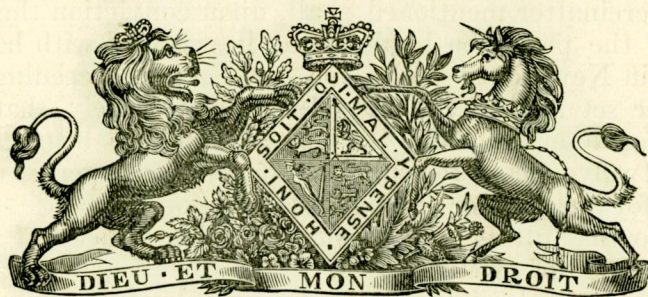


New South Wales.



ANNO SEXAGESIMO SECUNDO

VICTORIÆ REGINÆ.

Act No. 47, 1898.

An Act to consolidate the Laws relating to Foreign Seamen.
[Assented to 29th December, 1898.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Foreign Seamen Act, 1898." Short title.
2. The Act mentioned in the Schedule to this Act is hereby Repeal.
repealed. Schedule.
3. If any seaman belonging to any foreign ship deserts there- Seamen deserting,
from, or otherwise absconds or absents himself from his duty whilst &c., from foreign
such ship is anywhere within the territorial limits of New South ships may be appre-
Wales, any justice of the peace, upon the complaint on oath of the hended and placed at
master, disposal of consul or
on board their ship.
16 Vic. No. 25, s. 1.

Foreign Seamen.

master, mate, or other person having charge of such ship, of the fact of such desertion, absconding, or absence from duty, may issue his warrant for the apprehension of such seaman; and thereupon—

- (a) may deal with such seaman as hereinafter is provided; or
- (b) may place such seaman at the disposal of the consul, vice-consul, or other consular officer or agent of the nation or state to which such ship belongs; or
- (c) at the request of such consul, vice-consul, or other consular officer or agent may order such seaman to be put forcibly on board the ship to which he belongs.

Such seaman may be imprisoned with hard labour.

Ibid. s. 2.

4. Every seaman of any foreign ship who, whilst such ship is within the territorial limits of New South Wales, commits any of the offences hereinafter mentioned shall, upon conviction thereof before a justice of the peace, be liable to be imprisoned with hard labour in any gaol in New South Wales for periods not exceeding the periods hereinafter set against the said offences respectively, that is to say:—

For desertion.

- (a) for desertion from the ship to which he belongs, a period of twelve weeks for the first offence, and a period of six months for a second or subsequent desertion.

Assaulting officers.

- (b) for assaulting any master or other officer of such ship, a period of twelve weeks.

Disobedience.

- (c) for wilful disobedience to any lawful command of such master or other officer of such ship, a period of four weeks.

Continued disobedience or neglect of duty.

- (d) for continued wilful disobedience to such lawful commands, or for continued wilful neglect of his duty as a seaman of such ship, a period of twelve weeks.

Combining to disobey or neglect duty.

- (e) for combining with any other or others of the crew of the ship to which he belongs 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 that nothing herein contained shall take away or abridge any powers which a master of any such ship has over his crew.

Power to order convicted seaman to be put on board at, after, or during term of sentence at the instance of consul.

Ibid. s. 3.

5. (1) Any justice of the peace, at the instance of the consul, vice-consul, or other consular officer or agent of the Nation or State to which the ship of any seaman convicted and sentenced under this Act belongs, may 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 such ship.

Order of discharge may be made.

(2) In all such cases any justice of the peace may grant an order to any gaoler or keeper of any prison to discharge such seaman from prison into such custody as such justice directs, which shall be a sufficient warrant to such gaoler or keeper to deliver such seaman into such custody and for such purpose as aforesaid.

Foreign Seamen.

6. Any justice of the peace, upon the complaint on oath of the master or other person having charge of any such ship as aforesaid, that he has good cause for suspecting that any runaway seaman of such ship is harboured, secreted, or concealed on board any ship, boat, or other vessel, or in any house or place whatsoever, may issue a warrant directing some constable to search such ship, boat, or other vessel, or such house or place, and to apprehend such seaman.

