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ANNO SEPTIMO ET OCTAVO
VICTORIÆ REGINÆ
CAP. CXII.

An Act to amend and consolidate the Laws relating to Merchant Seamen; and for keeping a Register of Seamen.

Whereas the prosperity, strength, and safety of this United Kingdom, and Her Majesty's Dominions, do greatly depend on a large, constant, and ready supply of seamen; and it is therefore expedient to promote the increase of the number of seamen, and to afford them all due encouragement and protection, and for this purpose to amend and consolidate the laws relating to them; and it is also expedient to keep a register of seamen:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same—

That from and after the 1st day of January, 1845, from which day this act shall commence and take effect, an act passed in the sixth year of the reign of His late Majesty King William the Fourth, intituled "An Act to amend and consolidate the Laws relating to the Merchant Service of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that Service," shall be and the same is hereby repealed, except so far as such act repeals the acts thereby repealed, and except so far as relates to the establishment, maintenance, and regulations of the office called "The General Register Office for Merchant Seamen"—Provided always, that all offences which shall have been committed, and all penalties and forfeitures which shall have been incurred, previously to the commencement of this act, shall and may be punishable and recoverable respectively under the above mentioned act as if the same had not been repealed—Provided also, that all acts and things made, done or executed under or by virtue of and in accordance with the provisions of the said act passed in the sixth year of the reign of his late Majesty King William the Fourth prior to the commencement of this Act, shall be good, valid and effectual to all intents and purposes.

II. And be it enacted, that it shall not be lawful for any master of any ship, of whatever tonnage or description, belonging to any subject of her Majesty, proceeding to parts beyond the seas, or of any British registered ship of the burden of eighty tons or upwards employed in any of the Fisheries of the United Kingdom, or in proceeding coastwise, or otherwise, from one part of the United Kingdom to another, to carry to sea any seaman as one of his crew or complement (apprentice excepted) unless the master of such ship shall have first made and entered into an agreement in writing with such seaman, specifying what wages such seaman is to be paid, the quantity of provisions he is to receive, the capacity in which he is to act or serve, and the nature of the voyage in which the ship is to be employed, so that such seaman may have some means of judging of the period for which he is likely to be engaged; and that such agreement shall be properly dated, and shall be signed by such master in the first instance, and by the seamen respectively at the port or place where they shall be shipped; and that the signature of each of the parties thereto shall be duly attested by one witness at the least, and that the master shall

cause the agreement to be read over and explained to every such seaman in the presence of such witness, before such seaman shall execute the same; and it shall not be lawful for the master of any ship to carry to sea any seaman, being a subject of her Majesty, until he shall also have first obtained from every such seaman or other person his register ticket (to be procured as hereinafter mentioned) which ticket the said master is hereby required to retain (except in the cases hereinafter provided) until the service of such seaman shall have terminated, and at the termination of such service the said master shall return the register ticket to him.

