

THE WATER POLICE ACT OF 1853^{(1) (2)} (QUEENSLAND, ADOPTED) IN ITS AP- PLICATION TO THE TERRITORY OF PAPUA.

An Act to amend the Laws relating to the engagement discharge and desertion of Seamen and for the regulation of Seamen's Lodging-houses and for the better management of the Water Police Department.

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BE it enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows:—

Preamble repeated by No. 3 of 1914, s. 2 and First Schedule.

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Sections 1 and 2 repeated by No. 3 of 1914, s. 2 and First Schedule.

3. It shall be lawful for the Governor to establish at Sydney and at any other port a shipping office and to appoint for Sydney and for any such other port a shipping master who shall perform all such duties as are hereinafter required to be performed by him with the aid of such deputies clerks and servants as the said Governor may appoint or authorize the said shipping master to appoint and the said shipping master shall before entering on such duties give such security for the due performance of the same as the Governor may require and shall take and subscribe before one of the judges of the Supreme Court the oath set forth in the schedule hereto.

Appointment of Shipping master, &c.

Schedule A.

(1) *The Water Police Act of 1853* of Queensland in its application to the Territory of Papua comprises the original *The Water Police Act of 1853* of Queensland, as amended by the other Act of Queensland referred to in Part I of the following Table, and by the Ordinance of British New Guinea referred to in Part II of the following Table, and by the Ordinance of the Territory of Papua referred to in Part III of the following Table:—

TABLE.
PART I.—ACT OF THE STATE OF QUEENSLAND.

Citation of Act.	Ordinance by which adopted.	Date on which adoption took effect.
<i>The Water Police Act of 1853</i> (17 Vic. No. 36) ^(a)	<i>The Courts and Laws Adopting Ordinance (Amended) of 1889</i> (No. 6 of 1889)	23.11.1889 (Supplement to British N.G. Govt. Gaz. of 23.11.1889).
<i>The Shipping Amendment Act of 1874</i> (38 Vic. No. 10) ^(a)		

(a) Continued in force in the Territory of Papua by Section 6(1) of the *Papua Act 1905*.
(Footnote (1) continued on next page)
(For footnote (2) see next page)

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Seamen to be engaged only by master or owner and at shipping master's office.
Amended by Q. 38 Vic. No. 10, s. 2.

4. No seaman shall be engaged to serve on board any ship or vessel for any voyage by any person other than the master or owner thereof nor shall any seaman be so engaged except at the office and with the sanction of the shipping master of the port in which such engagement shall take place and every such engagement shall be entered by the shipping master in a register book to be by him kept for that purpose and the seaman and the master or owner engaging him shall respectively sign their names in such book in testimony of such engagement

Provided that nothing in this section contained shall apply to the hiring or engagement of seamen for any voyage in any vessel under eighty tons registered tonnage exclusively employed trading between different ports in the said colony of Queensland.

Register tickets and last certificates of discharge to be produced or non-production accounted for.

5. The shipping master shall before permitting any such engagement require the seaman desirous of engaging himself to produce his register ticket and the certificate of discharge from his last service (if any) as a seaman or apprentice to the sea and shall not sanction any such engagement unless such ticket and certificate shall be produced accordingly or the non-production thereof satisfactorily accounted for

On satisfactory grounds new register tickets may be given.

Provided that in case of the non-production of either of the said documents the said shipping master may require such seaman to answer such questions touching said non-production as he may think fit and if the answers to such questions shall be satisfactory

(Footnote (1) continued)

PART II.—ORDINANCE OF THE LEGISLATIVE COUNCIL OF BRITISH NEW GUINEA.

Short title, number and year.	Date of assent by Administrator.	Date on which published in British N.G. Govt. Gaz.	Date on which took effect.
<i>The Criminal Code Ordinance of 1902</i> (No. 7 of 1902) ^(a)	15.12.1902	20.12.1902	20.12.1902 (Supplement to British N.G. Govt. Gaz. of 20.12.1902)

(a) Continued in force in the Territory of Papua by Section 6(1) of the *Papua Act 1905*.