Ships or places may be searched for runaway seamen.
16 Vic. No. 25, s. 4.

Such warrant shall be executed accordingly, and every such seaman shall upon his apprehension be brought with all convenient speed before some justice of the peace to be dealt with as is herein directed.

7. Whosoever—

- (a) harbours, conceals, employs, or retains, or assists in harbouring, concealing, employing, or retaining any seaman belonging to any such ship as aforesaid, who has deserted therefrom, or otherwise absconded or absented himself from duty, knowing such seaman to have deserted or otherwise absconded or absented himself from duty, without having used reasonable diligence to ascertain whether such seaman has been duly discharged from his last employment; or
- (b) causes, induces, or persuades any such seamen by words or by any other means 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 as aforesaid; or
- (c) knowingly connives at the desertion, absconding, or absence from duty of any such seaman;

Penalties on persons harbouring deserters or inciting to desertion.

Ibid. s. 6.

shall for every such offence, upon conviction thereof before any justice of the peace in a summary way, forfeit a penalty not exceeding twenty pounds for the first offence, and not less than ten or more than fifty pounds for a second or subsequent offence; and in case of non-payment thereof any justice of the peace may commit the person so offending to any gaol for any term not exceeding six months with or without hard labour, the said commitment to be determined on payment of the penalty and costs.

8. Provided that no such warrant as hereinbefore mentioned shall be issued, and that no offence hereby made punishable shall be prosecuted or punished, except—

Prosecution not to be instituted except at the request or on consent of foreign Government.

Ibid. s. 5.

- (a) at the instance, or with the express assent in writing of the consul, vice-consul, or other consular officer or agent of the Nation or State to which such ship as aforesaid belongs; or
- (b) it has been duly notified in the Gazette under the authority of the Governor that the Government of such Nation or State has, by its proper officer, signified its desire that this Act may be enforced in all cases against the crews of ships belonging to such Nation or State.

9.

Foreign Seamen.

Attesting witness to ship's articles need not be called, and certified copy admissible in evidence.

16 Vic. No. 25, s. 7.

9. (1) In prosecuting under this Act it shall not be necessary for the purpose of proving the articles or agreement under or by which any such seaman has 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.

Copies to be evidence.

(2) A copy of any such articles or agreement as aforesaid, certified under the hand of the consul, vice-consul, or other consular officer or agent of the Nation or State to which such ship belongs, to be a true copy thereof, shall be received as evidence of the existence and contents of such articles or agreement.

Expenses by whom payable.

Ibid. s. 8.

10. All expenses incidental to the apprehension, confinement, and removal of any seaman under and by virtue of this Act shall be paid by the consul, vice-consul, or other consular officer or agent at whose instance such seaman was apprehended, proceeded against, or removed.

Proceedings may be summary.

Ibid. s. 9.

11. (1) All proceedings under this Act, where not otherwise provided for, may be carried on in a summary way according to the law regulating summary proceedings before justices of the peace.

Service.

(2) The service of any summons or other matter in any legal proceeding under this Act shall be good service if made—

(a) personally on the person to be served; or

(b) by leaving such summons for him on board any ship to which he belongs with the person being, or appearing to be, in command or charge of such ship.

No certiorari.

Ibid. s. 10.

12. (1) No conviction under this Act shall be quashed for want of form, or be removed by certiorari or otherwise into the Supreme Court.

Process not to be void.

(2) No warrant of commitment or order for imprisonment shall be held void by reason of any defect therein, provided it is therein alleged that the person has been convicted or ordered to be imprisoned, and there is a good and valid conviction or an offence to sustain the same.

Section 2.

SCHEDULE.

Reference to Act.	Title or short title.	Extent of repeal.
16 Vic. No. 25 ...	An Act for more effectually preventing desertion and other misconduct of Seamen belonging to Foreign Ships.	The whole.

