



WESTERN AUSTRALIA.

ANNO QUARTO

VICTORIÆ REGINÆ.

No. 4.

An Act to provide more suitable remedies in case of Seamen deserting from the Merchant Service in this Colony.

Preamble.

WHEREAS much inconvenience has been felt in this Colony for want of power to put seamen on board of their ship, previous to its proceeding to sea, who have deserted therefrom, whereby many such persons have been left behind, to the injury of the Master or Owner or Owners of such ship, as well as to the detriment of the colony:—Be it therefore enacted by the Governor of Western Australia, and its Dependencies, by and with the advice and consent of the Legislative Council thereof, that if any seaman, or mariner, who shall have arrived in any ship or vessel at any port within this colony, and who shall not have completed the voyage or term for which he contracted to serve, shall desert, or absent himself from any such ship or vessel, upon application made to any of Her Majesty's Justices of the Peace for the

Seamen deserting from any ship to be imprisoned till the ship is ready to proceed to sea.

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said colony by the Master or Commander, or other person having charge of such ship or vessel to which such seaman or mariner did belong, it shall be lawful for such Justice of the Peace, and he is hereby required, to issue his warrant to apprehend such seaman or mariner, and cause him to be brought before any two or more Justices of the Peace of the said colony, and in case such seaman or mariner shall refuse to return to his duty, or to proceed on the voyage which he contracted to perform, or shall not give a sufficient reason for such refusal, then it shall be lawful for such Justices to commit such seaman or mariner to gaol or other place of safe custody, there to remain until he shall consent to return to his duty on board of such ship or vessel, or until such ship or vessel shall be ready to proceed to sea, and it shall be lawful for any one Justice of the said colony, and he is hereby required, as soon as such ship or vessel shall be ready to proceed to sea, to cause such seaman or mariner to be conveyed on board of such ship or vessel, and there delivered to the Master or Commander or other person having charge thereof.

II. Provided always and be it further enacted, that every Master or Commander or other person making such application as aforesaid shall before any such warrant shall be issued by any Justice as aforesaid, undertake jointly and severally with one or more Housekeepers residing within the said colony, in the presence of such Justice, to pay for the maintenance of such seaman or mariner, to the Gaoler or other person in whose custody he shall be placed, at the rate of One Shilling per day for every day such seaman or mariner shall be so left in custody, and all reasonable expenses of conveying such seaman or mariner on board of such ship or vessel, and also to give due notice to such Justice or to any Justice of the Peace for the said colony residing near the place of confinement, of his intention to proceed to sea, at least twenty-four hours before the sailing of such ship or vessel; and in case such Master, Commander, or other person shall neglect to give such notice, and to pay such daily allowance, and reasonable expenses as aforesaid, then, in either such case, the said Master or Commander of such ship or vessel, and the housekeepers so undertaking, shall severally be liable for the amount thereof; and the same shall and may be recovered in a summary way before any Justice of the Peace within the said colony and levied by distress and sale of the offender's goods, and shall be paid as soon as recovered into the hands of the Colonial Treasurer and, be appropriated to the use of Her Majesty, towards the support of the Government of this colony.

Prov'd so,
Master to pay for the
maintenance of such
seaman.

Which may be re-
covered summarily
and levied by distress
and sale.

III. AND be it further enacted that this Act shall be and continue in force for two years from the date of its passing the Legislative Council.

Act to continue for
two years.

“JOHN HUTT,”

GOVERNOR AND COMMANDER-IN-CHIEF;

Passed the Legislative Council,

the 2nd day of July, 1840.

WALKINGSHAW COWAN,

Clerk of the Council.