

WESTERN AUSTRALIAN
GOVERNMENT GAZETTE.

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FRIDAY, NOVEMBER 28, 1845.

[NUMBER 479]

ANNO SEPTIMO ET OCTAVO
VICTORIÆ REGINÆ
CAP. CXII.

[CONTINUED.]

XI. And be it enacted, that the master or owner of every ship shall and is hereby required to pay to every seaman his wages within the respective periods following,—that is to say, if the ship shall be employed in coasting the wages shall be paid within two days after the termination of the agreement, or at the time when any such seaman shall be discharged, whichever shall first happen, and if the ship shall be employed otherwise than coasting, then the wages shall be paid at the latest within three days after the cargo shall have been delivered, or within seven days after the seaman's discharge, whichever shall first happen, and in all cases the seaman shall, at the time of his discharge be entitled to be paid on account a sum equal to one-fourth of the balance due to him, and in case the master or owner shall neglect or refuse to make payment in manner aforesaid, he shall for every such neglect or refusal forfeit and pay to the seaman the amount of two days pay (to be recovered as wages) for each day not exceeding ten days during which payment shall, without sufficient cause, be delayed beyond the respective periods aforesaid.—Provided always, that nothing in this clause contained shall extend to the cases of ships employed in the southern whale fishery, or on voyages for which seamen, by the terms of their agreement, are wholly compensated by shares in the profits of the adventure.

XII. And be it enacted and declared that every such payment of wages to a seaman shall be valid and effectual in law, notwithstanding any bill of sale or assignment which may have been made of such wages, or of any attachment or incumbrance thereon, and that no attachment or sale of wages or salvage made prior to the accruing thereof, nor any power of attorney expressed to be irrevocable for the receipt of any such wages or salvage, shall be valid or binding upon the party making the same, and any attachment to be issued from any court whatsoever shall not prevent the payment of wages to any seaman; and if during the voyage the allowance of provisions which a seaman agreed to receive shall be reduced one third of the quantity or less he shall receive four pence per day, and if the reduction be more than one-third he shall receive eight pence per day, during the period such respective deductions may be made, and such pecuniary allowance shall be paid to him in addition to and be recoverable as wages.

XIII. And be it enacted, that upon the discharge of a seaman from any ship, or upon payment of the wages to him, he shall receive from the master, and the master is hereby required to give to him, not only his register ticket, but also a certificate of such seaman's service and discharge in the form set forth in schedule (E) to this act annexed, specifying the period of his service, and the time and place of his discharge, which certificate shall be signed by the master, and if the master shall not give such certificate to such seaman he shall forfeit and pay to him the sum of five pounds.

XIV. And be it enacted, that if three days after the termination of the stipulated service, or if three days after a seaman shall have been discharged, he shall be desirous of proceeding on another voyage, and in order thereto, or for any other sufficient reason, shall require immediate payment

of any amount of wages, not exceeding £20, due to him, it shall be lawful for any Justice of the Peace, in and for any part of Her Majesty's Dominions, or the Territories under the Government of the East India Company, where or near to the port or place where such service shall have terminated, or such seaman shall have been discharged, or the party or parties liable shall be or reside, on application from such seaman, and on satisfactory proof that he would be prevented from employment, or incur serious loss or inconvenience by delay, to summon such party or parties before him, and if it shall appear to the satisfaction of such Justice that there is no reasonable cause for delay to order payment to be made forthwith, and in default of immediate compliance with such order, such party or parties shall forfeit and pay to such seaman, in addition to his wages, the sum of five pounds.

