

[ Act No. 1751, October 07, 1907 ]

**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 DISPUTES AND FOR THE ENFORCEMENT OF CONSULAR DECISIONS IN SUCH CASES: AND REPEALING ACT NUMBERED FOURTEEN HUNDRED AND THIRTY-NINE.**

*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.