PART III.—ORDINANCE OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of reservation by Lieut.-Gov.	Date on which assent of Gov.-Gen. in Council notified in Papua Govt. Gaz.	Date on which came into operation.
<i>Ordinances Revision Ordinance, 1913</i> (No. 3 of 1914)	14.8.1913	4.2.1914	4.2.1914 (<i>Papua Govt. Gaz.</i> of 4.2.1914)

(2) At the time of its adoption by the Possession of British New Guinea, this Act of the State of Queensland had no short title. It was given the short title "*The Water Police Act of 1853*" in Queensland by *The Acts Shortening Act Amendment Act of 1908* (Queensland), which was not adopted by the Possession of British New Guinea or the Territory of Papua. For convenience of reference, it has been referred to herein as *The Water Police Act of 1853*.

The Water Police Act of 1853 (Queensland, adopted).

or if by other proof the shipping master shall be satisfied touching such non-production he may give to such seaman a new register ticket and permit him to engage.

6. Persons desirous of engaging as seamen who shall not have arrived in the colony as such or shall not have before served or been registered as such or who shall have served as apprentices only shall before engaging as seamen for any voyage apply to the shipping master to be registered as seamen and shall answer all such reasonable questions touching their former employments or occupations and fitness as the said shipping master may think fit to ask them and the said shipping master shall if satisfied with such answers enter their names and descriptions and such other particulars as he may deem requisite in a register book to be kept for that purpose and shall give to them respectively register tickets containing the particulars entered with respect to them respectively in the register book.

Registration of persons not previously in service as seamen.

7. The articles of the agreement of hiring of seamen for any voyage shall be signed by each seaman in the presence of the shipping master who shall cause the same to be read over and explained to each seaman or otherwise ascertain from him that he understands the same before he signs it and shall attest the signatures of such seamen and such articles shall be signed in duplicate and one of such duplicates shall be retained by the shipping master and the other shall be kept by the master of the ship or vessel and all such articles shall contain special places for the signatures and descriptions of substitutes or persons engaged subsequently to the first engagements for the same voyage and the attestation thereof by the shipping master shall be *prima facie* evidence of the due execution thereof without calling such shipping master to prove the same

Execution of ship's articles.
Amended by Q. 38 Vic. No. 10, s. 2.

Provided that nothing in this section contained shall apply to the hiring or engagement of seamen for any voyage in any vessel under eighty tons registered tonnage exclusively employed trading between different ports in the said colony of Queensland.

8. Upon the engagement of any seaman to serve on board a ship or vessel for any voyage or term his registered ticket shall be given into the custody of the master of the ship or vessel for which he shall have engaged.

Register ticket of seaman to be given to master of ship upon engagement.

9. Every seaman about to be discharged from his service shall attend with the master of his ship or vessel before the shipping master and such seaman and master shall respectively sign their names in the presence of the shipping master in the register book

Discharges of seamen to be before shipping master and regulated.

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to be kept for that purpose by the shipping master in testimony of their mutual consent to such discharge and of the settlement of all demands between them and the said master shall thereupon deliver to such seaman his register ticket and the master shall sign and the shipping master shall countersign and deliver to him a certificate that he has been duly discharged from such service

Provided that if such seaman shall be entitled to his discharge but shall not be satisfied with the settlement made or proposed to be made with him such discharge shall be given and such certificate thereof granted and a memorandum may be made in the said register to the effect that such seaman claims a balance to be due to him and that the master admits or disputes the same as the case may be and the said shipping master may by consent of both parties inquire into the matter of dispute and make such award or order in the matter as he may think just and such award or order shall be binding and conclusive on the said parties and may be enforced by any justice of the peace in the same way that the payment of wages may by law be enforced.

Seamen discharged before voyage to have compensation.

10. Any seaman who has signed an agreement and who is discharged before the commencement of the voyage or before one month's wages are earned without fault on his part justifying such discharge and without his consent shall be entitled to receive from the master or owner in addition to any wages he may have earned due compensation for the damage thereby caused to him not exceeding one month's wages and may on adducing such evidence as the justice hearing the case may deem satisfactory of his having been so improperly discharged as aforesaid recover such compensation as if it were wages duly earned and the same may be recovered in manner and form as wages are now recoverable.

Penalty on master for non-compliance with provisions of this Act touching discharges.

11. If the master of any ship or vessel shall when a seaman belonging thereto shall be entitled to his discharge and shall demand the same refuse to attend upon reasonable notice before the shipping master and comply with the provisions of the last preceding clause or if any master shall discharge a seaman at Sydney or at any other place where there shall be a shipping master otherwise than in his presence and in the manner hereinbefore directed he shall forfeit and pay a sum not exceeding twenty pounds.

Penalty on persons for engaging seamen contrary to this Act.

