



ANNO UNDECIMO

VICTORIÆ REGINÆ,

No. 2.

*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,
Lieutenant-Governor of the Island of Van Diemen's Land and
its Dependencies, with the Advice of the Legislative Council.*

AN ACT to prevent the Practice of Crimping.

WHEREAS by the Act of this Island intituled *An Act to regulate the Police in certain Towns and Ports within the Island of Van Diemen's Land and to make more effectual provision for the Preservation of the Peace and good Order throughout the said Island and its Dependencies* generally provision is made by the Fifty-fifth Section thereof for the apprehending and committing to gaol of Seamen belonging to Vessels of all Nations which arrive in any of the Ports or Harbours of this Island in case of desertion or absence without leave from their vessels by such Seamen but no provision is made by that Act or by any other Act of this Island to restrain the practice of enticing away and facilitating the desertion or absenting themselves without leave by foreign Seamen from their Vessels in violation of their articles of agreement with the Masters or Commanders of such Vessels—**AND** WHEREAS such practice is highly injurious to the commerce of this Island and it is expedient that a remedy be provided in manner hereinafter mentioned—**BE IT THEREFORE ENACTED** by His Excellency SIR WILLIAM THOMAS DENISON Knight Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies by and with the advice of the Legislative Council of the said Island that from the time when this Act shall come into operation if during the continuance of any period of service contracted for in or by any agreement signed by any foreign Seaman or Mariner to serve on board any Ship or Vessel which shall come or be within any Port or Harbour of this Island any person whosoever shall harbour secrete conceal employ contract with or retain or assist in harbouring secreting concealing employing contracting with or retaining any such Seaman or Mariner or shall cause incite induce or persuade or endeavour to cause incite induce or persuade such Seaman or Mariner in any manner whatsoever to violate or to attempt or endeavour to violate any such agreement or shall knowingly connive at or conceal the violation of or any attempt at the violation of such agreement by any such Seaman or Mariner every such person so offending and knowing of or having reason to believe the existence of such agreement and of the violation thereof by such

PREAMBLE.
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Persons knowingly harbouring or employing Foreign Seamen in breach of their agreements or inciting or conniving at any such breach subjected to penalty.

Persons offending presumed to have a knowledge of such breach of agreement unless they shall show themselves to have been imposed upon or to have used reasonable precaution.

Ships or houses may be searched for any seamen deserting from their ships or being absent therefrom without leave in writing.

Penalties on seamen found secreted and on parties harbouring them.

Seaman or Mariner shall for every such offence upon conviction thereof forfeit and pay a penalty or sum not exceeding One Hundred Pounds—**PROVIDED ALWAYS** that every person charged with offending against this Act shall be deemed and taken to have known of or had reason to believe the existence of such agreement as aforesaid and the violation or attempt at the violation thereof by such Seaman or Mariner unless it shall be made to appear to the satisfaction of the Justice or Justices before whom the matter of complaint shall be heard that notwithstanding ordinary precaution in that behalf the person so charged with offending against this Act shall have been imposed upon by falsehood fraud or otherwise and have thereby unknowingly and unwillingly offended against this Act.

II. AND BE IT ENACTED that it shall be lawful for any Justice or Justices of the Peace where upon complaint on oath accompanied by the production of any such agreement as aforesaid and not otherwise it shall be made to appear to the satisfaction of such Justice or Justices that any foreign or other seaman or seamen whatever who shall have deserted from his or their ship or vessel or shall be absent therefrom without the leave in writing of the master or other officer in command thereof is or are harboured secreted or concealed or suspected to be harboured secreted or concealed on board any ship boat or other vessel or in any house or place whatsoever to issue a warrant to some fit and proper person therein named authorising such person to enter and search such ship boat or other vessel or such house or place and such seaman or seamen as shall be there found so harboured secreted or concealed together with the master or other person having the charge or being in charge of such ship boat or other vessel or the occupier of the house or place wherein such seaman or seamen shall be so found to lodge in the nearest watchhouse there to be detained until brought before such Justice or Justices or any other Justice or Justices who is and are hereby respectively authorised and required to inquire into and determine the matter of such complaint and on conviction thereof such seaman or seamen so found harboured secreted or concealed as aforesaid shall forfeit and pay a penalty or sum of not less than Ten Shillings nor more than Twenty Shillings and unless such master or other person having the charge or being in charge of such ship boat or other vessel in which such seaman or seamen shall be so found as aforesaid or unless such occupier of such house or place wherein such seaman or seamen shall be so found as aforesaid shall as the case may be show to the satisfaction of such Justice or Justices that he or they neither had nor could have any knowledge or reasonable ground for suspecting or believing that such seaman or seamen had deserted from his or their ship or vessel or was or were absent therefrom or that such seaman or seamen was or were so harboured secreted or concealed as aforesaid such master or other person having the charge or being in charge of such ship boat or other vessel or such occupier of such house or place wherein such seaman or seamen shall have been so found as aforesaid shall on conviction thereof forfeit and pay for every such offence a penalty or sum not exceeding One Hundred Pounds—**PROVIDED ALWAYS** that the period during which any such Seaman or Seamen or such Master or other person having the charge or being in charge of such Ship Boat or other Vessel or such occupier of any such house or place shall be so detained in any such watch-