XV. And be it enacted, that in all cases of wages not exceeding twenty pounds, which shall be due and payable to any seaman, it shall be lawful for any Justice of the Peace in and for any part of Her Majesty's Dominions, or the Territories under the Government of the East India Company, when or near to the place where the ship shall have ended her voyage, cleared at the Custom House, or discharged her cargo, or where or near to the place where the party or either of the parties upon whom the claim is made shall be or reside, upon complaint upon oath made to such Justice by such seaman, or on his behalf, to summon such party or parties to appear before him to answer such complaint; and upon the appearance of such party or parties or in default thereof, on due proof of him or them having been so summoned, such Justice is hereby empowered to examine the parties and their respective witnesses (if there be any) upon oath touching the complaint, and the amount of wages due, and to inspect any agreement or copy thereof, if produced, and make such order for payment of the said wages, not exceeding twenty pounds, with the costs incurred by the seaman in prosecuting such claim, as shall to such Justice appear reasonable and just; and in case such 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 to be due by distress and sale of the goods and chattels of the party on whom such order for payment shall be made, rendering to such party the overplus (if any shall remain of the produce of the sale) after deducting thereout all the costs, charges and expenses incurred by the seaman in the making and prosecuting the complaint, as well as the costs and charges of the distress and levy; or to cause the amount of the said wages, costs, charges and expenses to be levied on the ship in respect of the service on board which the wages are claimed, or on the tackle and apparel thereof, and if such ship shall not be within the jurisdiction of such Justice, or such levy cannot be made, or shall prove insufficient, then he is hereby empowered to cause the party upon whom the order shall be made to be apprehended and committed to the common gaol of the district or county, there to remain without bail until payment shall be made of the amount of the wages so awarded, and of all costs and expenses attending the recovery thereof; and the award and decision of such Justice as aforesaid shall be final and conclusive.

XVI. And be it enacted, that all the rights, liens, privileges and remedies (save

such remedies as are against a master himself) which by this act, or by any law, statute, custom, or usage, belong to any seaman or mariner, not being a master mariner, in respect to the recovery of his wages, shall in the case of the bankruptcy or insolvency of the owner of the ship, also belong and be extended to masters of ships or master mariners, in respect to the recovery of wages due to them from the owner of any ship belonging to any of her Majesty's subjects; and that no suit or proceeding for the recovery of wages shall, unless they exceed twenty pounds, be instituted against the ship, or the master or owner thereof, either in any Court of Admiralty or Vice-Admiralty Court or any Court of Record in her Majesty's Dominions, or the Territories under the Government of the East India Company, unless the owner of the ship shall be bankrupt or insolvent, or the ship shall be under arrest, or sold by the authority of any Admiralty or Vice Admiralty Court, or unless any Magistrate acting under the authority of this act shall refer the case to be adjudged by any such court or courts, or unless neither the owner nor master shall be or reside at or near the port or place where the service shall have terminated, or where any seaman shall have been discharged or put on shore.

XVII. And be it enacted, that whenever any ship whatever, belonging to any subject of her Majesty, shall be sold, transferred, or disposed of at any port out of her Majesty's Dominions, in all such cases (unless the crew in the presence of the British Consul, or Vice Consul, or in case of there not being any such Consul or Vice Consul, then in the presence of one or more British resident merchants not interested in the said ship, shall signify their consent in writing to complete the voyage if continued) or whenever the service of any seaman shall terminate at any place out of her Majesty's Dominions, the master shall and he is hereby required to give to each of the crew and to each of the seamen whose service shall terminate as last aforesaid, a certificate of discharge in the said form set forth in schedule (E), and also his register ticket, and besides paying the wages to which they shall respectively be entitled, either to provide them with adequate employment on board some other British vessel homeward bound, or to furnish the means of sending them back to the port in her Majesty's Dominions at which they were originally shipped, or to such other port in the United Kingdom as shall be agreed upon between him and them respectively, or to provide them with a passage home, or to deposit with the Consul or Vice-Consul, merchant or merchants as aforesaid, such a sum of money as shall be by them deemed sufficient to defray the expenses of the subsistence and passage of such seamen; and if the master shall refuse or neglect so to do, such expenses when defrayed by the consul or vice-consul, or any other person on behalf of the seamen, shall be a charge upon the owner of such ship, except in cases of barratry, and may be recovered against such owner as so much money paid to his use, together with full costs, at the suit of the consul or other person defraying such expenses, or as a debt due to her Majesty, in case the same shall have been allowed to the consul out of the public monies, and if defrayed by the seaman shall be recoverable as wages due to him; and in all cases of wreck or loss of the ship, every surviving seaman shall be entitled to his wages up to the period of the wreck or loss of the ship, whether such ship shall or shall not have previously earned freight, provided the

seaman shall produce a certificate from the master, or chief surviving officer of the ship, to the effect that he had exerted himself to the utmost to save the ship, cargo, and stores.

