he shall for every such offence forfeit and pay a sum of not less than Two Pounds nor more than Twenty Pounds in respect of each Apprentice deficient.

Suffering Apprentices to quit the Service.

XXVIII.—AND BE IT ENACTED that if any Master of any Vessel after his Ship has cleared outwards on the Voyage upon which she may be bound shall suffer any Apprentice to quit his Service (not entering into the service of His Majesty) except in case of Desertion Sickness or other unavoidable cause to be entered at the time in the Log-Book such Master shall for every such offence forfeit and pay the Sum of Twenty Pounds.

Justices to determine Complaints.

XXIX.—AND BE IT ENACTED that any two Justices of the Peace shall have full power and authority to inquire into and hear and determine all claims of Sea Apprentices upon their Masters under their Indentures and all complaints of hard or ill-usage exercised by their respective Masters towards such Apprentices or of misbehaviour on the part of any such Apprentice and to make such Orders therein as Magistrates are now or shall hereafter be empowered by Law to do in other cases between Master and Apprentice.

Wrongfully forcing on Shore, or leaving behind in this Colony any person belonging to any Vessel.

XXX.—AND BE IT ENACTED that if any Owner Master or Officer of any Vessel whatsoever shall within this Island or any of its Dependencies wilfully and wrongfully leave behind or wilfully and wrongfully force or put or cause to be put on shore or wrongfully refuse to receive on board with intent in any such case to leave behind any person whatsoever belonging to such Vessel before completion of the Voyage or period for which such person shall have been engaged every person so offending shall be deemed guilty of a Misdemeanor and shall suffer such punishment by Fine or Imprisonment or both as to the Court shall seem meet. *And* if any such Owner Master or Officer shall within this Island or its Dependencies discharge on any pretence any of his Crew without the previous written sanction of the Lieutenant-Governor (the person or persons discharged not having been hired in this Colony) every person so offending shall forfeit and pay a penalty or sum of not less than Five Pounds nor more than Fifty Pounds.

Seamen entering into the Navy.

XXXI.—AND BE IT ENACTED that nothing in this Act or in any Agreement contained shall be deemed to extend to prevent any Seaman belonging to any Merchant Ship whatever from entering or being received into the Naval Service of His Majesty nor shall any such entry be deemed a Desertion or incur any Penalty or Forfeiture whatsoever.

XXXII.—AND BE IT ENACTED that all offences against this Act not otherwise provided for shall be heard and determined and all Penalties and Forfeitures hereby imposed for the recovery whereof no other specific mode is provided may be recovered in manner following (that is to say) where the Penalty does not exceed Fifty Pounds in a Summary way before any Two Justices of the Peace. *And* where exceeding that sum the Penalty shall be recovered with Costs by Information at the suit of His Majesty's Attorney-General. And all such Summary Proceedings shall be had and all Penalties thereupon be enforced and every person aggrieved by any Summary Conviction may appeal therefrom in the manner provided respectively by the Act intituled "*An Act to regulate Summary Proceedings before Justices of the Peace.*" And all Penalties and Forfeitures for which this Act provides no specific application shall be appropriated as to one moiety thereof to the Informer or Party upon whose Discovery the offence was prosecuted and as to the other moiety to His Majesty his Heirs and Successors.—*And* all moieties of Fines Penalties and Forfeitures payable under this Act to His Majesty shall be and the same are hereby reserved to His Majesty his Heirs and Successors for the support of the Government of this Island and its Dependencies to such particular uses in aid of the Public Revenue of this Colony as shall hereafter from time to time be directed by any Act or Acts appropriating the Public Revenue.

Recovery of Penalties and  
Appropriation thereof.

JOHN FRANKLIN.

Passed the Legislative Council  
this twenty-ninth day of July One  
thousand eight hundred and thirty-  
seven.

ADAM TURNBULL,

*Clerk of the Councils.*

## SCHEDULE.

*AN AGREEMENT* made (pursuant to the Act of Council in that behalf) between A. B. Master of the Vessel called the [name] of the Port of [Port of Registry] of the burthen of [number] Tons and the several persons whose names are hereto subscribed.

It is agreed by the said persons and they severally hereby engage to serve on board the said Vessel in the several capacities expressed against their respective names [*here the intended Voyage or Voyages shall be described as nearly as may be specifying the places at which it is intended that the Vessel shall touch or if that cannot be done then the particular nature of such Voyage or Voyages or of the Vessel's employment showing as nearly as may be the probable length of time she will be engaged therein.*].—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 Vessel and the Materials Stores and Cargo thereof whether on board or in boats or on shore. [*Here may be inserted any other clauses which the parties think proper to be introduced provided the same be not inconsistent with the provisions and spirit of this Act.*].—In consideration of which services to be carefully and faithfully performed the said Master hereby agrees to pay to the said Crew by way of compensation or Wages the amount against their names respectively expressed.—In witness whereof the said Parties have hereto subscribed their names on the days mentioned against their respective signatures :—

Place and Time of Entry.				Mens' Names.	Age.	Place of Birth.	Quality.	Wages per Calendar Month, Share or Voyage.	Witness to Signature.
Place.	Day.	Month.	Year						

*Note.*—Any Embezzlement or wilful or negligent Loss or Destruction of

any Part of the Ship's Cargo or Stores may 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 enter himself as qualified for a Duty to which he shall prove to be not competent, he will be subject to a reduction of the rate of Wages hereby agreed for in proportion to his Incompetency.

## AN ACT

*For extending to Van Diemen's  
Land the provisions of a Sta-  
tute passed to Consolidate and  
Amend the Laws relating to  
Merchant Seamen.*