III. And be it enacted, that in the case of any ships, of whatever tonnage or description, belonging to any subject or subjects of her Majesty, and proceeding to parts beyond the seas (except as hereinafter provided) the agreement shall be in the form set forth in schedule (A) to this act annexed, and shall contain the several particulars therein mentioned or required, and the master shall, within twenty-four hours after the ship's arrival at her final port of destination in this United Kingdom, deliver or cause to be delivered to the Collector or Comptroller of the Customs at and for such port every agreement so made as aforesaid, or a true copy thereof, and of every endorsement thereon, the agreement, or copy thereof, in either case, to be certified as such by such master or owner, and also by the mate or next officer (if any) of such ship or vessel, each of whom is hereby required to sign such certificate in the presence of one attesting witness at least; and if the original agreement be delivered to such Collector or Comptroller, he shall retain the same until all the wages to which the agreement relates shall be paid or satisfied, and then he shall transmit such original agreement to the Registrar of Seamen; and no such ship shall be cleared inwards by the Tide Surveyor or other officer until the master shall produce and shew a certificate from such Collector or Comptroller (which he is hereby required to give) to the effect that he has delivered his agreement or an attested copy thereof as aforesaid; and the Tidewaiters left on board shall be maintained at the expense of the master or owner until such certificate shall be produced and shewn, or until it shall be proved to the satisfaction of the Tide Surveyor or other officer that such agreement or agreements, or such copy thereof, has or have been so delivered as aforesaid; and in the case of any ship employed in fishing on the coast of the United Kingdom, or proceeding from one part of the United Kingdom to another or proceeding to any of the Islands of Jersey, Guernsey, Alderney, Sark, and Man, or to any place on the continent of Europe between the river Elbe inclusive and Brest, the agreement shall be in the form of schedule (B) to this act annexed, and shall contain the several particulars therein mentioned or required; and every such agreement shall not extend beyond the 30th of June and the 31st of December in each year, or on arrival in any port of the United Kingdom after the same respective dates; and the owner or master of every such ship as last aforesaid shall within twenty-one days next after the 30th of June and the 31st of December in each year, transmit or deliver, or cause to be transmitted or delivered to the Collector or Comptroller of the Customs of any port of the United Kingdom, every agreement made within the six months next preceding such 30th of June and 31st of December respectively, or a true copy thereof, and of every en-

dorsement thereon, certified as aforesaid; and such Collectors and Comptrollers respectively shall and are hereby required to give a receipt (specifying the nature of the document) for every agreement or other document, or such copy thereof, to the master, owner, or person so delivering the same; and no master or owner after the expiration of the said twenty-one days, shall be entitled to or receive a Transin, or any other Customs document necessary for the conduct of the business of the ship, until he shall produce and shew such receipt, or shall prove to the satisfaction of the officer that every such agreement, or such copy thereof as aforesaid, has been duly delivered as aforesaid; and the owner or master of every ship under the burden of eighty tons, employed as last aforesaid, who is not required by this act to enter into any written agreement with his crew, shall, before employing any seaman or other person in the service of his ship, receive from every such seaman or other person his register ticket, and shall retain the same until the service of such seaman or other person shall have expired, and at the expiration of such service the master shall return the register ticket to the person entitled thereto.

IV. And be it enacted, that if any master or owner shall carry out to sea any seaman (apprentices excepted) without having first entered into the required agreement with such seaman, or if any master shall not obtain from any seaman or other person, being a subject of her Majesty, his register ticket, according to the provisions of this act, he shall in either and every of such cases, forfeit and pay the sum of ten pounds for and in respect of every such seaman; and if any master or owner shall neglect to cause such agreement to be read over and explained to such seaman before the signing or execution thereof by such seaman, the said master or owner shall for each neglect forfeit and pay the sum of five pounds for every such seaman; and if any master or owner shall neglect or omit to deliver, or cause to be delivered to such Collector or Comptroller any such agreement, or such copy thereof as aforesaid, or shall not deliver up any register ticket to the person entitled to it at the expiration of his service, or otherwise, as required by this act, he shall for every such neglect, omission, or offence forfeit and pay the sum of ten pounds—or if any master or owner shall deliver or cause to be delivered a false copy of the agreement, he shall for every such offence forfeit and pay the sum of twenty pounds.

V. And be it enacted, that no seaman, by reason of any agreement, shall forfeit his lien upon the ship, nor be deprived of any remedy for the recovery of his wages, to which he would otherwise be entitled against any person or persons whatever; and no agreement contrary to or inconsistent with this act, nor any clause, contract, or engagement whereby any seaman shall consent or promise to forego or give up any right or claim to wages in the case of freight earned by a ship, subsequently lost, or any right or claim to salvage, or reward for salvage services or such proportion of salvage or reward for salvage services, or such proportion of salvage, as shall or may be due to him by decree or award or otherwise, shall be valid or binding on such seaman; and every copy of an agreement so certified and delivered as aforesaid shall in all cases be received and taken as evidence of the contents of the agreement for and on behalf of the seaman; and no seaman shall in any case be required to produce such agreement or such copy as aforesaid, or to give notice for the produc-

tion thereof, but in case the agreement shall not be produced and proved, he shall be at liberty to prove the contents or purport thereof, or to establish his claim by other evidence, according to the nature of the case.