XVIII. And be it enacted, that every ship navigating between the United Kingdom and any place out of the same, shall have and keep constantly on board a sufficient supply of medicines and medicaments suitable to accidents and diseases arising on sea voyages in accordance with the scale which shall from time to time or at any time be issued by the Lord High Admiral or by the Commissioner for executing the office of Lord High Admiral, and published in the London Gazette; and every ship (except those bound to European ports or to ports in the Mediterranean Sea) shall also have on board a sufficient quantity of lime or lemon juice, sugar and vinegar to be served out to the crew whenever they shall have been consuming salt provisions for ten days; the lime or lemon juice and sugar daily after the rate of half an ounce each per day, and the vinegar weekly at the rate of half a pint per week to each person so long as the consumption of salt provision be continued; and in case any default shall be made in providing and keeping such medicines, medicaments, and lime or lemon juice, sugar and vinegar, the owner of the ship shall incur a penalty of twenty pounds for each and every default, and in case of default of serving out such lime or lemon juice, sugar or vinegar as aforesaid, the master shall incur a penalty of five pounds for each and every default; and in case the master or any seaman shall receive any hurt or injury in the service of the ship, the expense of providing the necessary surgical and medical advice, with attendance and medicines, and for his subsistence until he shall have been cured, or shall have been brought back to some port of the United Kingdom, shall together with the costs of his conveyance to the United Kingdom, be defrayed by the said owner of the ship without any deduction whatever on that account from the wages of such master or seaman, and, if paid by any officer or other person on behalf of her Majesty, the amount, with full costs of suit, shall be recovered as a debt due to her Majesty; and every ship having one hundred persons or upwards on board, and every ship the voyage of which shall be deemed under the provisions of an act passed in the sixth year of the reign of her present Majesty, intitled "An Act for regulating the carriage of Passengers in Merchant Vessels," to exceed twelve weeks, having fifty persons or upwards on board, shall have on board as one of her complement some person duly authorised by law to practice in this Kingdom as a Physician, Surgeon, or Apothecary, and in case of every default the owner shall incur a penalty not exceeding one hundred pounds.

XIX. And whereas in and by the said act passed in the sixth year of the reign of his late Majesty King William the Fourth, it was provided, that as soon as conveniently might be after the passing of that act, there should be established in the port of London an office to be called "The General Register Office of Merchant Seamen," which should consist of a Registrar and such assistants and clerks, with such salaries and allowances as should be fixed and regulated from time to time by the Lord High Admiral or the Commissioner for executing the office of Lord High Admiral of the United Kingdom for the time being, and that such office should be kept at the Custom House of the said port, and daily attendance be given thereat during the usual hours of business there; and that the said Registrar, his assistants and clerks, should be under the control and direction of the said Lord High Admiral or the Commissioner for executing the office aforesaid for the time being; and whereas such office was established under and in pursuance of the said act, and it is expedient to maintain and continue the same under the title of "The General Register and Record Office of Seamen," be it therefore enacted, that such

office, salaries and allowances, with every thing appertaining to the said office, shall be maintained and continued in manner and form, and subject to such regulations, directions and control as the said Lord High Admiral or the Commissioner for executing the office of Lord High Admiral for the time being shall have power to fix and regulate such fees as he or they may deem proper to be paid by the applicants for the inspection and copies of documents in the said office.

