

Marine (1898) Department.

G.O., No. 239. Mar

DATED 31 March 98

1/4/98

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4-7-98

[Despatch Abstract.]

Deserters from foreign ships. Provisional Order of
His Majesty in Council applying Sec. 238 of the
Merchant Shipping Act, 1894, relating to
— in the case of Japan ^{with the remark that it would be published in effect at once in the} ~~and the~~ ^{and the} Judicial Dept., and ordered to be published
in the Fort St. George and Maritime Dept. Gazette.

180/20

In
21.5.98

1/4/98

Provisional Order of Her Majesty in Council applying section 238 of the Merchant Shipping Act, 1894, relating to — in the case of Japan, communicated to the Presidency Port Officer and the Judicial Department, with the remark that it will be brought into effect at once in the Madras Presidency, and ordered to be published in the Fort St. George and Maritime District Gazettes.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following paper:—

Despatch from the Right Honourable the Secretary of State for India, to His Excellency the Governor in Council of Fort St. George, dated India Office, London, 17th February 1898, No. 1—Rev.

I forward, for your Excellency's information and for such action as you may deem necessary, three copies of a Provisional Order of Her Majesty in Council applying section 238 (relating to deserters from British ships) of the Merchant Shipping Act, 1894, in the case of Japan.

Dated 3rd February 1898.

ORDER—No. 239, Marine, dated 31st March 1898.

Communicated to the Presidency Port Officer and the Judicial Department.

2. The Order will be brought into effect at once in the Madras Presidency, and will, with an extract of section 238 of the English Merchant Shipping Act, 1894, be published in the Fort St. George and all Maritime District Gazettes.

NOTIFICATION.

The following Provisional Order of Her Majesty in Council, with extract section 238 of the English Merchant Shipping Act, 1894, is published for information and guidance:—

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT.

THE 3RD DAY OF FEBRUARY 1898.

Present:

The Queen's Most Excellent Majesty in Council.

WHEREAS by sub-section (1) of section 238 of "The Merchant Shipping Act, 1894," it is provided that, where it appears to Her Majesty that due facilities are, or will be, given by the Government of any foreign country for recovering and apprehending seamen who desert from British merchant-ships in that country, Her Majesty may, by Order in Council, stating that such facilities are or will be given, declare that that section shall apply in the case of such foreign country, subject to any limitations, conditions, and qualifications contained in the Order:

And whereas it appears to Her Majesty that due facilities are given by the Government of Japan for recovering and apprehending seamen who desert from British merchant-ships in that country:

Now, THEREFORE, Her Majesty, by virtue of the power vested in Her by the herein-before recited sub-section (1) of section 238 of "The Merchant Shipping Act, 1894," and by and with the advice of Her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that the said section 238 of "The Merchant Shipping Act, 1894," shall apply in the case of Japan.

And whereas the immediate operation of this Order is urgent; this Order shall come into operation forthwith, and shall be a *Provisional* Order within the meaning of "The Rules Publication Act, 1893."

And the Secretary of State for the Home Department, the Secretary of State for the Colonies, and the Secretary of State for India in Council, are to give the necessary directions herein accordingly.

Extract section 238 of the English Merchant Shipping Act, 1894.

238. *Deserters from Foreign Ships.*—(1) Where it appears to Her Majesty that due facilities are or will be given by the Government of any foreign country for recovering and apprehending seamen who desert from British merchant-ships in that country, Her Majesty may, by Order in Council, stating that such facilities are or will be given, declare that this section shall apply in the case of such foreign country, subject to any limitations, conditions, and qualifications contained in the Order.

(2) Where this section applies in the case of any foreign country, and a seaman or apprentice, not being a slave deserts when within any of Her Majesty's dominions from a merchant ship belonging to a subject of that country, any court, justice, or officer that would have had cognizance of the matter if the seaman or apprentice had deserted from a British ship shall, on the application of a Consular officer of the foreign country, aid in apprehending the deserter, and for that purpose may, on information given on oath, issue a warrant for his apprehension, and, on proof of the desertion, order him to be conveyed on board his ship or delivered to the master or mate of his ship, or to the owner of the ship or his agent, to be so conveyed; and any such warrant or order may be executed accordingly.