VI. And be it enacted, that in case a seaman, whether before the commencement or during the progress of any voyage, shall at any time neglect or refuse to join the ship on board of which he shall have engaged to serve, or shall refuse to proceed to sea in such ship, or shall absent himself therefrom without leave, or shall desert, it shall be lawful for any Justice of the Peace in and for any of her Majesty's dominions, or the territories under the government of the East India Company, where or near to the place where such ship shall happen to be, or where such seaman shall be found, and such Justice is hereby required, upon complaint made upon oath by the master, mate, or owner, or his agent, to issue his warrant, and cause such seaman to be apprehended and brought before him; and in case such seaman shall not give a reason to the satisfaction of such Justice for his neglect, refusal, or absence, as the case may be, or in case of desertion, it shall be lawful for any such Justice, upon due proof of such neglect, refusal, absence, or desertion, to commit such seaman to prison, or to the House of Correction, there to be imprisoned with or without hard labor at the discretion of such Justice, for a period not exceeding thirty days; or it shall be lawful for said Justice, if he shall so think fit, at the request of the master, mate, or owner, or his agent, instead of committing such seaman, to cause him to be conveyed on board the ship, or to be delivered to the master, mate, or owner, or his agent, for the purpose of being so conveyed and proceeding on the voyage, and also to award to the master or owner such costs incurred in the apprehension of such seaman as to such Justice shall seem reasonable, not exceeding in any case the sum of forty shillings, which shall be chargeable against and may be deducted from the wages of such seaman; and whenever any seaman shall be committed to prison, or to any House of Correction, the Justice shall cause his register ticket to be delivered to the Governor or Keeper of such Prison or House of Correction, who shall retain the same during the period of the seaman's imprisonment; and at the expiration of such period shall return the register ticket to the seaman; and whenever a seaman shall be sentenced to death or transportation the officer having the custody of such seaman shall transmit his register ticket to the Registrar of Seaman.

VII. And be it enacted, that if any seaman during the time or period specified for his service shall wilfully and without leave absent himself from the ship, or otherwise from his duty, he shall (in all cases not of desertion or not treated as such by the master) forfeit out of his wages the amount of two days' pay; and for every twenty-four hours of such absence the amount of six days' pay, or at the option of the master the amount of such expenses as shall have been necessarily incurred in hiring a substitute; and in case any seaman while he shall belong to the ship shall without sufficient cause neglect or refuse to perform such his duty as shall be reasonably required of him by the master or other person in command of the ship, 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 such seaman, after the ship's arrival at her port of delivery, and before her cargo shall be discharged, shall quit the ship without a previous discharge or leave from the master, he shall forfeit one month's pay out of his wages—Provided always that no such forfeiture shall be incurred unless the

fact of the seaman's absence, neglect, or refusal shall be duly entered in the Log Book, 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.

VIII. AND be it enacted, that in all cases where the seaman shall have contracted 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 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 shall exceed one calendar month, the forfeiture of one month's pay expressed in this act shall be accounted and taken to be a forfeiture of a sum of money bearing the same proportion to the whole wages or share as a calendar month shall bear to the whole time spent in the voyage, and in like manner a forfeiture of six days' pay, or less, shall be accounted and taken to be a forfeiture of a sum bearing the same proportion to the whole wages or share as the six days or other period shall bear to the whole time spent in the voyage; and if the whole time spent in the voyage shall not exceed the period for which the pay is to be forfeited, the forfeiture shall be accounted and taken to be a forfeiture of the whole wages or share; and the master or owner is hereby authorised to deduct the amount of all forfeitures out of the wages or share of any seaman incurring the same.