XX. And be it enacted, that every person, being a subject of her Majesty, intending to serve on board any ship subject to the provisions of this act (except as Master or Physician, Surgeon or Apothecary) shall and he is hereby required to provide himself with a register ticket, and for that purpose to apply personally at the General Register and Record Office of Seamen in London, or at the Custom House, or at the Custom Houses of the several outports of the United Kingdom, and every applicant is hereby required to answer truly, to the best of his ability, all the questions set forth in schedule (F) to this act annexed, before he shall be entitled to receive his register ticket; and no person shall serve in any capacity on board any ship subject to any of the provisions of this act (except the Master, Physician, Surgeon or Apothecary) who is not possessed of such register ticket; and the masters of all apprentices who shall be bound after the commencement of this act, or whose apprenticeship shall be in force when this act takes effect, shall, before commencing a voyage, bring all indentures and assignments of apprenticeship, together with the apprentices themselves, to the Registrar of Seamen in London, or to the Custom House of the nearest port, in order that each of such apprentices may be furnished with a register ticket, which ticket shall be annexed and kept annexed to the original indenture retained by the master, and shall be delivered up to the apprentice by the master at the expiration of his apprenticeship; and the Registrar of Seamen and the Collectors and Comptrollers of Customs respectively are hereby required to grant such tickets to all seamen and other persons requiring the same, and duly complying with the provisions aforesaid.

XXI. And be it enacted, that if any person shall alter or destroy a register ticket, or counterfeit, transfer, or traffic in, for gain or otherwise, any register ticket issued or purporting to be issued pursuant to the provisions of this act, he shall for every such offence be guilty of a misdemeanor; and any person becoming possessed of a register ticket, other than that legally issued to him, shall forthwith transmit the same to the Registrar of Seamen, and in case of default he shall for every such offence forfeit and pay a sum of twenty pounds.

XXII. And be it enacted, that if any seaman shall lose his register ticket he shall forthwith appear in person, and represent his case to the Registrar of Seamen in London, or the Collector or Comptroller of Customs at any of the outports; and he shall truly answer all reasonable questions put to him by the said Registrar or Officer of Customs; and if it appear that no fraud has been committed, and the loss was unavoidable, he shall be furnished with another register ticket; but if it appear that the seaman did not take due and reasonable care of his former ticket, or if he shall not give a satisfactory account of the same, he shall be liable to a penalty of not exceeding ten shillings and not less than two shillings, and shall not be entitled to any other ticket until such penalty shall be paid, and every person who shall apply for any ticket, and shall give a false answer to any reasonable question which may be put to him by the Registrar of Seamen, or his assistant, or by the Collector or Comptroller of Customs, with reference to the granting such ticket, shall be guilty of a misdemeanor.

XXIII. And be it enacted, that all District Registrars of Births, Deaths and Marriages, shall and they are hereby re-

quired to demand from the person registering the death of any seaman the register ticket of such seaman, and if delivered to any such Registrar, he shall forthwith forward the same to the Registrar of Seamen; and no person, other than the said Registrar of Seamen, shall retain the ticket of a deceased seaman; and if any person shall retain any such ticket for more than twenty days after the death of any such seaman, or ten days after the arrival of the ship in the United Kingdom should the seaman die abroad, he shall be liable to a penalty of not exceeding five pounds in respect of every such register ticket so detained.

XXIV. And be it enacted, that a list shall be prepared from time to time by the Registrar of Seamen, setting forth the number of all the register tickets that have been cancelled by reason of the death of seamen or otherwise, within the preceding six calendar months; and such lists shall be published half-yearly in the London Gazette, and shall also be transmitted by the said Registrar from time to time to the Collectors and Comptrollers of Customs, to be by them conspicuously exhibited in Custom Houses and other stations of their respective ports, and copies of such lists shall be delivered to any master or owner on application; and every master or owner entering into an agreement with any seaman producing such cancelled ticket shall be liable to and incur a penalty of not exceeding five pounds; and every seaman tendering or delivering to a master a cancelled ticket, not legally issued to him, or falsely representing himself to be a foreigner, shall forfeit to the owner all wages which shall become due to him during the service for which he shall agree or shall have agreed.

(To be continued)

Colonial Secretary's Office, Perth,
November 26, 1845.

His Excellency the Governor has been pleased to direct the publication for general information of the following notice which has been extracted from the New South Wales Government Gazette of the 12th August last.