12. If any person other than a master or owner of the ship or vessel for which any seaman shall be engaged shall engage such seaman for any voyage or if any master or owner shall make such engagement otherwise than before the shipping master and in the manner hereinbefore in that behalf required such person master or owner shall for every such offence forfeit and pay a sum not exceeding twenty pounds.

The Water Police Act of 1853 (Queensland, adopted).

13. No person shall receive any remuneration for procuring any seaman to engage to serve on board any ship or vessel unless he be licensed in that behalf by the shipping master and if any person shall offend against the provisions hereof he shall for every such offence forfeit and pay a sum not exceeding twenty pounds.

No person to receive remuneration for procuring seamen to engage. Penalty.

14. Any seaman who shall engage himself to serve on board any ship or vessel contrary to the provisions of this Act shall for such offence forfeit and pay a sum not exceeding five pounds and if such seaman so engaging shall at the time be under engagement as a seaman or apprentice of any other ship from which he shall have deserted he shall upon conviction of such offence before any two justices of the peace be liable to be imprisoned at the discretion of such justices with or without hard labor for any term not exceeding three months.

Penalty on seamen for engaging contrary to this Act.

15. The master of every ship or vessel (other than vessels trading coastwise only) which shall arrive in any port or harbour where there shall be a shipping master shall within twenty-four hours after such arrival deliver to the shipping master a true list in writing containing the names of the crew and passengers of such ship or vessel and if any master shall fail herein he shall forfeit and pay a sum not exceeding twenty pounds.

List of crew to be delivered to shipping master on arrival of ship.

16. The master of every ship or vessel which shall have arrived in any port where there shall be a shipping master from parts beyond seas (vessels trading coastwise only excepted) shall before leaving such port deliver to the shipping master a copy of the articles of agreement under which such ship or vessel arrived and shall produce the original thereof to the shipping master who shall compare the same with the copy and the said master and the shipping master shall verify the said copy by their signatures and the said master shall produce to the shipping master the register ticket or a copy (which shall be compared and verified as aforesaid) of the register ticket of any seaman belonging to such ship or vessel who shall have deserted therefrom and shall also deliver to the shipping master if required a copy (to be compared and verified as aforesaid) of the entry in the ship's log of every such desertion and if any master shall refuse or neglect to comply with the provisions hereof he shall for such offence forfeit and pay a sum not exceeding twenty pounds.

Masters of ships from abroad to leave verified copies of inward ship's articles with shipping master

and shall deliver register tickets (or verified copies) of seamen who have deserted.

17. If any seaman who shall have arrived in any ship or vessel from parts beyond seas and who shall not have completed the voyage or term of his engagement on board thereof shall desert or absent himself therefrom without leave the water police magis-

Deserter or absentee refusing to return to duty may be kept in custody until he consents to return to his

duty or until his ship is ready for sea and may then be conveyed on board.

trate or any other justice of the peace shall upon application made to him by the master or chief officer issue his warrant for the apprehension of such seaman and in case such seaman shall refuse to return to his duty or to proceed on the voyage for which he contracted to serve and shall not give a sufficient reason for such refusal it shall be lawful for the water police magistrate or any two justices of the peace to commit such seaman to gaol or some other place of safe custody there to remain until he shall consent and the committing magistrates shall be satisfied of his intention to return to his duty on board such ship or vessel or until the same shall be ready to proceed to sea and it shall be lawful for the said water police magistrate or any other justice of the peace when such vessel shall be ready to proceed to sea to cause such seaman to be conveyed on board thereof and there delivered to the master thereof

Provided that no such seaman shall be kept in custody under the provisions of this clause for a longer period than one month and provided also that nothing herein contained shall affect other laws and provisions now or hereafter in force for the punishment of deserters.

Master or owner may apprehend deserters and absentees without warrant for the purpose of being conveyed promptly before a justice of the peace.

18. Whenever a seaman shall have deserted from the ship or vessel to which he belongs or shall absent himself without leave or shall refuse or neglect to go on board such ship it shall be lawful for the master or owner of such ship or vessel to apprehend him or cause him to be apprehended and lodged in a watchhouse without a justice's warrant for the purpose of being conveyed before the water police magistrate or some other justice of the peace and charged with such offence but so nevertheless that such seaman shall not be detained in custody more than twenty-four hours (Sundays Christmas Day and Good Friday not included) or such shorter time as may in the particular case be reasonable before such seaman is brought before such police magistrate or justice or a proper warrant of apprehension procured and if it shall appear to the water police magistrate or justice before whom such seaman is brought that the apprehension of such seaman was made upon improper or insufficient grounds the master or owner who caused the same shall forfeit and pay to such seaman a sum not exceeding twenty pounds.