IX. And be it enacted, that any seaman or other person who shall desert the ship to which he shall belong shall forfeit to the owner thereof all his clothes and effects which he may leave on board, and he shall also forfeit all wages and emoluments to which he might otherwise be entitled; and in case of any seaman deserting abroad he shall likewise forfeit all wages and emoluments which shall be or become due or agreed to be paid to him from or by the owner or master of any other ship in the service whereof such seaman may have engaged for the voyage back to the United Kingdom, and that all wages and portions of wages and emoluments which shall in any case whatever become forfeited for desertion shall be applied in the first instance in or towards the reimbursement of the expenses occasioned by such desertion to the owner or master of the ship from which the seaman shall have deserted, and the remainder shall be paid to the Seaman's Hospital Society; and the master shall, in case of desertion in the United Kingdom, deliver up the register ticket of such seaman or other person to the Collector or Comptroller of the Customs at the port—Provided always, that every desertion be entered in the Log Book at the time, and certified by the signatures of the master and the mate, or the master and one other credible witness; and the absence of a seaman from his ship for any time within twenty-four hours immediately preceding the sailing of the ship from any port, whether before the commencement or during the progress of any voyage, wilfully and knowingly without permission, or the wilful absence of a seaman from his ship at or for any time without permission, and under circumstances shewing an intention to abandon the same, and not return thereto, shall be deemed a desertion of and from the said ship; and in case any seaman shall desert in parts beyond the seas and the master of the ship shall engage a substitute at a higher rate of wages than that stipulated in the agreement to be paid to the seaman so deserting, the owner or master of the ship shall be entitled to recover from the deserter by summary proceeding, in the same manner as penalties are by this act made recoverable (so far as the same can be applied) any excess of wages or portion thereof which

such owner or master shall pay to such substitute beyond the amount which would have been payable to the deserter in case he had duly performed his service pursuant to his agreement—Provided always, that no seaman shall be imprisoned longer than three calendar months for non-payment of any such excess of wages.

X. And be it enacted, that if any person shall wilfully harbor or secrete any seaman or apprentice who shall have deserted from his ship, knowing or having reason to believe such seaman or apprentice to be a deserter, every person so offending shall for every such seaman so harbored or secreted forfeit and pay the sum of ten pounds, and no debt exceeding in amount five shillings, incurred by any seaman after he shall have engaged to serve shall be recoverable until the service agreed for shall have been concluded; nor shall it be lawful for any keeper of a public house, or of a lodging house for seaman, to detain any chest, tools, or other property of any seaman for any debt alleged to have been contracted by him; and in case of such detention of the chest, tools or other property of a seaman, it shall be lawful for any Justice of the Peace at or near the place, upon complaint upon oath to be made by such seaman, or on his behalf, to inquire into the matter upon oath in a summary way; and if it shall appear to such Justice that the alleged claim is fraudulent, or that the debt was not justly incurred to the full amount of the claim, by warrant under his hand and seal to cause such effects to be seized and delivered over to such seaman, and the person so detaining the same shall forfeit and pay a sum not exceeding ten pounds, at the discretion of such Justice.

(To be continued)

Resident's Office, Vasse,
Nov. 20, 1845.

Notice is hereby given, that a General Annual Licensing Meeting of Her Majesty's Justices of the Peace acting in and for the District of the Vasse, will be holden on Wednesday, the 31st day of December, at eleven o'clock in the forenoon, for the purpose of taking into consideration all applications which shall be made for licensing Public Houses for the ensuing year.

J. MOLLOY,
Resident Magistrate.

Colonial Secretary's Office, Perth,
November 18, 1845.

Tenders in triplicate will be received at this Office until Tuesday, the 2nd December, for supplying Fremantle Jail with 18 pairs of Duck Trousers.

Samples of the same to be forwarded to the Government Resident at Fremantle at least one week prior the opening of the tenders.

By His Excellency's command,
PETER BROUN.

COMMISSARIAT NOTICES.

Commissariat Office, Perth,
November 3, 1845.

TENDERS FOR TABLE.

TENDERS in triplicate will be received at this Office till Twelve o'clock on Tuesday, the 25th November, for providing a Table, 6x3, required for the Public Service.

Further particulars may be known on application at this Office, or to the Superintendent of Public Works.

W. H. DRAKE,
Dep. Asst. Commissary-General.

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