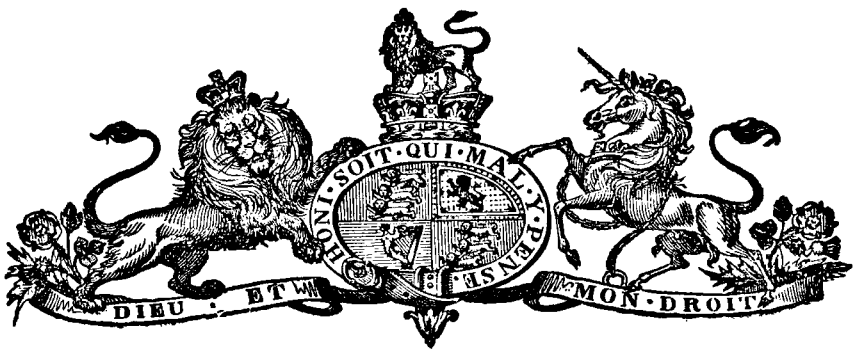


ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. XXV.

An Act for giving effect to the Stipulations of a Treaty between Her Majesty and the Queen of *Portugal* for the Apprehension of certain Deserters. [26th *June* 1849.]

WHEREAS by the Sixteenth Article of a Treaty of Commerce and Navigation between Her Majesty and the Queen of *Portugal*, signed at *Lisbon* on the Third Day of *July* One thousand eight hundred and forty-two, the Ratifications whereof were exchanged at *Lisbon* on the Thirtieth Day of the same Month, it was agreed "that if any Apprentices or Sailors "should desert from Vessels belonging to the Subjects of either "of the High Contracting Parties while such Vessels were within "any Port in the Territory of the other Party, the Magistrates "of such Port and Territory should be bound to give every "Assistance in their Power for the Apprehension of such Deserters, on Application to that Effect being made by the Consul "of the Party concerned or by the Deputy or Representative "of the Consul, and no public Body, civil or religious, should "protect or harbour such Deserters;" and by the Nineteenth Article of the said Treaty it was further agreed, "that the said "Treaty should be in force for the Term of Ten Years from the

" Date thereof, and further until the End of Twelve Months after " either of the High Contracting Parties should have given Notice " to the other of its Intention to terminate the same, each of " the High Contracting Parties reserving to itself the Right of " giving such Notice to the other at the End of the said Term " of Ten Years, or at any subsequent Time; and it was thereby " agreed between them that at the Expiration of Twelve Months " after such Notice should have been received by either Party " from the other the said Treaty and all the Provisions thereof " should altogether cease and determine:" And whereas it is expedient that Provision should be made for carrying the said Treaty into effect: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case any Apprentice or Sailor shall desert from any Vessel belonging to any *Portuguese* Subject or Subjects while such Vessel shall be within any Port in any of Her Majesty's Dominions, or the Territories under the Government of the *East India* Company, all Justices of the Peace and other Magistrates and Officers of Justice within their several Jurisdictions shall, on Application being made by a *Portuguese* Consul, or his Deputy or Representative, according to the Provisions of the said Treaty, aid in apprehending such Apprentice or Sailor; and upon any such Application it shall be lawful for any Justice of the Peace, or other Magistrate or Person having Power to commit for Trial Persons accused of Crimes against the Laws of that Part of Her Majesty's Dominions or Territories in which such Apprentice or Sailor shall be found, to issue his Warrant for the Apprehension of such Apprentice or Sailor, and, upon due Proof of such Desertion as aforesaid, to order such Apprentice or Sailor to be conveyed on board the said Vessel, or to be delivered to the Master, Mate, or Owner of such Vessel, or his Agent, for the Purpose of being so conveyed; and it shall be lawful for such Master, Mate, Owner, or Agent, or any other Person, in pursuance of the Order in that Behalf, to convey such Apprentice or Sailor accordingly.

Deserters from Portuguese Vessels to be apprehended on Application of Consul.

II. And be it enacted, That no Person shall protect or harbour any Apprentice or Sailor who shall have deserted as aforesaid, knowing or having Reason to believe such Apprentice or Sailor to have so deserted, and every Person so offending shall for every such Apprentice or Seaman so protected or harboured forfeit and pay the Sum of Ten Pounds, and such Penalty shall be recovered, paid, and applied in like Manner as the Penalty imposed by an Act passed in the Eighth Year of Her Majesty, intituled *An Act to amend and consolidate the*

Penalty for protecting Deserters.

7 & 8 Vict. c. 112.

Laws relating to Merchant Seamen, and for keeping a Register of Seamen, upon a Person harbouring or secreting a Seaman or Apprentice having deserted from his Ship; and the Provisions of such Act applicable to such last-mentioned Penalty, and to the Proceedings for the Recovery thereof, shall be applicable to the Penalty imposed by this Act and to the Proceedings for the Recovery thereof.

Limits of the Act.

III. And be it enacted, That if by any Law or Ordinance to be hereafter made by the local Legislature of any *British* Colony or Possession abroad Provision shall be made for carrying into complete Effect within such Colony or Possession the Objects of this present Act by the Substitution of some other Enactment in lieu thereof, then it shall be competent to Her Majesty, with the Advice of Her Privy Council, (if to Her Majesty in Council it shall seem meet, but not otherwise,) to suspend the Operation within any such Colony or Possession of this present Act, so long as such substituted Enactment shall continue in Force there, and no longer.

Continuance of the Act.

IV. And be it enacted, That this Act shall continue in force during the Continuance of the said Treaty.

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