By His Excellency's command,
PETER BBOUN.

Colonial Secretary's Office, Sydney,
August 12, 1845.

His Excellency the Governor has been pleased to direct the publication of the following amended sailing directions for the passage through Endeavor Strait, prepared by Lieut. C. B. Yule, R.N., commanding H.M.S. Bramble.

It is intended that the present shall be substituted for the temporary sailing directions for the same passage published in the Government Gazette of the 30th May last, which were prepared before Lieut. Yule's survey was in a complete state.

His Excellency further directs it to be notified, that a chart of this passage, on a much larger scale than that already published by the Government has been lithographed, and will in like manner be substituted for the sketch referred to in the notice of the 30th May last.

Complete sets of the charts, &c., relating to Torres Straits which have been published by the Government may be obtained from the Post Master, Sydney, and the Harbor Master, Melbourne, at a charge of five shillings per set, each set including the following:—

1. A chart of the passage from Raine's Island to Cape York, with corresponding sailing directions.
2. A chart of the passage through Endeavour Strait with corresponding sailing directions.
3. A lithographed sketch of the Beacon on Raine's Island.

By His Excellency's command,
E. DEAS THOMSON.

SAILING DIRECTIONS FOR ENDEAVOUR STRAIT.

Vessels coming from the southward and eastward, drawing above fifteen feet water,

should after having passed the Brothers and Albany keep a good look out for a rock situated nearly midway between Cape York and Mount Adolphus; this rock is laid down in the Admiralty chart by Captain King, it has since been examined by an officer of H.M.S. Fly who found only four fathoms on it, which being reduced to the low water level would be barely three fathoms; there is deep water round it. From this rock the S.W. extremity of the table of Mount Adolphus bears N. 53 E. 4 3/4 miles, Cape York S. 67 W. 4 miles, rock a N. 52 W. 6 miles, and Albany rock which has a conspicuous white summit S. 42 E. 3 1/4 miles. Having passed this shoal a direct course to the westward may be shaped, passing about one mile northward of York Island; from this position the course will be W. 3/4 S. 10 1/2 miles (always allowing for tide), which will lead to abreast of the western passage into Endeavour Strait; it may be entered by two others between the Possession Isles, which are both perfectly safe, but as the former is twice as broad as either of the others, with deeper water, and less tide, I consider it the best of the three. When abreast of this opening steer S.S.W. 1/4 W., or nearly midway between Entrance Island, which is high and rocky, and the two westernmost of the Possession Isles, which are close together, and thickly covered with wood. Having passed through this opening, continue the same course S.S.W. 1/4 W. until Barn Islet, which is small but high and rugged, bears S. 42 E. 3 1/4 miles, and the two woody islets are in one bearing N. 35 E.; the next course will be W. 3/4 S. 15 miles, or, as the Wallace Isles will now be visible from the masthead, steer such a course as will lead two miles to the northward of the northern or Red Wallis Island; when it bears South, distant two miles, the given course (W. 3/4 S.) is still to be continued ten miles, or until Booby Island, which may be seen from the masthead, bears N. 5 E. Care must be taken not to keep to the southward of the course W. 3/4 S.) as a very narrow sand bank extends from Red Wallis Island west six miles, having only two fathoms on its western extremity. The passage here is the narrowest part, and is two miles broad; the least depth being sufficient for the largest ships, with the exception of a small sandy knoll, on which I got three fathoms. A vessel having proceeded so far west as to bring Booby Island to bear N. 5 E., I consider she will then have passed through the Strait, and may shape a course northward and westward according to her destination. That portion of the Strait between the Possession Group and Wallis Islands is quite clear of shoal water having a uniform depth of seven fathoms and upwards, the nature of the bottom being generally coral stone.

The spring tides between the Possession Isles sometimes run five knots per hour; the ebb N.N.E. five hours; and the flood seven hours S.S.W.; the range is nine feet six inches. At the Wallis Islands I found the tides too irregular to enable me to give any definite information with regard to the time of high and low water, or at what time the set of the tide east or west changes. The range is seven feet, and the greatest velocity is two knots per hour. The ebb runs east, and the flood west.