house shall in no case exceed twenty-four hours and it shall be lawful for the person so named in any such warrant or for the keeper or person for the time being in charge of such watchhouse to take bail by recognizance without any fee or reward from such Master or other person having or being in charge of such Ship Boat or other Vessel or such occupier of such house or place conditioned that such Master or other person having or being in charge as aforesaid or such occupier of such house or place as aforesaid shall appear for examination before any such Justice or Justices as aforesaid at some place to be specified in such recognizance at the hour of ten of the clock in the forenoon next after such recognizance shall be taken unless that hour shall fall on a Sunday or on Christmas Day or Good Friday and in any such case at the like hour on the succeeding day and every such recognizance so taken shall be of equal obligation on the parties entering into the same and shall be liable to the same proceedings for the enforcement thereof as if the same had been taken before any such Justice of the Peace and such person so named in any such warrant or such keeper or person for the time in charge of such watchhouse shall enter into a book to be kept for that purpose the name residence and occupation of the party and his surety or sureties if any entering into such recognizance together with the condition thereof and the sum or sums respectively acknowledged and shall lay such recognizance and book before such Justice or Justices as shall be present at the time and place when and where such party is so required to appear as aforesaid and if such Master or person having or being in charge as aforesaid or such occupier as aforesaid shall fail to appear before such Justice or Justices at the time and place for that purpose so specified and appointed as aforesaid it shall be lawful for any such Justice or Justices to issue his or their warrant for the apprehension of and bringing before him or them of such Master or other person having or being in charge as aforesaid or of such occupier as aforesaid in order that the matter of such complaint may be enquired into and determined by such Justice or Justices in manner aforesaid—PROVIDED ALSO that no person whatsoever shall under or by virtue of this and the preceding section of this Act be liable to be or be twice convicted for one and the same act of harbouring secreting or concealing any such Seaman or Seamen as aforesaid and any conviction had or forfeiture insisted on under or by virtue of the said second section of this present Act in respect of one and the same subject matter or occasion shall be deemed and taken to be and shall be a bar to every information or proceeding to be had or taken or penalty or forfeiture which otherwise might be insisted on or incurred under or by virtue of the several Acts of Council of this Island intituled respectively *An Act for extending to Van Diemen's Land the Provisions of a Statute passed to consolidate and amend the Laws relating to Merchant Seamen* and *An Act to consolidate and amend the Laws for the Regulation and Protection of the Whale Fisheries*.

No person to be more than once convicted for the same offence.

8 W. 4, No. 10.

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III. AND BE IT ENACTED that any breach whatsoever of any or either of the provisions of this Act for which any pecuniary penalty is imposed shall be deemed and taken to be an offence against this Act and all offences against this Act shall upon information in that behalf exhibited be heard and determined in a summary way by and before any Justice or Justices of the Peace in the

Offences to be heard and determined in a summary way.

mode prescribed by the Act of this Island intituled *An Act to regulate Summary Proceedings before Justices of the Peace* and all penalties imposed or forfeitures incurred by or under this Act shall be recovered levied and paid in the manner provided by the said Act so intituled *An Act to regulate Summary Proceedings before Justices of the Peace* and every person aggrieved by any conviction under this Act may appeal therefrom in the manner provided by the said lastly recited Act.

Appropriation
clause.

IV. AND BE IT ENACTED that all penalties and forfeitures imposed or incurred by or under this Act shall be appropriated as follows that is to say as to one moiety thereof to the use of the informer who shall also be entitled to his or her costs and charges over and above such penalties and forfeitures which said costs and charges shall be ascertained and assessed by the Justice or Justices before whom the case is heard and as to the other moiety to the use of Her Majesty Her Heirs and Successors to be applied in aid of the General Revenue of this Colony in such manner as shall be directed by any Act or Acts appropriating such Revenue.

Interpretation
clause and proof
of agreement of
seamen.

V. AND BE IT ENACTED that in all prosecutions for any offence under this Act the production on oath by the Master Commander or Officer in charge of any such ship or other vessel of any such agreement as aforesaid signed or purporting to be signed by any such seaman or seamen as aforesaid shall be deemed and taken to be sufficient *prima facie* proof of such agreement and it shall not be necessary for the purpose of proving the execution thereof to call any subscribing or attesting witness or witnesses thereto or to account for the absence or to prove the handwriting of any such subscribing or attesting witness or witnesses thereto or to prove the handwriting of any such seaman or seamen provided that the production on oath of any such agreement as aforesaid be accompanied by proof that such seaman or seamen had acted in that capacity on board such ship or other vessel and in the construction of this Act every port harbour haven roadstead channel creek and navigable river within this Colony and its Dependencies shall be deemed taken and understood to be a port or harbour within the meaning and for the purposes of this Act and every person who for the time being shall have the command or charge of or chief authority in any such ship boat or other vessel shall within the meaning and for the purposes of this Act be deemed taken and understood to be the master or commander of such ship boat or other vessel and every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall in like manner be deemed taken and understood to be a seaman or mariner within the meaning and for the purposes of this Act and any word importing the singular number only and any word importing the masculine gender only shall unless there be something in the context repugnant to such construction respectively be deemed to mean and include the plural number and feminine gender also and *vice versa*.

W. T. DENISON.

Passed the Legislative Council this tenth
day of March, one thousand eight
hundred and forty-eight,

J. W. KIRWAN, *Clerk of the Council*.