Warrants for desertion to be applied for within twenty-four hours and any number of deserters may be in one warrant.

19. When any seaman shall desert from any ship or vessel it shall be the duty of the master or owner of such ship or vessel to give notice thereof to the shipping master and to apply for a warrant for the apprehension of the deserter within twenty-four hours after such master or owner shall be informed or aware of the desertion and any number of deserters from the same ship or vessel may be named and included in one information or warrant

The Water Police Act of 1853 (Queensland, adopted).

and every such warrant shall contain personal descriptions as near as may be of the seamen to be apprehended but no defect in such descriptions shall invalidate the warrant.

Warrants to contain personal descriptions.

20. The shipping master shall cause to be published and affixed on conspicuous parts of the shipping office or in other public places lists of all seamen reported as deserters which lists shall contain the personal descriptions of such deserters and such other particulars as the shipping master shall deem expedient.

Lists of deserters to be published by shipping master.

21. When any seaman who shall have deserted from any ship or vessel shall not be apprehended until after or so shortly before the departure of such ship or vessel from the colony that he cannot conveniently be brought to trial before such departure or that the master cannot reasonably be expected to attend for the purpose of prosecuting him and of producing original documentary evidence against him it shall be the duty of the shipping master to prosecute such deserter for such his desertion and upon the hearing of the charge the copies (verified as aforesaid) of the ship's articles and of the entry in the log-book in which respectively such offender's name shall appear and of the register ticket of such offender shall be admitted as evidence against him

Deserter apprehended after departure of ship or immediately before to be prosecuted by shipping master and verified copy of articles &c. to be evidence.

Provided always that if such seaman shall be apprehended before the actual departure of the ship or vessel to which he belongs nothing herein contained shall be construed in any way to affect the provisions at present in force for the conveyance of such seaman on board or his delivery to the master mate owner or agent of the ship or vessel upon the request of such master mate owner or agent for the purpose of proceeding on the voyage and for the award and payment of the costs of the apprehension of such seaman.

But deserter may be delivered up on request of master &c. according to Imp. 13 Vic. No. 28 s. 6.

22. If any seaman who shall have deserted from any ship or vessel in which he shall have arrived from parts beyond seas or in which he shall have shipped in this colony shall be found in the colony after the departure of such ship or vessel or so shortly before such departure that he cannot conveniently be prosecuted by the master thereof or be conveyed on board or delivered to such master or the mate owner or agent of such ship or vessel in time for the prosecution of the voyage thereof he shall upon conviction thereof be imprisoned for a period not exceeding three months or until the earlier departure of any ship or vessel belonging or partly belonging to the same owners as the ship from which he deserted in which his services may be required and in case the services of such seaman shall be so required in any such ship as last-mentioned during the said term of imprisonment he shall be bound to serve therein upon the terms of the articles by which he was bound at the time of such desertion and if such seaman shall refuse to go to

Deserters found in the colony after or immediately before departure of ship to be imprisoned and kept to labour and to be liable to compulsory engagement in any ship going to same port as his own or to his original port of shipment.

and serve on board of such last-mentioned ship or vessel or to sign the articles thereof he shall be forcibly put on board by order of the water police magistrate or any other justice of the peace and the shipping master shall have authority to sign the ship's articles on his behalf and if such seaman shall not be so engaged during the term of imprisonment the shipping master may after his release from custody give him a register ticket and certificate of permission to engage as a seaman on board of any ship bound to the same port to which the ship from which such seaman deserted was bound or to the port at which he was shipped or in case no fitting opportunity shall offer within a reasonable time for engaging as last aforesaid the said shipping master may give to such seaman a certificate of permission to engage on board of a ship or vessel bound for any other port or place.

Penalties on seaman secreting himself on board a ship with intent to evade apprehension or performance of engagement.

23. Any seaman who having deserted from his ship or vessel shall secrete himself on board any other ship or vessel with intent to evade apprehension or who shall so secrete himself with intent to escape from his present engagement as a seaman shall be liable for such offence to a penalty not exceeding five pounds or to imprisonment with hard labour for any period not exceeding three weeks over and above such punishment as he may have become liable to by the act of desertion.

