

VICTORIA.



ANNO DECIMO SEXTO

VICTORIÆ REGINÆ.

By His Excellency CHARLES JOSEPH LA TROBE, ESQUIRE, Lieutenant Governor of the Colony of Victoria and its Dependencies, with the advice and consent of the Legislative Council.

No. XXXIII.

An Act to abolish certain Dues on Shipping and to amend the Law relating to Seamen and Water Police. [Assented to 22nd January, 1853.]

● **W**HEREAS it is expedient to abolish the Water Police Dues or Tonnage Duties now payable on Shipping and to amend the Law relating to Water Police and Seamen as hereinafter mentioned Be it therefore enacted by His Excellency the Lieutenant Governor of the Colony of Victoria by and with the advice and consent of the Legislative Council thereof as follows :—

Preamble.

I. From and after the commencement of this Act an Act of the Governor and Legislative Council of the Colony of New South Wales passed in the fourth year of the Reign of Her Majesty Queen Victoria intituled "*An Act for the further and better Regulation and Government of Seamen within the Colony of New South Wales and its dependencies and for establishing a Water Police*" And also an Act of the said Governor and Council passed in the seventh year of the reign of Her Majesty Queen Victoria intituled "*An Act to amend an Act*" intituled "*An Act for the further and better Regulation and Government of Seamen within the Colony of New South Wales and its dependencies and for establishing a Water Police and further to amend the Law relating to the Government of Seamen in the Merchant Service*" shall be and the same are hereby repealed Provided that all offences which shall have been committed and all penalties and forfeitures which shall have been incurred previously to the commencement of this Act shall and may be punishable and recoverable under the said recited Acts respectively in the same manner as if this Act had not been passed.

Repeal of 4 Vic. No 17 and 7 Vic. No 21.

II. It shall be lawful for any Superintendent or Officer of Water Police or any Justice of the Peace or Constable with such assistance as they respectively may require to enter on board and search any Ship or Vessel entering or being within any Port or Harbor of the said Colony when and so often as he or they shall have reasonable ground for believing such

Vessels may be boarded and searched.

such search to be necessary in the execution of the duties imposed on them by this or any other Act of Council.

Penalty for wilfully obstructing or resisting persons in search of Seamen, &c.

III. If the Master of any Ship or Vessel or any other person shall resist or wilfully obstruct any Superintendent of Water Police Justice of the Peace Officer of Customs Water Policeman Constable or any of their respective Assistants whilst searching for or endeavouring to secure any Seaman Mariner or other person on board or reasonably suspected to be on board such Ship or Vessel or in any house or place on shore or shall rescue or attempt to rescue or assist any such Seaman Mariner or other person such person so offending shall be deemed guilty of a misdemeanour and upon conviction thereof shall suffer such punishment by fine and imprisonment with or without hard labour or by fine or imprisonment with or without hard labour for any term not exceeding two years as the Court before which such Conviction shall be had shall determine.

Ships or houses may be searched for runaway Seamen penalties on Seamen found secreted therein and on parties harboring them

IV. It shall be lawful for the Superintendent of Water Police in or at any Port or Harbor in the said Colony or any Justice of the Peace upon complaint on oath that any runaway Seaman is harbored secreted or concealed or suspected to be harbored secreted or concealed on board any ship boat or other vessel or in any house or place whatsoever to issue a Warrant directing any Constable to search such ship boat or other vessel or such house or place and such Seaman or any other Seaman who shall be there found harbored secreted or concealed together with the Master or other person having or being in charge of the ship boat or other vessel or the Occupier of the house or place wherein any such Seaman shall be so found to lodge in any watch-house there to be detained until brought before any Justice of the Peace who is hereby authorised and required to inquire into and determine the matter of such complaint and on conviction every such Seaman so found harbored secreted or concealed as aforesaid unless he produce a Certificate of Discharge or a Certificate of the Registry thereof as by Law required whether he be the party complained of or not shall forfeit and pay a penalty not exceeding twenty pounds and in case of non-payment thereof shall be committed to any Goal or House of Correction for any term not exceeding three calendar months there to be kept to hard labour and if such Master or other person having or being in charge of the ship boat or other vessel or such Occupier of the house or place wherein any such Seaman was so found harbored secreted or concealed shall not shew to the satisfaction of such Justice that he had not nor could have any knowledge or reasonable ground for suspicion that such Seaman had run away or absconded from his lawful service or was so harbored secreted or concealed such Master or other person in charge or such occupier as aforesaid shall on conviction before such Justice in a summary way forfeit and pay for every such offence a penalty of not less than five pounds nor more than fifty pounds and in case of non-payment thereof shall be committed to any Gaol or House of Correction for any term not exceeding six calendar months.

Seamen guilty of insubordination may be brought before two Justices and imprisoned for four months.

V. Upon complaint on oath made by the Master or other person having or being in charge of any Ship or Vessel within any Port or Harbor in the said Colony against any Seaman Mariner or other person employed or being in about or upon such Ship or Vessel for desertion insubordination or refusal to work or inciting or attempting to incite any other person engaged on board such Ship or Vessel as aforesaid to the commission of any such offences it shall be lawful for any Justice of the Peace to order such person to be arrested and brought before any two Justices of the Peace and it shall be lawful for the Master or Mate of any such ship or vessel or for any Constable to apprehend any Seaman Mariner or person found committing or who shall have committed any of such offences and to cause him to be conveyed before any two Justices of the Peace to be dealt with as hereinafter mentioned and any two Justices of

of the Peace shall and may enquire into the matter of such complaint and offence and upon due proof thereof either by such evidence as such Justices shall deem sufficient or on confession of the person complained of it shall be lawful for such Justices to commit such person to any Common Gaol House of Correction or other place of imprisonment in the said Colony with or without hard labor as to such Justices shall seem meet for any term not exceeding four months.

VI. It shall be lawful for the Lieutenant Governor of the said Colony or any one or more Justice or Justices of the Peace by or before whom any Seaman or Mariner may have been sentenced to any term or period of imprisonment with or without hard labour for any offence against any Statute or Act of Council now or hereafter to be passed or made to order and direct such Seaman or Mariner 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 or vessel to which he may belong Provided that an application for such Order and Direction has been previously made in writing by or on behalf of the Owner or Master of the Ship or Vessel to the Lieutenant Governor or such convicting Justice or Justices.

Power to order convicted Seaman or Mariner to be put on board at after or during term of sentence.

VII. Every proceeding under this Act shall be had and taken in a summary way and no such proceeding shall be removed by *Certiorari* or otherwise into the Supreme Court of the said Colony.

Summary proceedings.
No *Certiorari*.

VIII. All fines and penalties recovered under this Act shall be paid and applied to the Police Reward Fund.

Application of Penalties.

IX. Nothing in this Act contained shall prevent the suing for recovery and application of and appeal against any penalty under an Act of the Governor and Legislative Council of New South Wales passed in the tenth year of the Reign of Her Majesty Queen Victoria intituled "*An Act to prevent the Desertion of Seamen belonging to Foreign Ships and Vessels*" but every such penalty may be sued for recovered and applied and appealed against under the said last-mentioned Act as if this Act had not been passed or the said first-recited Act had not been repealed.

Repeal of Act 4 Vic. No. 17 not to prevent recovery of penalties under 10 Vic. No. 3.

X. This Act shall commence and take effect from and after the thirty-first day of January one thousand eight hundred and fifty-three.

Commencement of Act.