* All the bearings and courses are magnetic, and the soundings are reduced to the lowest spring tide levels.

I generally found that the direction of the tides in all parts of the Strait accorded with the trend of the channels.

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

In publishing last week the Half-Yearly Return of the aggregate average amount of the Weekly Liabilities and Assets of the Bank of Australasia, having merely given, through inadvertency, the total amount of liabilities and assets, instead of the full particulars, His Excellency the Governor has been pleased to direct the re-publication of the same.

By His Excellency's command,
PETER BROUN.

Half-Yearly Return of the aggregate average amount of the Weekly Liabilities and Assets of the Bank of Australasia within the Colony of Western Australia, from the 15th day of April, 1845, to the 13th day of October, 1845, inclusive. Published pursuant to Royal Charter.

<i>Liabilities.</i>		£	s.	d.
Bills in circulation not bearing interest.....		165	11	5
Notes in circulation not bearing interest.....		1,310	0	0
Bills and notes in circulation bearing interest.....		nil.		
Balances due to other Banks		nil.		
Cash deposited not bearing interest.....		1,635	3	9
Cash deposited bearing interest.....		590	0	3
Total Liabilities within the Colony.....		3,700	15	5
<i>Assets.</i>		£	s.	d.
Gold, silver, and other metals Landed property (Bank premises).....		1,331	1	7
Bills of other Banks.....		1,500	1	4
Balances due from other Banks.....		nil.		
Debts due to the Corporation, including notes, bills, and other securities....		13,902	12	1
Total assets within the colony.....		16,733	15	0

M. MACDERMOTT, *Manager.*

H. J. ANDREWS, *Pro-Accountant.*

I declare the foregoing particulars to be true to the best of my information and belief.

M. MACDERMOTT,
Manager.

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

TENDERS FOR TROUSERS.

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.

Licensing Meeting.

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

Notice is hereby given, that a General Annual Licensing Meeting of Her Ma-

jeesty'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.

COMMISSARIAT NOTICES.

Commissariat Office, Perth,
November 24, 1845.

TENDERS FOR WHEAT.

THE Deputy Assistant Commissary-General hereby gives notice, that Sealed Tenders in triplicate will be received at this Office on Wednesday, the 7th January, 1846, from such person or persons as may be willing to supply, for the use of Her Majesty's Service,

[1500] FIFTEEN HUNDRED BUSH-ELS OF COLONIAL WHEAT,

[60] sixty pounds per bushel, the growth of the harvest of 1845, and to be delivered before the 31st March, 1846.

The Wheat to be of unexceptionable quality, free from moth, smut, and drake, and to be delivered at such place as the Commissariat Officer in charge may direct, free from any charge to the Government, at the risk of the contractor.

The Wheat to be subject to the approval of a Board of Survey before payment is made.

No Tender will be accepted for a less quantity than [100] one hundred bushels; and the parties whose tenders are accepted will be required to enter into a bond, with two good sureties for the due performance of their contract.

Payment for these supplies will be made by Bills at thirty days' sight on the Right Honourable the Lords Commissioners of Her Majesty's Treasury, payable in London at par.

Any further information may be known on application at this Office.

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

Commissariat Office, Perth,
November 24, 1845.

TENDERS FOR GRINDING.

SEALED TENDERS in triplicate will be received at this Office on Tuesday, the 23rd December, 1845, from such person or persons as may be willing to GRIND such quantities of

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as may be required for the use of the Commissariat Department from the 1st April, 1846, to 31st March, 1847.

The Tenders to express the price per bushel of (60) pounds, and the quantity of 20 per Cent. Flour and Bran returned therefrom.

Two Sureties will be required for the due performance of the Contract.

Payment for this service will be made by Bills drawn at par upon the Right Honourable the Lords Commissioners of Her Majesty's Treasury, at thirty days sight.

Further particulars may be known on application at this Office.

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

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