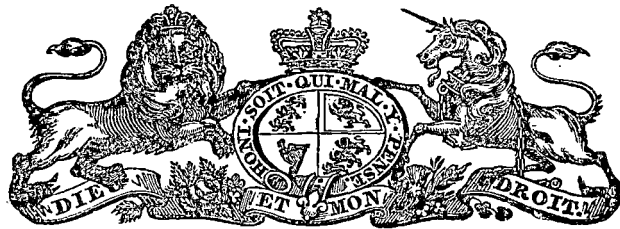


(No. 26.)



1857.

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T A S M A N I A.

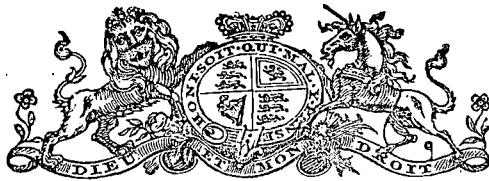
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P E T I T I O N.

H. THOMPSON;

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Presented by Mr. Matthews, and ordered by the House to be printed, 3 November,  
1857.



*To the Honourable the Speaker and Members of the House of Assembly of Tasmania, in Parliament assembled.*

The humble Petition of Henry Thompson, a British Able Seaman, at present sailing out of the Port of Hobart Town, in Tasmania.

RESPECTFULLY SHOWETH :

THAT your Petitioner is a native of London, in England, aged twenty-nine, and an Able Seaman sailing under the British Flag.

That on the eleventh day of February, One thousand eight hundred and fifty-seven, your Petitioner engaged at the port of Gravesend, in Kent, near London, with Captain Kruger, master of the Hanoverian brig *Amasis*, as an Able Seaman, at the monthly wages of Two Pounds and Ten Shillings for a voyage from the said Port to Hobart Town, there to be discharged, provided your Petitioner so wished. This was the distinct verbal agreement upon which your Petitioner shipped in such Vessel, which was manned by a crew of Foreigners, the only Englishman on board being your Petitioner.

That your Petitioner, before concluding the engagement on shore at Gravesend, requested the Captain to take your Petitioner before the Officer at that Port whose duty it was to ship Seamen; but it being very early in the morning your Petitioner was unable to see such Officer, and the vessel being ready for sea, your Petitioner, on receiving Five Pounds advance, which he remitted to his aged and infirm mother in London, consented to proceed in the said vessel without going through the forms of Law applicable to the shipping of Seamen.

That, after going on board the said vessel, the Captain presented to your Petitioner a folded paper, with a request that he would sign it, saying, "All that is required is your name and mine, and the rate of wages:" that your Petitioner then signed such paper, but did not see any names, printing, or writing thereon, and trusted to the Captain's honour that all was right.

That the said vessel was One hundred and thirty-eight days making the passage from Gravesend to this Colony, during the whole of which protracted period your Petitioner acted as an Able Seaman without any complaint being alleged against him, either of neglect of duty or inefficiency.

That on the arrival of the *Amasis* at Hobart Town, and after she was duly moored alongside the Wharf, your Petitioner repaired on shore at night in company of the Chief Mate, remaining there, and returning unmolested.

That on the following day your Petitioner requested the Captain to give him his discharge, and also to pay him the balance of wages due to him, namely, Five Pounds and Fifteen Shillings, to which your Petitioner was in equity entitled, and of which he stood in great and urgent need, for the purpose of purchasing clothing and other necessary articles.

That your Petitioner on the evening of that same day went on shore as usual, and remained between two and three hours; but on returning about ten o'clock at night, steering a direct course for the ship, still in company of the Mate, and also of a brother sailor, your Petitioner was arrested by two Constables, without any legal warrant, by order of the Captain, taken to the Watch-house, and charged before the night constable with being absent from the ship *Amasis* without leave.

That your Petitioner was thrown into a cold, miserable, damp cell, like a felon, and deprived of his liberty for Twelve Hours. At ten o'clock the next morning your Petitioner was placed at the Bar of the Police-office, and charged with the said offence, which was dismissed as unfounded; notwithstanding which he was still held in custody and taken on board the ship by a constable, thereby having to undergo the humiliating degradation of passing through the public streets under police escort. On reaching the vessel the constable had a private conversation with the Captain, after which your Petitioner was conveyed back to the Police Court in custody; and after being exhibited there three hours, your Petitioner was further charged upon an information, preferred by the Captain, with having deserted from the *Amasis* as an articed seaman, which information was adjourned till Monday, on the legal adviser of your Petitioner undertaking that he should appear thereto.

