

AN ACT TO PROVIDE FOR THE ARREST AND RETURN TO SHIP OF SEAMEN DESERTING; FROM CERTAIN MERCHANT VESSELS IN THE PHILIPPINE ISLANDS; FOR THE ADJUDICATION BY CONSULS OF CERTAIN DISP...

Act No. 1751, October 07, 1907

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By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. On application made in writing by any consular officer of any financing government having a treaty with the United States, stipulating for the restoration of seamen deserting, stating that the person therein named has deserted from a vessel of any such government while in any port of the Philippine Islands, and by the exhibition of the register of the vessel, ship's roll, or other official document that the person named belonged at the time ,if desertion to the crew of such vessel, it shall be the duty of the Court of First Instance, or a judge thereof, to issue a warrant and in cause such person to be arrested and brought before such court for examination. If on examination the facts stated are found to be true the person arrested, not being a citizen of the United States nor of the Philippine Islands, shall he delivered up to the consular officer to be sent back to the dominions of any such government or on the request and at the expense of the consular officer shall be detained until the consular officer finds an opportunity to send him back to the dominions of any such government. No person so arrested shall be detained for any greater period than that stipulated by the treaty under and by virtue of which the demand for his arrest shall be made, and in case such treat; provides, in term he shall not be detained more than four months after his arrest, hut at the end of that time shall be set at liberty and shall he again molested for the same cause. If any such deserter shall be found to have committed any crime or offense his surrender may be delayed until the tribunal before which the case shall be pending or may be cognizable shall have pronounced its sentence and which sentence shall have been carried into effect.

SEC. 2. Like application may be made by Philippine customs officers under authority of section eighty-four of the Act of Congress of July first, nineteen hundred and two entitled "An Act temporarily to provide for the administration if the affairs of civil government in the Philippine Islands, and for either purposes," in which case the same procedure shall be had as if the case arose out of an application by the consul a friendly foreign nation having a treaty with the United States stipulating for the return of deserting seamen: That no seamen brought before a court on the application of an American consular officer shall be released because of the American citizenship of such seamen.

SEC. 3. The proceedings at the examination of a person arrested under the preceding sections shall be summary in character and shall he regulated by rule of court. The examination shall be field as soon as practicable after arrest, and such proceedings may be dismissed, or the person so in custody discharged, at any time upon written request of the consular or acting consular officer at whose instance the arrest was made.

SEC. 4. Whenever it is stipulated by treaty or convention between the United States and any foreign nation that the consuls-general, consuls, vice-consuls, or consular or commercial agents of each nation shall have exclusive jurisdiction of controversies, difficulties, or disorders arising at sea or in the waters or ports of the other nation,

between the masters or officers and any of the crew or between any of the crew themselves, of any vessel belonging to the nation represented by such consular officer, and the President has issued his proclamation in respect thereto as prescribed in section four thousand and seventy-nine of the Revised Statutes of the United States, such stipulation shall be executed and enforced within the jurisdiction of the Philippine Islands, as hereinafter declared.

SEC. 5. In all cases within the purview of the last preceding section, the consul-general, consul, or other consular or commercial authority of such foreign nation charged with the appropriate duty in the particular case, may make application to any Court of First Instance, or to any judge thereof, setting forth that such controversy, difficulty, or disorder has arisen, briefly stating the nature thereof and when and where the same occurred, and exhibiting a certified copy or extract of the shipping articles, roll, or other proper paper of the vessel to the effect that the person in question is of the crew or ship's n and certifying that sue believed to be about to withdraw himself, from the control and discipline of the master and officers of the vessel, or that he has refused, or is about to refuse, to submit to and obey the lawful jurisdiction of such consular or commercial authority in the premises; and further stating and certifying that, to the best of the knowledge and belief of the officer certifying (unless such officer be acting as an American consular officer), such person is not a citizen of the United States. Such application shall be in writing and duly authenticated by the consular or other sufficient official seal. Thereupon such Court of First Instance, or judge thereof, shall issue a warrant for the arrest of the person so complained of, directed to the sheriff of the province, or chief of police of the city of Manila, as the case may be, or in his discretion to any person being a citizen of the Philippine Islands or of the United States whom he may specially depute for the purpose, requiring such person to be brought: before him for examination at a certain time and place.

SEC. 6. If, on such examination, it is made to appear that the person so arrested is a citizen of the United States, and that the application is made by a consul other than the United States consul, and in all cases where it shall appear that the person arrested is a citizen of the Philippine Islands, he shall be forthwith discharged from arrest, and shall be left to the ordinary course of law. But if this is not made to appear, and such court or judge finds, upon the papers hereinbefore referred to, a sufficient prima facie case that the matter concerns only the internal order and discipline of such foreign vessel, or that the case, whether its nature be civil or criminal, does not affect directly the execution of the laws in force in the Philippine Islands or the rights and duties of any citizen of the Philippine Islands or of the United States, with the above exception, he shall forthwith commit such person to prison, after approval of the commitment by the appropriate consular officer, where prisoners under sentence for crime may be lawfully committed, or, in his discretion, to the master or chief officer of such foreign vessel, to be subject to the lawful orders, control, and discipline of such master or chief officer, and to the jurisdiction of the consular or commercial authority of the nation to which such vessel belongs, to the exclusion of any authority or upon jurisdiction of the Philippine Islands in the premises. No person shall be detained more than the period of time stipulated in the treaty under which the proceedings are had, and if the treaty specifies no time, or if the application is made by officers acting as American consuls, in such person shall he detained more than two months after his arrest, and at the end of the time herein specified for his detention he shall be set at liberty and shall not again be arrested for the same cause. The expenses of the arrest and the detention of the person so arrested shall be paid by the consular officers making the application.

SEC. 7. For the purposes of the preceding sections, Philippine customs officers acting as American consular officers shall have customs rights, privileges, and powers similar to those granted by this Act to the consuls of a friendly foreign nation having a treaty with the United States in respect to which the President has issued his proclamation as described in section four of this Act.

SEC. 8. Act Numbered Fourteen hundred and thirty-nine and all Acts and parts of Acts in conflict with this Act

are hereby repealed.

SEC. 9. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 10. This Act shall take effect on its passage.

Enacted, October 7, 1907.

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