CHAPTER 9

Offenses Relating to Seamen

**SECTION 54‑9‑10.** Harboring deserting seamen or enticing them to desert.

Any person who shall be convicted of harboring deserting seamen or of inveigling or procuring them to desert any service for which they have engaged or disregard any article into which they have entered shall be held guilty of a misdemeanor and, upon trial and conviction, shall be punished by fine and imprisonment, at the discretion of the judge, not to exceed three hundred dollars' fine and three months' imprisonment. Upon a second conviction the person so offending, if the keeper of a public or lodging house for seamen, in addition to the penalty before provided, shall forfeit his license.

HISTORY: 1962 Code Section 54‑352; 1952 Code Section 54‑352; 1942 Code Section 1926; 1932 Code Section 1926; Cr. C. '22 Section 909; Cr. C. '12 Section 899; Cr. C. '02 Section 613; G. S. 1651; R. S. 495; 1695 (2) 119; 1836 (6) 557.

**SECTION 54‑9‑20.** Magistrate may order search for harbored, secreted or detained seamen.

In case any such seamen or any boy apprenticed on board any ship or vessel shall be harbored, secreted or detained, any magistrate, upon complaint on oath made by the master of such ship, or on his behalf, may inquire into the matter and, if he shall see fit, by warrant under his hand and seal, cause search to be made into any place wherein such seaman or apprentice may be harbored or secreted and cause such seaman or apprentice to be restored to the master of such ship.

HISTORY: 1962 Code Section 54‑353; 1952 Code Section 54‑353; 1942 Code Section 1927; 1932 Code Section 1927; Cr. C. '22 Section 910; Cr. C. '12 Section 900; Cr. C. '02 Section 614; G. S. 1652; R. S. 495; 1695 (2) 119; 1836 (6) 557.

**SECTION 54‑9‑30.** Provisions regarding harboring deserting seamen extend to all shipping agreements.

The provisions of Sections 54‑9‑10 and 54‑9‑20 shall extend to every agreement to proceed or continue on a voyage made in this State or elsewhere by a seaman, and whether in contemplation of a voyage to be commenced in the State or elsewhere, if such agreement, at the time when any such seaman may be harbored or secreted contrary to the provisions of said sections, shall not have been fully executed and determined, but shall be of force and binding on such seaman, according to the laws of this State or of the country where it was entered into or to which the ship or vessel in which such voyage was to be made may belong.

HISTORY: 1962 Code Section 54‑354; 1952 Code Section 54‑354; 1942 Code Section 1928; 1932 Code Section 1928; Cr. C. '22 Section 911; Cr. C. '12 Section 901; Cr. C. '02 Section 615; G. S. 1653; R. S. 497; 1837 (6) 376.

**SECTION 54‑9‑40.** Admissibility of articles of ship in evidence.

On the prosecution or trial of any indictment under the provisions of this chapter a copy of the articles of the ship or vessel, authenticated by the affidavit of the captain, sworn to before any notary public or magistrate of this State, shall be admissible in evidence and shall be sufficient to establish the fact that any seaman whose name appears subscribed thereto has signed the agreement contained in such articles until the contrary be made to appear by proof.

HISTORY: 1962 Code Section 54‑355; 1952 Code Section 54‑355; 1942 Code Section 1929; 1932 Code Section 1929; Cr. C. '22 Section 912; Cr. C. '12 Section 902; Cr. C. '02 Section 616; G. S. 1056; R. S. 498; 1837 (6) 577; 1850 (13) 171.

**SECTION 54‑9‑50.** Evidence of masters of vessels or other transient persons may be taken de bene esse.

When any prosecution shall be commenced against any person under the provisions of this chapter providing for the punishment of harboring seamen who have deserted and it shall appear to the magistrate before whom the prosecution was commenced that the testimony of any master of a vessel or other transient person will be important on such trial, such magistrate may, after five days' notice to the party accused, summon such witness before some judge of the court of general sessions or the recorder of the city court of Charleston to appear and give evidence in the matter. Thereafter such witness shall be examined, with the right to the party accused to examine or cross‑examine such witness as in trials in open court, and the judge or recorder shall certify and seal up such evidence, to be used on the trial of the cause in the same manner as if it had been given orally on such trial. But such testimony shall in no case be used unless it shall appear, by the affidavit of the magistrate before whom prosecution shall have been commenced, that such witness is not at the time of such trial within the jurisdiction of the State.

HISTORY: 1962 Code Section 54‑356; 1952 Code Section 54‑356; 1942 Code Section 1931; 1932 Code Section 1931; Cr. C. '22 Section 914; Cr. C. '12 Section 904; Cr. C. '02 Section 618; G. S. 1658; R. S. 500; 1852 (12) 172; 1855 (12) 402.

**SECTION 54‑9‑60.** Procurers of seamen shall not board vessels without permission of master.

It shall not be lawful for any broker, shipping master or other person engaged in the business of procuring seamen for vessels, furnishing them with such seamen or making contracts for the services of such seaman to enter or attempt to go on board of any vessel lying at any port in any waters within the jurisdiction of this State, without having previously obtained the permission of the master or other person having the care, custody and control of such vessel. Any such person so entering any such vessel, without such permission, shall be guilty of a misdemeanor and shall, upon conviction, be punished by fine and imprisonment, at the discretion of the judge who tries the case, not to exceed three hundred dollars and three months' imprisonment.

HISTORY: 1962 Code Section 54‑358; 1952 Code Section 54‑358; 1942 Code Section 1933; 1932 Code Section 1933; Cr. C. '22 Section 916; Cr. C. '12 Section 906; Cr. C. '02 Section 620; G. S. 1660; R. S. 502; 1852 (12) 171.

**SECTION 54‑9‑70.** Master may arrest procurers boarding without permission.

The master or other person having the command of any such vessel or the care, custody and control thereof may seize and arrest all persons while so offending and take them before any magistrate, to be committed or bound over to appear as in other cases of misdemeanor.

HISTORY: 1962 Code Section 54‑359; 1952 Code Section 54‑359; 1942 Code Section 1934; 1932 Code Section 1934; Cr. C. '22 Section 917; Cr. C. '12 Section 907; Cr. C. '02 Section 621; G. S. 1661; R. S. 503; 1852 (12) 171.

**SECTION 54‑9‑80.** Repealed by 1993 Act No. 184, Section 264, eff January 1, 1994.

Editor's Note

Former Section 54‑9‑80 was entitled "Impressing seamen" and was derived from 1962 Code Section 54‑361; 1952 Code Section 54‑361; 1942 Code Section 1930; 1932 Code Section 1930; Cr. C. '22 Section 913; Cr. C. '12 Section 903; Cr. C. '02 Section 617; G. S. 1657; R. S. 499; 1855 (12) 402.