

of any vessel in any of the harbors of this State without having previously obtained permission of the master or other person having charge of the vessel, shall be deemed guilty of a misdemeanor.

4. The class of persons above named, on conviction for unlawfully going on board a vessel, shall be fined not less than fifty nor more than three hundred dollars, and be imprisoned not less than one month, nor more than six months, at the discretion of the judge who tries the case.

5. Any master or person in charge of a vessel shall have power to seize and arrest on board his vessel any of the class of persons above mentioned who are prohibited from going on board of any vessel in this State, and to take them before any justice of the peace to be dealt with according to law.

6. At the trial of any person for going on board a vessel without permission first had and obtained, it shall be incumbent on him to prove that he had received permission to enter; in default of his proving this, he shall be considered as having entered without permission, and found guilty accordingly.

7. If any person shall ship as a first class or ordinary seaman, and upon trial prove to be incapable of performing the duties of the situation for which he shipped, his pay shall be reduced to the pay of that grade for which he shall have been found competent.

8. A copy of the articles of any vessel, authenticated by the affidavit of the captain, sworn to before any justice of the peace or notary public, shall be admissible in evidence to prove the fact that any seaman whose name appears subscribed thereto has actually signed said article.

9. When the testimony of any master of a vessel, or other transient person, shall be deemed by a justice of the peace before whom a prosecution is commenced, to be necessary at the trial of the case, such justice of the peace shall have power, after five days' notice to the party accused, to summon such witnesses before a justice of the peace to give evidence in the same manner as if examined in open court; the accused having the right to cross-examine the witness; the evidence shall be certified and sealed up by the justice of the peace, and shall be used on the trial of the case; *provided* the party prosecuting makes oath that the witness whose examination has been taken is not at the time of the trial within the jurisdiction of this State.

sion, guilty of a misdemeanor.

Id s 5.  
1856, c 198, s 5  
Penalty

Id s 6  
1856, c 198, s 6  
Master of vessel  
may arrest

Id s 7  
1856, c 198, s 7  
Party charged  
to prove permis-  
sion to board

Id s 8  
1856, c 198, s 8  
When pay of  
seaman to be  
reduced.

Id s 9  
1856, c 198, s 9  
Copy of articles  
evidence of sea-  
man having  
signed

Id s 10  
1856, c 198, s 10  
Testimony of  
master, or other  
transient per-  
son, how taken.

Proviso