

followed (in Sydney), the row could not have occurred on board the "Iserbrook" (*see* my letter of 15th September, 1877).

[Although this may be admissible under Victorian law, it is in principle objectionable that seamen should be engaged in a manner compatible with an imperfect knowledge of the terms on which they are engaged.]

5. Victoria says the forms of agreement are similar to those in use by the Board of Trade. I have not a Victoria form, nor do I remember the "Loelia's;" but seamen tell me that colonial forms are all alike. I send herewith an old New Zealand form I happen to have: it is almost identical with the New South Wales form, and you will look in vain for any column for receipt of wages in it. I have learned since that these receipts are given on printed forms, for which a fee is charged, as is also the fee charged for the agreements. I fail to find any authority in the Merchant Shipping Act for this.

[The column showing what wages are paid on discharge is very valuable. Without it the Government authorities have no means of checking the accounts between masters and seamen discharged abroad. Its absence encourages irregular discharges, and collusion between masters and men for desertion.]

I think I remember an Adelaide flour-ship having the proper form—Eng. 1, late A.A.C. and M.

6. New South Wales denies that a fee of 5s. is charged for a "permit" to ship, but admits the charge of 3d. I have already shown how my error as regards the sum originated (*see* letter 31st May, 1878); but that is of no consequence—the principle is the same, and *that* I attack. Victoria and New Zealand admit the 5s. charge, and put their own construction on it. That has nothing to do with me. I am an Imperial officer placed in a certain position to look after, among other things, the interests and rights of British sailors; and when I see these infringed I will protect them and report the causes to the Board of Trade.

[It is doubtful how far the Consul's position as an Imperial officer entitles him to criticise practices allowed by colonial law and regulations; but there can be no doubt that, whether as Consul or independently, he does good service in calling attention to practices, in colonies and elsewhere, that have injurious effects upon British subjects. The practice of charging a sum for a "permit" is practically a condonation of an offence—desertion—or a fine for neglect—not always the neglect of the seaman—and is on these accounts objectionable; but, when there exists a practice, in the same colony, of depriving seamen of discharges, it at once becomes unjust, and little less than extortion.]

7. As regards the denial that certificates of discharge are taken from the sailors, I can only repeat what the men themselves, uncontroverted by the masters present, have told me. Mr. James Marter (*see* his statement annexed to letter above quoted) has just affirmed to me that, at this moment, the Shipping-master in Sydney has possession of his certificates. He (Marter) is returning to England by this mail, to look after his property. I have directed him to call at the Board of Trade and place himself at your disposal (giving him a letter of introduction to Mr. Monkhouse). This he has promised to do, and he will be able to afford you some information as to shipping practices out in these colonies.

8. I have already forwarded the statements made by Whitehead and Marter in the "Iserbrook" case: I now enclose another statement, *on oath*, made by a Mr. Mair, a gentleman by birth and education, and highly connected in New Zealand, who accidentally came to my office yesterday. It shows how things are conducted in that colony.

9. New Zealand, while denying that certificates of discharge are taken away, says, "I have heard, however, that the Shipping-master in Newcastle, New South Wales, deprives seamen of their discharges, and retains them in his office"! Are the practices different at the different ports of New South Wales? Apparently not, according to Marter; and, if Marter's certificates are retained, either at Newcastle or Sydney, why should he be charged 5s. for a "permit to ship," if he finds himself in Auckland or Melbourne?

[Further inquiry seems to be required about this practice, which is objectionable on all grounds. It is not fair to deprive a man of proofs of good service. The effect of doing so, among other evils, is to degrade the good workers to the level of the bad, the steady man to the deserter.]

10. As regards New Zealand's statement that certificates of discharge are used similar to those sanctioned by the Board of Trade—I presume to that annexed—I can only say a sailor deliberately refused to take such a one, and tore it up in my presence as useless, when I forced it on him; and his master filled up the spaces in a square sheet, which he said was the form used, and signed it, as I refused so to do. He said the man would probably have to pay the 5s. "permit-to-ship" fee. I begged him, if such was the case, to report at once to me, and I would refer the matter to the Board of Trade.

[The most important difference between the Board of Trade discharge form (Dis. 1) and this is, that it contained a report of character. Any regulations or conditions that tend to make seamen prefer discharges without certificates of character tend to lower the service. The Consul would have done better to have signed it.]

11. I have no further observations to make, except that I hope the Board does not think I invented the statements. They have been reiterated to me by sailors and others over and over again. I cannot interfere with the Shipping-masters. I did protest against agreements that permitted the master "at his option" to discharge his men on any island in the South Seas, and I gained my point; but I cannot interfere in what are evidently recognized practices. I can only report to the Board of Trade. This I have done.

[The representations of Mr. Layard on this and other points have been productive of reform.]

I have, &c.,

E. C. LAYARD,

H.B.M. Consul.