



WATER POLICE ORDINANCE, 1861.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIII., No. 59.

ANALYSIS.

Title.

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AN ORDINANCE for *Establishing a Water Police for the Port and Harbour of Otago, and for Punishing Desertion and other Misconduct of Seamen within the said Port and Harbour.*

WHEREAS it is expedient to provide more effectual means for preventing Desertion by Seamen belonging to Merchant Vessels lying in the Harbour and Port of Otago, and for punishing offences committed by such Seamen and other persons ;

BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago, with the advice and consent of the Provincial Council thereof, as follows :—

Superintendent to establish a Water Police for the Harbour and Port of Otago. 1. It shall be lawful for the Superintendent, with the advice and consent of his Executive Council, to appoint any number of Constables and officers of the Constabulary Force of this Province to act as a Water Police for the Harbour and Port of Otago.

The hulk "Thomas & Henry" to be a Water Police Station. 2. The Hulk called the "Thomas and Henry," now moored in the said Harbour, shall be a Station for the said Water Police, and a place for the confinement of persons whilst in the custody of the said Water Police.

The said hulk may be proclaimed a Prison. 3. It shall be lawful for the Superintendent to declare the said Hulk and any other Hulk, to be a Prison for the imprisonment of Seamen convicted of offences against this Ordinance, and for the imprisonment of other offenders for whom there may not at any time be room in the Gaol at Dunedin: Provided that the said Prison Hulk or Hulks shall be subject to the visitation of the Visiting Justices of the said Province and to all prison rules and regulations in force in the said Province.

Ships may be boarded & searched. 4. It shall be lawful for any officer of Water Police, Water Policeman, or Constable, with such assistance as they respectively may require, to enter on board and search any ship lying or being within the said Port, when and so often as he or they shall have reasonable ground for believing such search to be necessary, in the execution of the duties imposed on them by this or any other Ordinance in force in this Province.

Penalty for wilfully obstructing or resisting persons in search of seamen, &c. 5. If the master of any ship, or any other person, shall resist or wilfully obstruct any officer of Water Police, 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 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 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, so that such fine shall not exceed the sum of One Hundred Pounds, and such imprisonment shall not extend beyond the period of six calendar months.

Ships or houses may be searched for runaway seamen. Penalties on seamen found secreted therein, and on persons harbouring them. 6. It shall be lawful for any Justice of the Peace, upon complaint made to him upon oath that any runaway seaman is harboured, secreted, or concealed, or suspected to be harboured, secreted, or concealed, on board any ship, or in any house or place whatsoever, to issue a Warrant, directing any Water Policeman or Constable to search such ship, house, or place, and such seaman, if there found harboured, secreted, or concealed, together with the master or other person having or being in charge of the ship, or the occupier of the house or place wherein any such seaman shall be so found, to lodge in the said Hulk or other place of confinement, 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 harboured, secreted, or con-

cealed as aforesaid, shall, on conviction, be sentenced to be imprisoned and kept to hard labour for any period not exceeding three calendar months: And if such master or other person having or being in charge of the ship, or such occupier of the house or place wherein any such seaman was so found harboured, secreted, or concealed, shall not show to the satisfaction of such Justice that he had not nor could have any knowledge or reasonable grounds for suspicion that such seaman had run away or absconded from his lawful service, or was so harboured, 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 ten pounds, nor more than one hundred pounds, and in case of non-payment thereof, shall be committed to any Gaol for any time not exceeding six calendar months.

7. Upon complaint on oath made by the master or other person having or being in charge of any ship within the said port, against any seaman, mariner, or other person employed in, about, or upon such ship, for desertion, insubordination, or refusal to work, or inciting or attempting to incite any other person engaged on board such ship to the commission of any of the said offences, it shall be lawful for any Justice of the Peace to order such person to be arrested and brought before himself or any other Justice of the Peace, and it shall be lawful for the master or mate of any such ship, or for any Water Policeman or Constable to apprehend any seaman, mariner, or other person found committing, or who shall have committed any of such offences, and to cause him to be conveyed before any Justice of the Peace, to be dealt with as hereinafter mentioned, and any Justice 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 Justice shall deem sufficient, or on confession of the person complained of, it shall be lawful for such Justice to commit such persons to any Gaol or other place of imprisonment in the said Province, with or without hard labour, as to such Justice shall seem meet, for any term not exceeding three calendar months: And if any seaman or mariner belonging to any such ship shall leave the same without the consent of the master or officer in command, he shall be deemed to be guilty of desertion, and shall be liable to be punished accordingly.

Seamen guilty of desertion and insubordination may be brought before a Justice of Peace and imprisoned for three calendar months.

8. It shall be lawful for the Officer commanding the said Water Police to cause any seaman confined on board any prison hulk under sentence of imprisonment with hard labour, to be conveyed from day to day on board any ship in the course of loading or unloading in the said harbour, and, with the consent of the master thereof, to set such seaman to work in loading or unloading such ship, or in any other work, and to receive from such master the current rate of wages for the work done by such seaman, and such Officer shall account to the Superintendent for the monies so received, and pay the same to the Provincial Treasurer for the use of the Province. Provided that it shall be lawful for the Superintendent to allow to every such seaman, on his discharge from prison, any portion of the money which he shall have so earned, in case he shall have conducted himself in an orderly manner.

Seamen sentenced to hard labour may be employed in loading & unloading ships.

Power to order convicted seamen or mariners to be put on board at, after, or during term of sentence.

9. It shall be lawful for the Superintendent, or for any Justice of the Peace, to order and direct any 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 to which he may belong. Provided that an application for such order and direction shall have been previously made, in writing, by or on behalf of the owner or master of the ship to the Superintendent, or such Justice.

This Ordinance may be put in force in any Port of Entry in the Province.

10. The Superintendent, by notice published in the Provincial Government *Gazette*, shall and may from time to time direct, that this Ordinance shall apply to and be put in force in any Port or River in this Province which has already been declared, or shall hereafter be declared, by his Excellency the Governor to be a Port of Entry.

Interpretation Clause.

11. The word "Ship" in this ordinance shall be construed to mean any sea-going sailing vessel or steam vessel employed in the conveyance of merchandize, or passengers, or of both.

Short Title.

12. This Ordinance shall be entitled and may be cited as the "Water Police Ordinance, 1861."

Passed the Provincial Council this thirty-first day of October, One thousand eight hundred and sixty-one.

ALEX. RENNIE,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, this second day of November, One thousand eight hundred and sixty-one.

J. RICHARDSON,
Superintendent of the Province of Otago.