(3) If any person harbours or secretes any deserter liable to be apprehended under this section, knowing or having reason to believe that he has deserted, that person shall for each offence be liable to a fine not exceeding ten pounds.

(True Extract.)

Under Secretary to Government.

To the Presidency Port Officer.

- " Collectors, Maritime Districts.
- " Superintendent, Government Press, with notification.
- " Judicial Department.

Papers to be read in Proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 328

of 1898, dated 14.3.1898, from Secy of State.

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" 189 , "

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" 189 , "

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The Hon Sir Henry Pollock
K.C.J.

Desertion from Foreign Ships

ORDER.

No 239 Men of 31.3.98

Communicated to
the Presidency Port Officer
and the Judicial Dept.

2. The order will be brought
into effect at once in the
Madras Presidency, and
will, with an extract of Section
238 of the English Merchant
Shipping Act 1894, be published
in the Port of George and all
Maritime District Gazettes.

Issue. hand
W. 24.3.98

By Mr. J. J. J.

The Judicial Dept. for
purpose of countermeasures

W. 25.3.98

25.3.98

15.3.98

W. 19.3.98

To, The Presidency Port Officer

" Collectors, Maritime Sts.

" Supdt. East Press and Notary

" Judicial Dept.

239

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Marine Dept.

Notification

The following Provisional Order of Her Majesty in Council with extract section 238 of the English Merchant Shipping Act 1864 ^{is} ~~are~~ published for information and guidance:—

H.E.

(1) Order in Council

(2) Extract section 238 of the English Merchant Shipping Act 1864:—

Deserters from foreign ships.

238. — (1) where it appears to Her Majesty that due facilities are or will be given by the government of any foreign country for recovering and apprehending seamen who desert from British merchant ships in that country, Her Majesty may, by Order in Council, stating that such facilities are or will be given, declare that this section shall apply in the case of such foreign country, subject to any limitations, conditions, and qualifications contained in the order.

(2) where this section applies in the case of any foreign country, and a seaman or apprentice, not being a

slave
deserts when within any of Her Majesty's
dominions from a merchant ship belonging
to a subject of that country, any court, justice,
or officer that would have had acquaintance
of the matter if the seamen or apprentice
had deserted from a British ship shall,
on the application of a consular officer of
the foreign country, and in apprehending
the deserter, and for that purpose may,
on information given on oath, issue a
warrant for his apprehension, and,
in proof of the desertion, order him to
be conveyed on board his ship or
delivered to the master or mate of
his ship, or to the owner of the ship or
his agent, to be so conveyed; and any
such warrant or order may be
executed accordingly.

(3) If any person harbours or secretes
any deserter liable to be apprehended
under this section, knowing or having
reason to believe that he has deserted,
that person shall for each offence
be liable to a fine not exceeding
ten pounds.

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16.3.95

Marine
Public Works (1898) Department.

CURRENT No. 328

From The Secy. of State for
India

Order

No. Rev. 1

Dated 17th Feb. 1898.

Received } 14th March 1898.
Registered }

Enclosures - One

Spare copies - 2

SUBJECT.

Sec 238(1) of the Merchant-
Shipping Act, 1894. Forwarding
3 copies of a Provincial order of
Her Majesty in Council applying
— in the case of Japan

i O. C. (22)280.

And whereas the immediate operation of this Order is urgent; this Order shall come into operation forthwith, and shall be a *Provisional* Order within the meaning of "The Rules Publication Act, 1893."

And the Secretary of State for the Home Department, the Secretary of State for the Colonies, and the Secretary of State for India in Council, are to give the necessary directions herein accordingly.

C. L. PEEL.

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REVENUE,

No. 1.

TO HIS EXCELLENCY THE HONOURABLE THE GOVERNOR
IN COUNCIL FORT ST. GEORGE.

Dated 3rd February 1898.

INDIA OFFICE,
LONDON. 17th FEBRUARY 1898.

Sir,

I forward for Your Excellency's
information, and for such action as
you may deem necessary 3 copies of a
Provisional Order of Her Majesty in
Council applying Section 238, (relating
to deserters from British ships) of the
Merchant Shipping Act 1894, in the
case of Japan.

I have the honour to be,

Sir,

Your most obedient humble Servant,

George Hamilton

No 11.



Revenue

17th February 1895

The
Letter to Fort St. George

No 1.