By Authority: WILLIAM APPLIGATE GULLICK, Government Printer, Sydney, 1899.

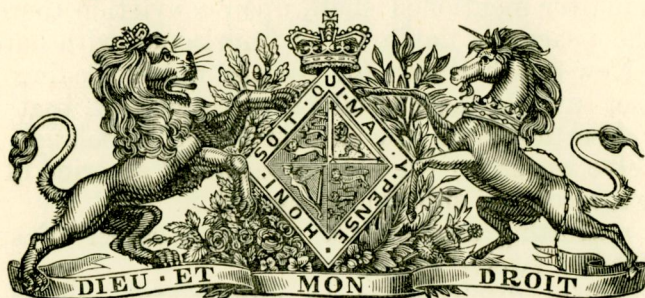
[3d.]

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Council Chamber,
Sydney, 22nd December, 1898.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO SECUNDO

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[Assented to 29th December, 1898.]

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1. This Act may be cited as the "Foreign Seamen Act, 1898." Short title.
2. The Act mentioned in the Schedule to this Act is hereby Repeal.
repealed. Schedule.
3. If any seaman belonging to any foreign ship deserts there- Seamen deserting,
from, or otherwise absconds or absents himself from his duty whilst &c., from foreign
such ship is anywhere within the territorial limits of New South ships may be appre-
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16 Vic. No. 25, s. 1.

Foreign Seamen.

master, mate, or other person having charge of such ship, of the fact of such desertion, absconding, or absence from duty, may issue his warrant for the apprehension of such seaman; and thereupon—

- (a) may deal with such seaman as hereinafter is provided; or
- (b) may place such seaman at the disposal of the consul, vice-consul, or other consular officer or agent of the nation or state to which such ship belongs; or
- (c) at the request of such consul, vice-consul, or other consular officer or agent may order such seaman to be put forcibly on board the ship to which he belongs.

Such seaman may be imprisoned with hard labour.

Ibid. s. 2.

4. Every seaman of any foreign ship who, whilst such ship is within the territorial limits of New South Wales, commits any of the offences hereinafter mentioned shall, upon conviction thereof before a justice of the peace, be liable to be imprisoned with hard labour in any gaol in New South Wales for periods not exceeding the periods hereinafter set against the said offences respectively, that is to say:—

For desertion.

- (a) for desertion from the ship to which he belongs, a period of twelve weeks for the first offence, and a period of six months for a second or subsequent desertion.

Assaulting officers.

- (b) for assaulting any master or other officer of such ship, a period of twelve weeks.

Disobedience.

- (c) for wilful disobedience to any lawful command of such master or other officer of such ship, a period of four weeks.

Continued disobedience or neglect of duty.

- (d) for continued wilful disobedience to such lawful commands, or for continued wilful neglect of his duty as a seaman of such ship, a period of twelve weeks.

Combining to disobey or neglect duty.

- (e) for combining with any other or others of the crew of the ship to which he belongs 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 that nothing herein contained shall take away or abridge any powers which a master of any such ship has over his crew.

Power to order convicted seaman to be put on board at, after, or during term of sentence at the instance of consul.

Ibid. s. 3.

5. (1) Any justice of the peace, at the instance of the consul, vice-consul, or other consular officer or agent of the Nation or State to which the ship of any seaman convicted and sentenced under this Act belongs, may 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 such ship.

Order of discharge may be made.

(2) In all such cases any justice of the peace may grant an order to any gaoler or keeper of any prison to discharge such seaman from prison into such custody as such justice directs, which shall be a sufficient warrant to such gaoler or keeper to deliver such seaman into such custody and for such purpose as aforesaid.

Foreign Seamen.

6. Any justice of the peace, upon the complaint on oath of the master or other person having charge of any such ship as aforesaid, that he has good cause for suspecting that any runaway seaman of such ship is harboured, secreted, or concealed on board any ship, boat, or other vessel, or in any house or place whatsoever, may issue a warrant directing some constable to search such ship, boat, or other vessel, or such house or place, and to apprehend such seaman.

