

No. III.

An Act to prevent the Desertion of Seamen belonging to Foreign Ships and Vessels. [30th October, 1846.]

DESERTION OF
FOREIGN SEAMEN.

WHIEREAS ships and vessels belonging to Foreign States from time to time visit the ports harbours and roadsteads of New South Wales and the desertion of seamen from such ships and vessels while in the said ports harbours and roadsteads has been productive of much inconvenience and mischief to such ships and vessels For remedy of the same Be it enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That if any seaman belonging to the crew of any Foreign ship or vessel shall desert therefrom or otherwise abscond or absent himself from his duty while such ship or vessel is lying within any port harbour or roadstead of New South Wales it shall and may be lawful for any Justice of the Peace for the City of Sydney Town of Melbourne or for any other part of the Territory of New South Wales on complaint in writing made thereof by the Consul Vice-Consul or Consular Agent of the Nation to which such ship or vessel shall belong and on the deposition of the master of such ship or vessel of the fact of such desertion absconding or absence from duty to issue his warrant for the apprehension of such seaman and in case such seaman shall refuse to return to his duty on board the said ship or vessel or shall not give a sufficient reason for such refusal to place such seaman at the disposal of the said Consul Vice-Consul or Consular Agent or at the request of such Consul Vice-Consul or Consular Agent to order such seaman to be put forcibly on board the ship or vessel to which he may belong or to be confined in any gaol or other place of security within the said Colony for any period not exceeding forty-eight hours.

Preamble.

Foreign seamen deserting may be apprehended and placed at the disposal of the Consul of the Nation to which they belong

or may be confined in gaol.

Desertion of Foreign Seamen.

Ships or houses may be searched for deserters from Foreign vessels.

2. And be it enacted That it shall be lawful for any Justice or Justices of the Peace upon complaint in writing of the Consul Vice-Consul or Consular Agent of the Nation to which any such ship or vessel as aforesaid shall belong and on the deposition of the master of such ship or vessel that any runaway seaman or seamen belonging to the crew of any such ship or vessel and named in such complaint and deposition is or are harboured secreted or concealed or suspected to be harboured secreted or concealed on board any ship boat or other vessel or in any house or place whatsoever to issue a warrant directing some constable or constables to search such ship boat or other vessel or such house or place and such seaman or seamen to lodge in any or the nearest watch-house and every such seaman or seamen shall with all convenient speed be brought before some Justice or Justices of the Peace to be dealt with as is hereinbefore directed with respect to seamen apprehended for desertion absconding or absence from duty.

Penalty on persons harbouring deserters from foreign vessels.

3. And be it enacted That if any person whosoever shall harbour conceal employ or retain or assist in harbouring concealing employing or retaining any seaman belonging to the crew of any Foreign ship or vessel who shall have deserted therefrom or otherwise absconded or absented himself from duty while such ship or vessel is lying within any port harbour or roadstead in New South Wales knowing such seaman to have deserted absconded or absented himself from duty or shall cause induce or persuade or endeavour to cause induce or persuade any such seaman in any manner whatsoever to violate or to attempt or endeavour to violate any agreement which he may have entered into to serve on board any such ship or vessel or shall knowingly connive at the desertion absconding or absence from duty of any such seaman such person so offending shall for every such offence upon conviction thereof forfeit and pay a penalty or sum not exceeding twenty pounds or in case of non-payment thereof it shall be lawful for any Justice or Justices of the Peace to commit the person so offending to any house of correction or gaol for any term not exceeding one calendar month.

As to what vessels this Act shall apply.

4. And be it enacted That this Act shall be deemed and construed to apply to all Foreign ships and vessels visiting any port harbour or roadstead in New South Wales where any Consul Vice-Consul or Consular Agent of the Government of the Nation to which any such ship or vessel shall belong shall have been appointed.

As to proof of the execution of agreements.

5. And be it enacted That in prosecuting any offence under this Act it shall not be necessary for the purpose of proving the execution of any such agreement as aforesaid to call any subscribing or attesting witness thereto or to account for the absence or to prove the handwriting of any such subscribing or attesting witness but that every such agreement may be proved in like manner as if there were no subscribing or attesting witness thereto Provided always that a copy of any such agreement as aforesaid certified under the hand and seal of the Consul Vice-Consul or Consular Agent of the Nation to which the ship or vessel on board of which the seaman who may have entered into such agreement shall belong shall be admitted as evidence of the existence of such agreement unless direct proof to the contrary be offered to the satisfaction of the Justice or Justices before whom the case shall be heard.

Recovery and application of and appeal against penalties.

6. And be it enacted That any penalty sued for under this Act shall be recovered and applied and may be appealed against in the same manner as any penalty may be recovered applied and appealed against under an Act of the said Governor and Council passed in the fourth year of the reign of Her present Majesty Queen Victoria intituled "*An Act for the further and better regulation and govern-*

Sydney Corporation.

*“ ment of Seamen within the Colony of New South Wales and its
“ Dependencies and for establishing a Water Police.”*

7. And be it enacted That all expenses incidental to the apprehension confinement and removal of any seaman under and by virtue of any of the powers and authorities conferred by this Act shall be paid by the Consul Vice-Consul or Consular Agent of the Nation to which such seaman shall belong. Expenses by whom payable.