Penalty for harboring deserters to extend to harboring men who refuse to join.

24. Such provisions of the tenth section of the Act of the Imperial Parliament passed in the eighth year of the reign of Her Majesty Queen Victoria chapter one hundred and twelve⁽³⁾ as relate to the harboring or secreting of deserters shall extend to the harboring or secreting of any seaman who after duly signing articles of agreement for any voyage or trip wilfully neglects or refuses to join his ship or of any apprentice who so neglects or refuses.

Penalties on persons harboring deserters or inciting to desertion.
Amended by Q. 38 Vic. No. 10, s. 2.

25. If any person shall harbor conceal employ or retain or assist in harboring concealing employing or retaining any seaman belonging to any ship who shall have deserted therefrom or otherwise absconded or absented himself from duty knowing such seaman to have deserted or otherwise absconded or absented himself from duty or without having used reasonable diligence to ascertain whether such seaman had been duly discharged from his last employment or shall cause induce or persuade or attempt to cause induce or persuade any such seaman by words or by any other means whatsoever to violate or to attempt or endeavour to violate

(3) The Act 7 and 8 Vic. c. 112 of the United Kingdom was repealed in the United Kingdom by 17 and 18 Vic. c. 120. Provisions relating to harbouring or secreting deserters are now contained in the *Merchant Shipping Act, 1894* (57 and 58 Vic. c. 60), s. 236.

The Water Police Act of 1853 (Queensland, adopted).

any agreement which he may have entered into to serve on board any 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 before any justice of the peace in a summary way forfeit and pay a penalty not exceeding twenty pounds for the first offence and not less than ten pounds nor more than fifty pounds for a second or subsequent offence or in case of non-payment thereof it shall be lawful for any justice of the peace to commit the person so offending to any gaol or house of correction for any term not exceeding six calendar months with or without hard labour the said commitment to be determined on payment of the penalty and costs.

26. All ships or vessels engaged in the coasting trade shall be liable to be searched by any officer and constables of the water police in any part of the harbour of Port Jackson for the purpose of discovering and apprehending therein any deserters from other ships of whatever description and belonging to whatever nation or state and if any master or other person in charge of such ship or vessel so liable to be searched shall refuse to permit such officer and constables to board or thoroughly search such ship or vessel or shall not when called upon so to do by any such officer or when any police boat shall be within sight and approaching such ship or vessel whilst under sail or steam cause the same to be hove to as soon as conveniently may be for the purpose of enabling such boat to overtake and board such ship or vessel he shall upon conviction of such offence forfeit and pay a penalty not exceeding twenty pounds.

Coasters liable to be searched for deserters.

27. It shall not be lawful for any person (other than an officer or person in Her Majesty's service or employment) to go and be on board any merchant vessel arriving or about to arrive at the place of her destination before or previous to her actual arrival in dock or at the wharf quay or place of her discharge without the permission and consent of the master or person in charge of the said vessel and if any person (other than as aforesaid) shall go and be on board any such vessel before or previous to her actual arrival in dock or at the wharf quay or place of her discharge without the permission and consent of the said master or person in charge of the said vessel he shall for every such offence forfeit and pay a sum of money not exceeding twenty pounds and for the better securing the person of such offender the master or person in charge of the said vessel is hereby authorised and empowered to take any person so offending as aforesaid into custody and to deliver him up forthwith to any water policeman or constable to

Persons not to be admitted on board merchant vessels before their arrival in dock or at the place of discharge without permission of master.

be by him taken before a justice or justices to be dealt with according to the provisions of this Act.

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Section 28 repealed by No. 3 of 1914, s. 2 and First Schedule.

Some person to be kept in charge of the deck at all times and challenges by police or customs officers to be answered.

29. The masters of all ships and vessels in port except such as are laid up shall at all times as well by day as by night have at least one mate or seaman in charge of the deck of such ship or vessel and the person having such charge and all persons having the charge of or being on board of any boat within the port shall answer to the challenge of the water police magistrate of the port or any justice of the peace or officer of customs or any inspector or other member of the water police force and if any person shall fail to comply with the provisions hereof such person shall for every such offence upon conviction thereof forfeit a penalty not exceeding five pounds.

Master may give drunken riotous or disorderly seamen into custody.

