BRITISH COLUMBIA.

ANNO TRICESIMO TERTIO.

VICTORIÆ REGINÆ.

* *

No. 14.

An Ordinance to prevent Desertion from Merchant Ships.

[27*th April*, 1870.]

WHEREAS it is desirable to prevent desertion from Merchant Ships;

And whereas certain evil disposed persons are in the habit of loitering about Merchant Ships in boats and otherwise, for the purpose of inciting Seamen to Desert or attempt to Desert, and it is expedient to prevent such practices in future; Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

I. Every person who by any means whatever, persuades or attempts to persuade, or incites, or attempts to incite, any Seaman or Apprentice to neglect or refuse to join, or to Desert from his Ship, or otherwise to absent himself from his duty, shall for each such offence, in respect of each such Seaman or Apprentice, incur a penalty not exceeding Fifty Pounds; and every person who wilfully harbors or secretes any Seaman or Apprentice who has Deserted from his Ship, knowing or having reason to believe such Seaman or Apprentice to have done so, shall for every such Seaman or Apprentice so harbored or secreted, incur a penalty not exceeding Fifty Pounds. Inciting Seaman to Desert, or secreting same, an offence, fine £50.

II. Every infraction of this Ordinance shall be punishable, upon summary conviction before any Stipendiary Magistrate or any Two Justices of the Peace of British Columbia, by a penalty not exceeding Fifty Pounds, or in default of payment, by imprisonment for any period not exceeding Six Calendar Months, with or without hard labour at the discretion of the Magistrate or Justices convicting. Punishable by summary conviction,

Provided, that nothing herein contained shall be construed to prevent the Magistrate or Justices, before whom any offender against any of the provisions of this Ordinance shall be brought, from committing such offender for trial before any Court of Assize, or Court of Oyer and Terminer, which may be held in the said Colony of British Columbia; and every such Court and every Chief Justice and Judge thereof, or presiding thereat, shall be and is hereby fully authorized and empowered to enquire into, hear, and determine any and every such offence, which shall be deemed a misdemeanor, and upon the conviction before any such Court of any such offender so committed for trial, the offender so convicted shall be sentenced to and punished by any fine not exceeding Five hundred Dollars, or to imprisonment in one of Her Majesty's Gaols, for any term not exceeding Two Years, and with or without hard labour as in the discretion of the Court or Judge so convicting the justice of the case shall seem to require. or by Indictment as a misdemeanor. Penalty, fine or imprisonment.

Provided

Not triable twice for same offence.

Provided that nothing herein contained shall be construed to prevent any person committing an offence under this Ordinance, from being arrested, tried, and convicted, under any Law or Statute, Imperial or Local, before any Court having jurisdiction over such offences, but so only that the same person shall not be punished twice for the same offence.

Informality not to invalidate conviction.

III. No conviction under this Ordinance shall be removable by *certiorari*, or otherwise, into a Superior Court; nor shall any Warrant of Commitment upon a conviction under this Ordinance be held to be invalid by reason of any informality or defect, if it be therein alleged that the offender has been convicted, and there be a good and valid conviction to sustain the same.

Short Title.

IV. This Ordinance may be cited for all purposes as the "Merchant Ship Desertion Ordinance, 1870."

Passed the Legislative Council the 22nd day of April, A. D. 1870.

CHARLES GOOD, *Clerk of the Council.*

PHILIP J. HANKIN, *Presiding Member.*

Assented to, in Her Majesty's name, this 27th day of April, 1870.

A. MUSGRAVE, *Governor.*

VICTORIA, B. C.:
PRINTED AT THE GOVERNMENT PRINTING OFFICE.