Ships or places may be searched for runaway seamen.
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Such warrant shall be executed accordingly, and every such seaman shall upon his apprehension be brought with all convenient speed before some justice of the peace to be dealt with as is herein directed.

7. Whosoever—

- (a) harbours, conceals, employs, or retains, or assists in harbouring, concealing, employing, or retaining any seaman belonging to any such ship as aforesaid, who has deserted therefrom, or otherwise absconded or absented himself from duty, knowing such seaman to have deserted or otherwise absconded or absented himself from duty, without having used reasonable diligence to ascertain whether such seaman has been duly discharged from his last employment; or
- (b) causes, induces, or persuades any such seamen by words or by any other means 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 as aforesaid; or
- (c) knowingly connives at the desertion, absconding, or absence from duty of any such seaman;

Penalties on persons harbouring deserters or inciting to desertion.
Ibid. s. 6.

shall for every such offence, upon conviction thereof before any justice of the peace in a summary way, forfeit a penalty not exceeding twenty pounds for the first offence, and not less than ten or more than fifty pounds for a second or subsequent offence; and in case of non-payment thereof any justice of the peace may commit the person so offending to any gaol for any term not exceeding six months with or without hard labour, the said commitment to be determined on payment of the penalty and costs.

8. Provided that no such warrant as hereinbefore mentioned shall be issued, and that no offence hereby made punishable shall be prosecuted or punished, except—

- (a) at the instance, or with the express assent in writing of the consul, vice-consul, or other consular officer or agent of the Nation or State to which such ship as aforesaid belongs; or
- (b) it has been duly notified in the Gazette under the authority of the Governor that the Government of such Nation or State has, by its proper officer, signified its desire that this Act may be enforced in all cases against the crews of ships belonging to such Nation or State.

Prosecution not to be instituted except at the request or on consent of foreign Government.
Ibid. s. 5.

Foreign Seamen.

Attesting witness to ship's articles need not be called, and certified copy admissible in evidence.

16 Vic. No. 25, s. 7.

Copies to be evidence.

Expenses by whom payable.

Ibid. s. 8.

Proceedings may be summary.

Ibid. s. 9.

Service.

No certiorari.

Ibid. s. 10.

Process not to be void.

Section 2.

9. (1) In prosecuting under this Act it shall not be necessary for the purpose of proving the articles or agreement under or by which any such seaman has 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.

(2) A copy of any such articles or agreement as aforesaid, certified under the hand of the consul, vice-consul, or other consular officer or agent of the Nation or State to which such ship belongs, to be a true copy thereof, shall be received as evidence of the existence and contents of such articles or agreement.

10. All expenses incidental to the apprehension, confinement, and removal of any seaman under and by virtue of this Act shall be paid by the consul, vice-consul, or other consular officer or agent at whose instance such seaman was apprehended, proceeded against, or removed.

11. (1) All proceedings under this Act, where not otherwise provided for, may be carried on in a summary way according to the law regulating summary proceedings before justices of the peace.

(2) The service of any summons or other matter in any legal proceeding under this Act shall be good service if made—

(a) personally on the person to be served; or

(b) by leaving such summons for him on board any ship to which he belongs with the person being, or appearing to be, in command or charge of such ship.

12. (1) No conviction under this Act shall be quashed for want of form, or be removed by certiorari or otherwise into the Supreme Court.

(2) No warrant of commitment or order for imprisonment shall be held void by reason of any defect therein, provided it is therein alleged that the person has been convicted or ordered to be imprisoned, and there is a good and valid conviction or an offence to sustain the same.

SCHEDULE.

Reference to Act.	Title or short title.	Extent of repeal.
16 Vic. No. 25 ...	An Act for more effectually preventing desertion and other misconduct of Seamen belonging to Foreign Ships.	The whole.

In the name and on the behalf of Her Majesty I assent to this Act.