That your Petitioner duly appeared to answer such information on the twenty-ninth of June, which information was dismissed on the ground that your Petitioner was not a legally articed seaman of the *Amasis*.

That your Petitioner then demanded his wages; whereupon the Agent of the Ship stated that your Petitioner was not an articulated seaman of the vessel, and that he should not get a penny if it cost him (the Agent) fifty pounds.

That your Petitioner, finding himself thus cruelly and unjustly used, laid an information under the "Master and Servant Act" for non-payment of his wages. Upon the case coming on, your Petitioner has to complain that in the Court were arrayed against him, not only the Captain and Agent, but likewise the Shipping Master of this Port. The information was, however, dismissed, and the Captain advised by the Bench to pay the wages, which advice was unheeded; and your Petitioner has thus been wronged out of his hard-earned wages without any legal means of redress, and even up to this moment the wages of your Petitioner have not been paid, but technical objections used as a shelter against the payment of his just claim.

That your Petitioner has especially to complain of the conduct pursued towards your Petitioner by the Shipping Master of this Port, who, instead of espousing the cause of your Petitioner, actually threw the weight of his official influence on the side of the Captain and Agent of the ship,—acting, in reality, the part of an advocate for them, to the injury and defeat of your Petitioner. Your Petitioner has now to state that the improper partiality of the Shipping Master in the case is apparent from the fact that he addressed the legal adviser of your Petitioner outside of the Police Court in the following words:—"I will bet you a new hat that we" (meaning, of course, the Captain and Agent) "win the case;" and subsequently he said, "We will give you half the wages; I" (meaning the Shipping Master) "think that is plenty."

That your Petitioner would most respectfully state for the information of your Honourable House, that a large Public Meeting took place in this City, on Tuesday, the 14th day of July last, in reference to the case of your Petitioner, at which Meeting the following Resolutions were unanimously adopted:—"That this Meeting having heard detailed the facts of the cruel treatment which Henry Thompson, an Able British Seaman, late of the Hanoverian brig *Amasis*, has received, in his having been subjected to false imprisonment, and afterwards illegally detained in custody, and also in having been unjustly wronged out of the wages which he had earned during a voyage of One hundred and thirty-eight days from Gravesend to Hobart Town, hereby records its deep sympathy in his behalf, and its unqualified condemnation of such unwarrantable treatment. That this Meeting is of opinion that Clause 57 of the Police Act, authorising the apprehension by any constable of a Seaman who may be found on shore in this Port after 9 o'clock at night or before sunrise in the morning is not only repugnant to a Free Colony, but a grievous infringement of the liberty of the subject, and especially of the liberty of a Seaman trading to and from this Port, and ought therefore at once to be repealed. That the Law in force in this Colony for the protection of British Seamen is radically defective, inasmuch as a commander of a Foreign vessel who may engage an English sailor in a British Port for a portion of a voyage to this Colony, on arrival, as is established in Thompson's case, is enabled to deprive such seaman of his wages; and this Meeting would therefore earnestly press upon the Government, as a matter of common justice, the necessity of causing an enactment to be introduced into Parliament to prevent the recurrence of a similar case of injustice as that of which the seaman Henry Thompson has been subjected. That, in the opinion of this Meeting, the Officer charged with the responsible and important duties relating to the shipping of Seamen in this Port should discharge those duties without favour or affection as between Owners and Captains of vessels and Seamen; and in order to secure that necessary object, the Shipping Master should be required, on assuming his functions, to make a written declaration to that effect before a Justice of the Peace, and on a violation of such declaration he should be liable, on proof thereof, to forfeit a heavy pecuniary penalty; and further this Meeting would suggest that the only proper person to hold the office of Shipping Master should be a nautical man, as is the case in other parts of the world."

Your Petitioner therefore most humbly prays that your Honourable House would be pleased to take the circumstances herein set forth into its serious consideration, with the view of causing a Law to be passed to provide against the injustice and cruelty to which your Petitioner has been subjected in having been deprived of the wages justly due to him, and his liberty as a British seaman infringed by his having been unwarrantably apprehended like a felon and incarcerated in a cell; and, lastly, your Petitioner, as a seaman of sixteen years' experience, would further respectfully pray that steps may be taken to appoint a fit and proper person to act as Shipping Master in this Port, who ought to be a gentleman who has acquired experience as a nautical man, and who would then be able to deal with British seamen, who have to brave the dangers of the deep, and who form an essential element in any community, as they have a right to be treated.

And your Petitioner, as in duty bound, will ever pray, &c. &c.

HENRY THOMPSON, *Able Seaman, now of the Balmoral, Hobart Town.*