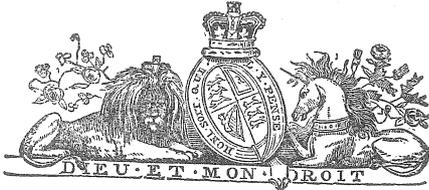


Province of Auckland.



FOREIGN SEAMEN'S ACT.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION 1, No. 2.

ANALYSIS.

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Seamen deserting, &c., may be apprehended by warrant. 2. Also without warrant. 3. Punishment <ol style="list-style-type: none"> 1. For desertion. 2. Assaulting officers. 3. Disobedience or neglect of duty. 4. Continued disobedience or neglect of duty. 5. Combining to disobey or neglect of duty, &c. | <ol style="list-style-type: none"> 4. Power to order convicted seamen to be put on board. 5. Ships or places may be searched. 6. Penalties for harbouring deserters, &c. 7. Commissioner or other officer having charge of Police may put constables on board ships. 8. Penalty for approaching ship, in boat, after being duly warned. 9. Attesting witness of ship's articles need not be called. 14. Service of Summons may be made as required by law, or by leaving a copy. 11. Expenses to be paid by master. |
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An Act for preventing Desertion, and other Misconduct of Seamen belonging to Foreign Ships. Title.

BE IT ENACTED, by the Superintendent of the Province of Auckland, with the advice and consent of the Provincial Council thereof, as follows:— Preamble.

1. If any seaman belonging to any foreign ship shall, whilst such ship shall be in port of this Province, or otherwise within the limits thereof, desert or absent himself without leave, or wilfully neglect or refuse to join after signing an agreement to do so, or shall refuse to proceed to sea in such ship, it shall be lawful for any Justice of the Peace, upon the complaint on oath of the master of such ship, to issue his warrant for the apprehension or such seaman, and thereupon deal with him as herein-after provided, or, at the request of such master, to order such seaman to be put forcibly on board the ship to which he may belong.

Seamen deserting, &c., may be apprehended by warrant;

also without warrant.

2. The master of any such ship may require any constable, who is thereupon hereby authorized, without first procuring a warrant, to apprehend any such seaman so deserting, absenting himself, neglecting, or refusing to join, or refusing to proceed to sea as aforesaid, and such constable shall thereupon, if such seaman requires it, convey him before a Justice of the Peace, capable of hearing the complaint, to be dealt with according to law, or if he do not so require, shall convey him on board the ship to which he may belong, with all convenient speed. Provided that any such apprehension be made on improper or insufficient grounds, the master who caused the same to be made shall be liable to a penalty not exceeding fifty pounds.

Punishment.

3. Every seaman of any foreign ship who shall, whilst such ship shall be in any port of this province, or otherwise within the limits thereof, commit any of the offences hereinafter mentioned, shall, upon conviction thereof in a summary way, be imprisoned with or without hard labour, in any gaol or house of correction within the Province, for periods not exceeding the periods hereinafter set against the said offences respectively, that is to say,

For desertion.

1. For desertion, or absenting himself without leave, or refusing to join after signing an agreement to do so, or refusing to proceed to sea in such ship, a period of twelve weeks for the first offence, and a period of six months for a second or subsequent desertion or absence, as aforesaid.

Assaulting Officers.

2. For assaulting any master or other officer of such ship, a period of six months

Disobedience or neglect of duty.

3. For wilful disobedience to any lawful command of such master, or other officer of such ship, or for a wilful neglect of his duty as a seaman, or for attempting to leave any such ship without the consent of the officer in charge thereof, a period of four weeks.

Continued disobedience or neglect of duty.

4. For continued wilful disobedience to such lawful commands, or for continued wilful neglect of such duty, a period of twelve weeks.

Combining to disobey or neglect duty, &c.

5. For combining with any other of the crew to desert, or to disobey the lawful commands of his officers, or to neglect his duty as a seaman, or to impede the discharge, loading, or departure of the ship or the progress of the voyage, a period of twelve weeks: Provided always, that nothing herein contained shall take away or abridge any powers which a master of any such ship may have over his crew.

Power to order convicted seamen to be put on board.