Government House,
Sydney, 29th December, 1898.

HAMPDEN,
Governor.

Memo. and Certificate to accompany the Foreign Seamen's Bill.

THIS Bill deals with one Statute, viz., 16 Vic. No. 25, which, in consideration of its provisions and subject matter, it was thought advisable not to incorporate with the measure which consolidates the Acts relating to seamen.

In clause 6 the word "herein" in the last line is "hereinafter" in the original Statute. This seems to have been a mistake, as the only sections under which foreign seamen could have been dealt with were earlier, and not later, sections.

I certify that, except as in the last paragraph mentioned, this Bill solely consolidates, and in no way alters, adds to, or amends the law as contained in the Act thereby consolidated.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

Foreign Seamen Bill.

TABLE showing how sections of Act consolidated have been dealt with.

Section of Repealed Act.	Section of Consolidated Act.	Remarks.
16 VICTORIA No. 25.		
1	3	
2	4	
3	5	
4	6	
5	8	
6	7	
7	9	
8	10	
9	11	
10	12	
11	Repeal. Operation exhausted.

Foreign Sums Bill

Foreign Sums Bill

Foreign Sums Bill

Foreign Sums Bill

Foreign Sums Bill

Foreign Sums Bill

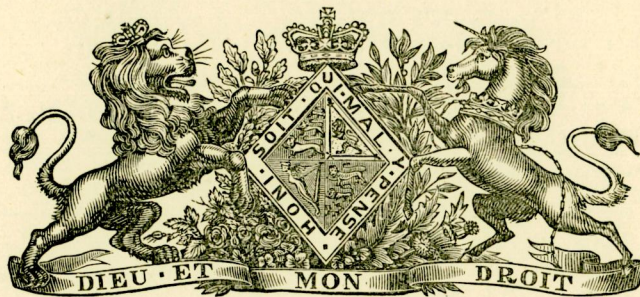
Foreign Sums Bill

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 13th October, 1898.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO SECUNDO

VICTORIÆ REGINÆ.

Act No. , 1898.

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Foreign Seamen.

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- (b) may place such seaman at the disposal of the consul, vice-consul, or other consular officer or agent of the nation or state to which such ship belongs; or
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4. Every seaman of any foreign ship who, whilst such ship is within the territorial limits of New South Wales, commits any of the offences hereinafter mentioned shall, upon conviction thereof before a justice of the peace, be liable to be imprisoned with hard labour in any gaol in New South Wales for periods not exceeding the periods hereinafter set against the said offences respectively, that is to say:—

- (a) for desertion from the ship to which he belongs, a period of twelve weeks for the first offence, and a period of six months for a second or subsequent desertion. Such seaman may be imprisoned with hard labour. *Ibid.* s. 2.
- (b) for assaulting any master or other officer of such ship, a period of twelve weeks. For desertion. Assaulting officers.
- (c) for wilful disobedience to any lawful command of such master or other officer of such ship, a period of four weeks. Disobedience.
- (d) for continued wilful disobedience to such lawful commands, or for continued wilful neglect of his duty as a seaman of such ship, a period of twelve weeks. Continued disobedience or neglect of duty.
- (e) for combining with any other or others of the crew of the ship to which he belongs 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. Combining to disobey or neglect duty.

Provided that nothing herein contained shall take away or abridge any powers which a master of any such ship has over his crew.

5. (1) Any justice of the peace, at the instance of the consul, vice-consul, or other consular officer or agent of the Nation or State to which the ship of any seaman convicted and sentenced under this Act belongs, may 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 such ship. Power to order convicted seaman to be put on board at, after, or during term of sentence at the instance of consul. *Ibid.* s. 3.

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SCHEDULE.

Section 2.

Reference to Act.	Title or short title.	Extent of repeal.
16 Vic. No. 25 ...	An Act for more effectually preventing desertion and other misconduct of Seamen belonging to Foreign Ships.	The whole.

Memo. and Certificate to accompany the Foreign Seamen's Bill.

