

(No. 39.)



1867.

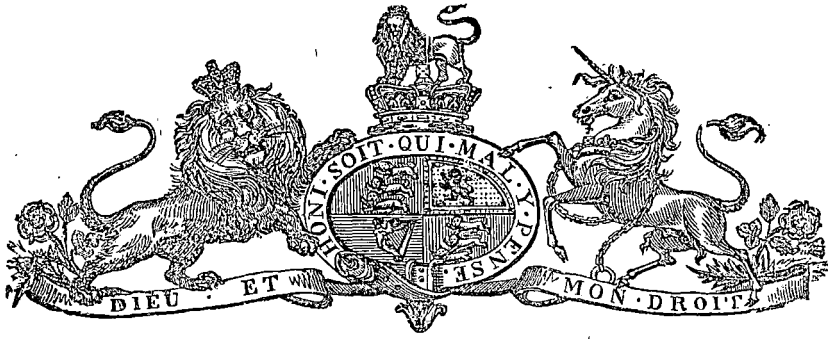
T A S M A N I A.

LEGISLATIVE COUNCIL.

M E R C H A N T S E A M E N A C T.

P E T I T I O N F O R A M E N D M E N T.

Presented by Mr. Fysh, September 17; and ordered by the Council to be printed,
September 18, 1867.



To the Honorable the President and Members of the Legislative Council of Tasmania, in Parliament assembled.

The humble Petition of the undersigned Clothiers, Outfitters, and Shopkeepers of the City and Port of Hobart Town, in Tasmania.

MOST RESPECTFULLY SHOWETH :

THAT your Petitioners, in their several capacities, furnish supplies and necessaries to Merchant Seamen of, or arriving at, the Port of Hobart Town aforesaid.

That by the Merchant Seamen Act of 1859 it is enacted, by Sections 78 and 79, as follows :—

78. No wages or lay accruing to any Seaman or Apprentice shall, except as provided by this Act, be subject to attachment from any Court ; and, except as aforesaid, every payment of wages or lay to a Seaman or Apprentice shall be valid in law, notwithstanding any sale or assignment of such wages or lay, or of any attachment or encumbrance thereon ; and no assignment or sale of such wages or lay, or of any salvage made prior to the accruing thereof, shall bind the party making the same ; and no power of attorney or authority for the receipt of any such wages, lay, or salvage shall be irrevocable.

79. No debt exceeding in amount the sum of Five Shillings, incurred by any Seaman after he has engaged to serve, shall be recoverable until the service agreed for is concluded.

That the practical effect of these provisions of the law is to encourage Seamen so disposed to cheat and defraud your Petitioners and others dealing with them of the value of clothing and necessaries supplied to them,—being necessaries in sea-going ships, and without which the Seaman could not proceed to sea.

That your Petitioners humbly represent to your Honorable Council their sense of the wisdom of Parliament in legislative protection to the Seaman against imposition ; yet they venture to hope that Parliament will also extend to themselves (being honest traders) a similar protection, which they respectfully submit is not accorded by the Act referred to.

That your Petitioners, if they can succeed in showing a grievance, have full confidence in the wisdom and justice of the Legislature in affording a remedial enactment ; so that mutual protection may be extended both to the Tradesman and his customer.

That your Petitioners humbly submit to your Honorable Council that no injury could possibly arise to the Owner, Captain, or Seamen of any vessel, if the former were authorised by law to retain and pay out of accrued seamen's wages, lay, or salvage the amount of any order, first ascertaining that goods were supplied to the value by the Tradesman ; and the more particularly as the Master, as the law stands, has the option to discharge a Seaman before the termination of his agreement of service in any Colonial Port.

That your Petitioners are informed, and believe, that the provisions or amendment they humbly pray for are in force in the other Ports of the Australian Colonies, and they are therefore emboldened in making known their grievances to your Honorable Council.

Your Petitioners therefore humbly and respectfully pray that your Honorable Council will be pleased to sanction some remedial measure, to give effect to a mutual protective enactment both to the Seaman and the Tradesman.

And your Petitioners will ever pray, &c.

Hobart Town, September, 1867.

[Here follow 19 Signatures.]

WE, the undersigned Owners, Masters, and Seamen of the Port of Hobart Town, humbly and most respectfully beg to express concurrence in the prayer of the above Petition.

[Here follow 28 Signatures.]

JAMES BARNARD,
GOVERNMENT PRINTER, TASMANIA.