4. It shall be lawful for any Justice of the Peace, at the instance of the master of any such ship, to order any such seaman, at or after the expiration or earlier determination of his sentence of imprisonment, or at any time during the continuance thereof, to be put, forcibly or otherwise, on board the ship to which he may belong; and in all such cases it shall be lawful for any Justice of the Peace to grant an order to any gaoler or keeper

of any prison to discharge such seaman from prison in such custody as such Justice shall direct, which shall be a sufficient warrant to such jaoler or keeper to deliver such seaman into such custody and for such purpose as aforesaid.

5. It shall be lawful for any Justice of the Peace, upon the complaint on oath of the master of any such ship, that he has good cause for suspecting that any runaway seaman of such ship is harboured, secreted, or concealed on board any ship or boat, or in any house or place whatsoever, to issue a warrant to such ship or boat, or such house or place, and to apprehend and lodge such seaman in some watch house, and such warrant shall be executed accordingly; and every such seaman shall be brought with all convenient speed before some Justice of the Peace, to be dealt with according to law.

Ships or places may be searched.

6. If any person shall knowingly and wilfully harbour, conceal, employ, or retain, or assist in harbouring, concealing, employing, or retaining any seaman belonging to any such ship as aforesaid, who shall have deserted or absented himself, or refused or neglected to join, or refused to proceed to proceed to sea as aforesaid, or shall cause, induce, or persuade any such seaman, by words, or by any other means whatsoever, to violate, or to attempt to violate, any agreement which he may have entered into to serve on board any such ship as aforesaid, or shall knowingly connive at the desertion, or absence, refusal, or neglect to join, or refusal to proceed to sea of any such seaman, such person so offending shall, for every such offence, forfeit and pay a penalty not exceeding twenty pounds for the first offence, and not less than ten nor more than fifty pounds for a second or subsequent offence.

Penalties for harbouring deserters, &c.

7. It shall be lawful for the Commissioner or other Officer having charge of the Police at any port, upon the application of the master of any ship, to place constables on board such ship to prevent desertion therefrom, and to prohibit the approach of boats without the authority of such constables, or of the Officer in charge of such ship.

Commissioner, or other officer having charge of Police, may put constables on board ships.

8. The occupier of any boat approaching any such ship without such authority as aforesaid, after being duly warned, shall forfeit and pay any sum not exceeding ten pounds for every such offence; and any seaman attempting to leave any such ship without the consent of the officer in charge thereof, may be apprehended by any constable without warrant first obtained, and kept in safe custody, to be taken as soon as conveniently may be before some Justice of the Peace, to be dealt with according to law. Provided always that if any seaman shall make any complaint to any constable placed as aforesaid on board any such ship, a statement of such complaint shall be made by such constable as soon as conveniently may be to such Commissioner or other officer having charge of the Police, who shall forthwith enquire into the ground of such complaint.

Penalty for approaching ship in boat after being duly warned.

9. In prosecuting under this Act, it shall not be necessary for the purpose of proving the articles or agreement under which

Attesting witness of ship's articles need not be called.

any such seamen shall have engaged to serve on board any such ship, to call any subscribing or attesting witness thereto, but such articles or agreement may be proved as if there were no such subscribing or attesting witness.

Services of summons may be made as required by law or by leaving a copy.

10. The service of any summons or other document in any proceeding under this Act, shall be good service if made as now required by law, or if made by leaving a copy of such summons or other document for the person to be served on board any ship to which he may belong, with the persons being or appearing to be at the time in command or charge of such ship, and explaining to such person the purport thereof.

Expenses to be paid by master.

11. All expenses incidental to the prevention of desertion, apprehension, confinement, or removal of any seaman by virtue of the powers and authority conferred by this Act, shall be paid to the Commissioner or other officer having charge of the Police, by the master at whose instance the same shall have been done.

T. H. BARTLEY,
Speaker.

Passed the Provincial Council, this
twenty-seventh day of January,
One Thousand Eight Hundred
and Fifty-four.

J. COATES,
Clerk to Provincial Council.

On this fourth day of February, in the year
One Thousand Eight Hundred and Fifty-
four, I assent to this Act on behalf of the
Governor.

R. H. WYNYARD,
Superintendent.