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I certify that, except as in the last paragraph mentioned, this Bill solely consolidates, and in no way alters, adds to, or amends the law as contained in the Act thereby consolidated.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

Foreign Seamen Bill.

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2	4	
3	5	
4	6	
5	8	
6	7	
7	9	
8	10	
9	11	
10	12	
11	Repeal. Operation exhausted.

It is the duty of every citizen to support the laws of the country and to pay the taxes imposed thereon. The government is the only authority that can maintain order and justice in a society. It is the responsibility of the people to elect representatives who will govern in their best interests. The government should protect the rights of its citizens and provide for their welfare. It should also promote the economic development of the country and maintain peace and stability. The people should be vigilant and hold their representatives accountable for their actions. Only through the active participation of the citizenry can a just and prosperous society be achieved.

Legislative Council.

No. , 1898.

A BILL

To consolidate the Laws relating to Foreign Seamen.

[DR. GARRAN ;—12 October, 1898.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Foreign Seamen Act, 1898." Short title.
2. The Act mentioned in the Schedule to this Act is hereby Repeal.
repealed. Schedule.

3. If any seaman belonging to any foreign ship deserts there- Seamen deserting,
from, or otherwise absconds or absents himself from his duty whilst &c., from foreign
such ship is anywhere within the territorial limits of New South ships may be appre-
Wales, any justice of the peace, upon the complaint on oath of the hended and placed at
disposal of consul or
on board their ship.
A master, 16 Vic. No. 25, s. 1.

master, mate, or other person having charge of such ship, of the fact of such desertion, absconding, or absence from duty, may issue his warrant for the apprehension of such seaman; and thereupon—

- (a) may deal with such seaman as hereinafter is provided; or
- (b) may place such seaman at the disposal of the consul, vice-consul, or other consular officer or agent of the nation or state to which such ship belongs; or
- (c) at the request of such consul, vice-consul, or other consular officer or agent may order such seaman to be put forcibly on board the ship to which he belongs.

Such seaman may be imprisoned with hard labour.

Ibid. s. 2.

4. Every seaman of any foreign ship who, whilst such ship is within the territorial limits of New South Wales, commits any of the offences hereinafter mentioned shall, upon conviction thereof before a justice of the peace, be liable to be imprisoned with hard labour in any gaol in New South Wales for periods not exceeding the periods hereinafter set against the said offences respectively, that is to say:—

For desertion.

- (a) for desertion from the ship to which he belongs, a period of twelve weeks for the first offence, and a period of six months for a second or subsequent desertion.

Assaulting officers.

- (b) for assaulting any master or other officer of such ship, a period of twelve weeks.

Disobedience.

- (c) for wilful disobedience to any lawful command of such master or other officer of such ship, a period of four weeks.

Continued disobedience or neglect of duty.

- (d) for continued wilful disobedience to such lawful commands, or for continued wilful neglect of his duty as a seaman of such ship, a period of twelve weeks.

Combining to disobey or neglect duty.

- (e) for combining with any other or others of the crew of the ship to which he belongs 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 that nothing herein contained shall take away or abridge any powers which a master of any such ship has over his crew.

Power to order convicted seaman to be put on board at, after, or during term of sentence at the instance of consul.

Ibid. s. 3.

5. (1) Any justice of the peace, at the instance of the consul, vice-consul, or other consular officer or agent of the Nation or State to which the ship of any seaman convicted and sentenced under this Act belongs, may 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 such ship.

Order of discharge may be made.

(2) In all such cases any justice of the peace may grant an order to any gaoler or keeper of any prison to discharge such seaman from prison into such custody as such justice directs, which shall be a sufficient warrant to such gaoler or keeper to deliver such seaman into such custody and for such purpose as aforesaid.

6. Any justice of the peace, upon the complaint on oath of the master or other person having charge of any such ship as aforesaid, that he has good cause for suspecting that any runaway seaman of such ship is harboured, secreted, or concealed on board any ship, boat, or other vessel, or in any house or place whatsoever, may issue a warrant directing some constable to search such ship, boat, or other vessel, or such house or place, and to apprehend such seaman.

