

ABSTRACT.

shall so absent himself, or neglect or refuse to work as aforesaid, forfeit Two Days Pay to such Hirer or Employer; and if any such Seaman or Fisherman shall wilfully absent himself from his said Duty or Employ for the Space of Five Days, without such Leave as aforesaid, he shall be deemed a Deserter, and shall forfeit to such Hirer or Employer all such Wages as shall at the Time of such Desertion be due to him (except so much as is herein-before directed to be reserved and retained for the Purpose of paying his Passage Home); and it shall and may be lawful to and for the Governor of *Newfoundland*, or his Surrogates, or the Commissary of the Vice Admiralty Court for the Time being, or for any Justice of the Peace in *Newfoundland*, to issue his or their Warrant or Warrants to apprehend every such Deserter, and on the Oath of One or more credible Witness or Witnesses to commit him to Prison, there to remain until the next Court of Session which shall be holden in pursuance of the Commission of the said Governor for the Time being; and, if found guilty of the said Offence at such Session, it shall and may be lawful to and for the said Court of Session to order such Deserter to be publicly whipped as a Vagrant, and afterwards to be put on board a Passage Ship, in order to his being conveyed back to the Country whereto he belongs.

REMARK.

their employer, who has no remedy under the authority of the Act but the right of detaining twenty days pay, which at the very utmost calculation cannot exceed three pounds. This sum, it must be confessed, can be no object of loss or gain to either party; and as it does not afford a sufficient recompense for the injury which an individual may sustain, there can be no doubt but the wisdom and justice of parliament will acknowledge the necessity of securing the merchants from fraud and oppression, as well as the seamen and fishermen who are employed by them. It is also provided, in the clause above-mentioned, that seamen and fishermen shall be deemed deserters if they absent themselves *five days* from their employers without leave; but this absence of five days must be in *immediate succession*, which not only leaves the merchants or hirers of seamen or fishermen exposed to the same injury as before, but also to insult, as a troublesome scoundrel has it in his power to evade the intention of the legislature by returning to his duty on the fourth or fifth day, and abandoning it again on the sixth.