

No. VI.

ISLANDERS' SHIPPING
ENGAGEMENTS. — **An Act to protect the Aboriginal Natives of
the Islands of the Pacific Ocean from
imposition when engaging as Seamen.
[17th July, 1879.]**

Preamble.

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

Short title of Act.

1. This Act may be cited as the "Islanders' Shipping Engagements Act."

Islanders to be
engaged before Ship-
ping Master.

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

Islanders' Shipping Engagements.

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

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

4. If any master shall engage or enter into an agreement Penalty. with any islander in contravention of the provisions of either of the preceding sections he shall be liable to a penalty not exceeding fifty pounds and not less than five pounds which may be recovered and applied in the same manner as a penalty under the "Seamen's Laws Consolidation Act of 1861" is directed to be recovered and applied. Provided always that proceedings under this section shall be commenced within either six months from the expiration or other determination of such engagement or agreement or within six months from the time of such master's return to the Colony.

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

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

Islanders' Shipping Engagements.

SCHEDULE.

SHIP'S ARTICLES OF AGREEMENT.

Intercolonial and (or) Foreign-going.

No.

Name of Ship.	Official No.	Port of Registry.	Port No. and date of Register.	Registered Tonnage.	Nominal horse-power of Engines.

Managing Owner.		Master.		
Name.	Address.	Name.	No. of Certificate.	Address.

An agreement made in pursuance of the "Islanders' Shipping Engagement Act" between

the

of the

all of the Port of Sydney New South Wales of
which vessel

is the present Master and the several persons whose names are subscribed hereto.

And the said crew engage to conduct themselves in an orderly faithful honest careful and sober manner and to be at all times diligent in their respective duties and to be obedient to the lawful commands of the master in everything relating to the said ship and the materials stores and cargo thereof whether on board such ship or in boats or on shore²

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

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

Name _____

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

* Here may be inserted any other clauses which the parties may think proper to be introduced into the agreement provided that the same be not contrary to or inconsistent with the provisions and spirit of this Act.

Islanders' Shipping Engagements.

Agreement No.

Name of Ship

Particulars of Engagement.										Particulars of Discharge &c. To be filed in by the master upon the discharge death or desertion of any member of his crew.			Release (late M).						
Signature of Crew.		Town or country where born.		Ship in which he last served.		Date and place of joining this Ship.		In what capacity or engineer No. of his master or mate and if master of his ship.		Amount of wages per calendar month run or voyage. In cases of remunera- tion by share or lay.		Amount of weekly or monthly allotment.		Signature of Superintendent of Customs or officer of Consul or Customs.		We the undersigned members of the crew of this ship do hereby release this ship and the master and owner or owners thereof from all claims for wages or otherwise in respect of this voyage.		Signature or members of the crew on the line on which he signed in col. 1).	
Age	State name and official No. or port she belonged to.	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	9	
1	2																		
1																			
2																			
3																			

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

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