Ships or places may be searched for runaway seamen.
16 Vic. No. 25, s. 4.

Such warrant shall be executed accordingly, and every such seaman shall upon his apprehension be brought with all convenient speed before some justice of the peace to be dealt with as is herein directed.

7. Whosoever—

- (a) harbours, conceals, employs, or retains, or assists in harbouring, concealing, employing, or retaining any seaman belonging to any such ship as aforesaid, who has deserted therefrom, or otherwise absconded or absented himself from duty, knowing such seaman to have deserted or otherwise absconded or absented himself from duty, without having used reasonable diligence to ascertain whether such seaman has been duly discharged from his last employment; or
- (b) causes, induces, or persuades any such seamen by words or by any other means 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 as aforesaid; or
- (c) knowingly connives at the desertion, absconding, or absence from duty of any such seaman;

Penalties on persons harbouring deserters or inciting to desertion.
Ibid. s. 6.

shall for every such offence, upon conviction thereof before any justice of the peace in a summary way, forfeit a penalty not exceeding twenty pounds for the first offence, and not less than ten or more than fifty pounds for a second or subsequent offence; and in case of non-payment thereof any justice of the peace may commit the person so offending to any gaol for any term not exceeding six months with or without hard labour, the said commitment to be determined on payment of the penalty and costs.

8. Provided that no such warrant as hereinbefore mentioned shall be issued, and that no offence hereby made punishable shall be prosecuted or punished, except—

- (a) at the instance, or with the express assent in writing of the consul, vice-consul, or other consular officer or agent of the Nation or State to which such ship as aforesaid belongs; or
- (b) it has been duly notified in the Gazette under the authority of the Governor that the Government of such Nation or State has, by its proper officer, signified its desire that this Act may be enforced in all cases against the crews of ships belonging to such Nation or State.

Prosecution not to be instituted except at the request or on consent of foreign Government.
Ibid. s. 5.

Attesting witness to ship's articles need not be called, and certified copy admissible in evidence.

16 Vic. No. 25, s. 7.

9. (1) In prosecuting under this Act it shall not be necessary for the purpose of proving the articles or agreement under or by which any such seaman has 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.

Copies to be evidence.

(2) A copy of any such articles or agreement as aforesaid, certified under the hand of the consul, vice-consul, or other consular officer or agent of the Nation or State to which such ship belongs, to be a true copy thereof, shall be received as evidence of the existence and contents of such articles or agreement.

Expenses by whom payable.

Ibid. s. 8.

10. All expenses incidental to the apprehension, confinement, and removal of any seaman under and by virtue of this Act shall be paid by the consul, vice-consul, or other consular officer or agent at whose instance such seaman was apprehended, proceeded against, or removed.

Proceedings may be summary.

Ibid. s. 9.

11. (1) All proceedings under this Act, where not otherwise provided for, may be carried on in a summary way according to the law regulating summary proceedings before justices of the peace.

Service.

(2) The service of any summons or other matter in any legal proceeding under this Act shall be good service if made—

(a) personally on the person to be served; or

(b) by leaving such summons for him on board any ship to which he belongs with the person being, or appearing to be, in command or charge of such ship.

No certiorari.

Ibid. s. 10.

12. (1) No conviction under this Act shall be quashed for want of form, or be removed by certiorari or otherwise into the Supreme Court.

Process not to be void.

(2) No warrant of commitment or order for imprisonment shall be held void by reason of any defect therein, provided it is therein alleged that the person has been convicted or ordered to be imprisoned, and there is a good and valid conviction or an offence to sustain the same.

Section 2.

SCHEDULE.

Reference to Act.	Title or short title.	Extent of repeal.
16 Vic. No. 25 ...	An Act for more effectually preventing desertion and other misconduct of Seamen belonging to Foreign Ships.	The whole.