30. It shall be lawful for any master or other person for the time being in charge of any ship or vessel in harbour to give in charge to a water policeman or other constable any seaman or other person who shall be drunk riotous or disorderly on board such ship, or vessel and such policeman or constable shall receive such offender and convey him to some watchhouse until he can be conveyed before the water police magistrate or some other justice of the peace at the next usual hour of business and upon conviction of such offence such seaman or other person shall forfeit and pay a penalty not exceeding forty shillings or in default of immediate payment shall be imprisoned for not more than two days.

Penalty.

Lodging-house keepers for seamen to take out licences.

Amended by No. 3 of 1914, s. 2 and First Schedule.

31. It shall not be lawful for any person to carry on the business of a common lodging-house keeper for seamen in or near Sydney without having previously obtained and registered a licence to carry on such business as hereinafter provided and if any person shall carry on such business in or near Sydney without being so duly licensed he shall forfeit and pay for every day on which he shall commit such offence any sum not exceeding ten pounds.

Applications for licences to be made to water police magistrate.

32. Any person desirous of obtaining any such licence shall deliver to the water police magistrate at Sydney an application for such licence which shall be recommended by five known and respectable householders residing in Sydney and it shall be lawful for the said water police magistrate if satisfied with the character of the person so applying and with the accommodation which the house of such applicant is capable of affording to grant a licence to such person under his hand authorising such person to receive a specified number of seamen as lodgers in the house to be described in such licence which licence shall be registered and countersigned

The Water Police Act of 1853 (Queensland, adopted).

by the shipping master and shall upon such registration and not otherwise be in force until the first day of January next.

Licence to be registered by shipping master.

33. Every person who shall hold such licence as aforesaid shall at all times keep his name at length painted in legible characters with the words "licensed lodgings for seamen" over the door of each house or place by him kept or made use of as lodgings for seamen and any such licensed person who shall fail or neglect to comply with the regulations hereby imposed shall for every such offence forfeit and pay any sum not exceeding five pounds.

Lodging-house keepers for seamen to keep their names painted over their doors.

34. If any person not actually holding a licence as aforesaid shall keep up any sign writing painting or other mark on or near to his premises which may imply or give reasonable cause to believe that such premises are the premises of a common lodging-house keeper for seamen he shall forfeit and pay any sum not exceeding ten pounds.

Penalty on unlicensed lodging-house keeper for holding out that he is licensed.

35. The keeper of a common lodging-house for seamen and every other person having or acting in the care or management thereof shall at all times when required by the water police magistrate or the shipping master or by any officer acting under their or either of their command respectively give to such police magistrate shipping master or officer free access to such house or any part thereof.

Lodging-house keeper to give free access to water police magistrate &c.

36. If any person shall on board any merchant ship within twenty-four hours of her arrival at any port as aforesaid solicit any seaman to become a lodger at the house of any person not so licensed as aforesaid and letting lodgings for hire or shall take from and out of such ship any chest bedding or other effects of any seaman except under the personal direction of such seaman and without having the permission of the master or person in charge of such ship he shall be liable to forfeit and pay for every such offence a sum not exceeding five pounds.

Penalty for soliciting sailors.

37. In all proceedings under this Act against any person carrying on the business of a common lodging-house keeper for seamen without a licence such person shall for all purposes connected with such proceedings be deemed and taken to be unlicensed unless he shall produce his licence or shall give such other proof as shall be satisfactory to the justice or justices hearing the case of his being duly licensed within the meaning of this Act.

Proceedings against unlicensed lodging-house keepers.

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Grounds on which licence may be cancelled and manner thereof.

38. If any such common lodging-house shall be conducted in a disorderly manner or it shall be found that due and proper accommodation care and protection are not given therein to seamen or to their property or if the keeper thereof shall be convicted of any felony or misdemeanour or of aiding and abetting in the breach or evasion of any of the provisions of this Act or of any other Act or enactment for preventing the desertion of seamen or for regulating their engagement and discharge it shall be lawful to the water police magistrate and one other justice of the peace upon complaint of the shipping master to cancel the licence of the keeper of such house.

Shipping master to keep register of lodging-house keepers for seamen.

39. The shipping master at Sydney shall keep a register in which shall be entered the names and residences of the keepers of all licensed common lodging-houses for seamen and the situation of every such licensed house and the number of lodgers authorised to be received therein.

Fees payable to shipping office. Schedule B.

40. The fees mentioned in the schedule hereto annexed shall be receivable by and paid to the shipping master towards defraying the expense of maintaining the shipping office.

Provided that the fees payable in the engagement of seamen shall be paid by the master owner or agent of the ship or vessel for which the seamen shall be engaged and shall not be charged to such seamen and that the fees payable on discharges shall be paid by the seamen discharged or in default of such payment then by the master owner or agent of the ship or vessel who shall be entitled to deduct the same from the seamen's wages.

Fees to be paid into Colonial Treasury.

41. All fees payable under this Act shall be accounted for and paid by the shipping master to the Colonial Treasurer for the general revenue of the colony and any shipping master or any deputy clerk or assistant demanding or receiving any fee not authorised by this Act shall forfeit any sum not exceeding fifty pounds.

Printed forms to be supplied by shipping master.

42. Printed forms of register tickets certificates of discharge certificates of permission to be employed and of all other documents required to be used under the provisions hereof and which shall be in frequent demand shall be supplied at the shipping office to all persons who shall apply for the same at such reasonable prices for the purpose of covering the cost thereof as the shipping master may determine.

Penalties recoverable before justices.

43. All penalties and punishments incurred by contravening any of the provisions of this Act shall be recoverable before and may be awarded in a summary way by the water police magistrate

The Water Police Act of 1853 (Queensland, adopted).

or any two justices of the peace except in cases in which a contrary intention shall appear in the enactment imposing any such penalty or punishment and in all cases in which imprisonment with hard labor shall be imposed under this Act it shall be competent to the Governor to cause the offender to be kept in any ship or vessel at or adjacent to any place of public work in or upon any harbour navigable river or creek and to be employed upon such public work.

44. Every person who shall knowingly and wilfully give false answers to any questions which the shipping master is by this Act authorised to put to them⁽⁴⁾ may be convicted in a summary way before any two justices of the peace and may thereupon be ordered to pay a penalty not exceeding fifty pounds or at the discretion of the convicting justices he may be sentenced to be imprisoned with hard labor in any gaol or in any ship or vessel at or adjacent to the place of any public work in or upon any harbour or navigable river or creek for any period not exceeding six months.

Penalties for false answers. Amended by No. 7 of 1902, s. 2 and First Schedule.

45. It shall be competent to the water police magistrate at any time to cancel wholly or to suspend for any period of time the licence of any waterman in Port Jackson who shall be convicted of any felony or misdemeanour or who shall in any manner aid and abet in the breach or evasion of any of the provisions of this Act or of any other Act or enactment for preventing the desertion of seamen or for regulating their engagement or discharge.

Power to cancel waterman's licence for misconduct.

46. In the construction of this Act the following words shall have the meaning hereby assigned to them if not inconsistent with the context or subject matter that is to say

Interpretation clause.

the words "ship" and "vessel" shall include every description of sea-going vessel whether trading beyond or within the limits of the colony

the word "owner" shall include all or any of the several persons if more than one to whom the vessel shall belong or any agent for the owner or owners

the word "master" shall be deemed to include every person having charge or command of a vessel

the word "seaman" shall include an apprentice to the owners or master of any ship or vessel or any other person employed on board any ship either for loading or discharging or getting ready for sea

the word⁽⁵⁾ "shipping master" shall include any deputy of such shipping master in respect of any duties and acts for which the Governor shall have appointed or authorised the appointment of such deputy.

(4) The word "them" appeared in the original Act. *Semble*, "him" was intended.

(5) The word "word" appeared in the original Act. *Semble*, "words" was intended.

SHIPPING—

Commencement
of Act.

47. This Act shall come into operation on the first day of January now next.

See section 8.

SCHEDULE A.

Oath to be taken by shipping master.

I do solemnly swear that I will faithfully and truly perform the office and duty of shipping master according to the true intent and meaning of an Act of Council passed in the year of Her Majesty Queen Victoria No. and that I will not either directly or indirectly personally or by means of any other person or persons on my behalf receive any fee reward or gratuity whatsoever by reason of any function of my office as shipping master except such as are authorised by the said Act and that I will act without partiality favor or affection and to the best of my knowledge. So help me God.

See section 40.
Substituted by
Q. 38 Vic.
No. 10, s. 3.

SCHEDULE B.

SCALE OF FEES FOR MATTERS TRANSACTED AT SHIPPING OFFICES:—

1. Engagement of Seamen Two shillings for each.
2. Discharge of Seamen Two shillings for each.
3. Certificates of Permission to be employed Five shillings for each.
4. On Registering Lodging-house Licence .. Five pounds.