

No. 185.

3rd Session, 6th Parliament, 23 Victoria, 1860.

BILL.

An Act to provide a better mode of Shipping Seamen in the Port of Quebec.

Received and read, first time, Friday,
30th March, 1860.

Second reading, Monday, 2nd April, 1860.

Mr. DUBORD.

QUEBEC:

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BILL.**An Act to provide a better mode of shipping Seamen in the Port of Quebec.**

WHEREAS an Act of Parliament was passed in the 10th and 11th year of the reign of Her present Majesty, intituled "An Act for regulating the shipping of Seamen," in which it was declared that great frauds had been practised and much inconvenience felt from the system of shipping Seamen at the Port of Quebec, and power was given by the said Act for the Governor or person administering the Government for the time being to constitute and appoint during pleasure a fit and proper person to be Shipping Master for the said Port of Quebec, and it was provided that deputies should be appointed in the manner by the said Act directed: And whereas another Act was passed in the session held in the 16th year of Her Majesty's reign, intituled "An Act more effectually to prevent the desertion of Seamen:" And whereas the said Acts have not answered the ends proposed, and much loss to the shipping has arisen, great frauds have been committed, and very great inconvenience is still experienced under the present mode of shipping Seamen in the said port, and vessels frequenting the same port have been subjected to unnecessary detention in procuring crews, and it is therefore necessary to repeal the said recited Acts, and all other Acts, if any, now in force as to the hiring, engaging, supplying, discharging and shipping Seamen in the said port, which may in any manner be inconsistent with the provisions of this Act; Therefore Her Majesty, &c. enacts as follows:

Preamble.

10, 11 V., c. 25

16 V., c. 165

I. The said Act, intituled "An Act for regulating the shipping of Seamen," and the Act intituled "An Act more effectually to prevent the desertion of Seamen," and all and every the provisions of any other Act or Acts as to the hiring, engaging, supplying and shipping of Seamen now in force which may be inconsistent with the provisions of this Act, shall, from and after the passing of this Act be, and the same are hereby, repealed.

The said Acts repealed.

II. And whereas an Act was passed in the Imperial Parliament in the session thereof, and holden in the 17th and 18th years of the reign of Her said present Majesty, intituled "An Act to amend and consolidate the Acts relating to Merchant Shipping," and by the said Act it was enacted that there should be Local Marine Boards for carrying into effect the provisions of that Act, under the superintendence of the Board of Trade, at those sea ports in the United Kingdom at which Local Marine Boards had therefore been established, and at such other places as the Board of Trade should appoint for that purpose, and that in every sea port in the United Kingdom in which there was a Local Marine Board, such Board should establish a shipping office or shipping offices, and might for that purpose procure the requisite premises, and from time to time remove and re-appoint superintendents of such shipping offices, to be called Shipping Masters, with any necessary deputies,

Imperial Act 17, 18 V., c. 104.
Recited.

clerks and servants, and regulate the mode of doing business at such offices, and should, subject as therein mentioned, have complete control over the same, and the sanction of the said Board of Trade should be necessary so far as regarded the number of persons to be appointed by the said Local Marine Boards, and the amount of their salaries and wages and all other expenses, and the said Board of Trade should have the immediate control of such shipping offices as far as regarded the receipt and payment of monies thereat, and all the Shipping Masters, clerks and servants so appointed as aforesaid, should, before entering upon their duties, give such security, if any, for the due performance thereof as the said Board of Trade should require, and if in any case the said Board of Trade had reason to believe that any Shipping Master, deputy clerk or servant appointed by the said local Marine Board did not properly discharge his duties, the Board of Trade might cause the case to be investigated, and might, if it thought fit so to do, remove him from his office, and might provide for the proper performance of his duties until another person was properly appointed in his place: and by the now reciting Act, it was further enacted that if the Legislative authorities in any British possession abroad by any Acts, ordinances, or other appropriate legal means should apply or adopt any of the provisions in the third part of the now reciting Act contained to any British ships registered at, trading with, or being at any place within their respective jurisdictions, and to the owners, masters, mates and crews thereof, such provisions when so applied and adopted, and as long as they remained in force should, in respect of the ships and persons to which the same were applied, be enforced, and punishments and penalties for the breach thereof should be recovered and inflicted throughout Her Majesty's dominions in the same manner as if such provisions had been by the said Act so adopted and applied, and such punishments and penalties had been thereby expressly imposed; and by the said Imperial statute it was further enacted that every Act, ordinance, or other form of law to be passed by any Legislative authority in pursuance of that Act, should be subject to the same rights of disallowance, or repeal and require the same sanction or other acts and formalities, and be subject to the same conditions in all respects as existed and were required in order to the validity of any Act, ordinance or other form of law passed by such legislative authority; and that if in any matter relating to any ship or to any person belonging to any ship, there appeared to be conflict of laws, then if there was in the third part of the now reciting Act any provision on the subject which was thereby made expressly to extend to such ship, the case should be governed by such provision, but if there was no such provision the case should be governed by the law of the place in which such ship should be registered:

Case of the
Port of Que-
bec recited.

And whereas for the reasons herebefore set forth, it is necessary to provide a better mode of shipping seamen in the said port of Quebec, and inasmuch as there is not in the said port any mercantile Marine Board, the nearest approximation to the provisions of the said in part recited Imperial statute, as to the appointment of Shipping Masters to carry out the spirit and intention of the said Imperial statute in the said port is, that the Board of Trade for the said port, and their successors for the time being should have full power and authority to nominate, constitute and appoint for the said port, three or more Shipping Masters, as they shall see fit, with power of dismissal for any breach of their duty, as hereinafter more fully expressed; Now, therefore, by virtue and in exercise of the power and authority vested in any legislative authority in any British Possession abroad to apply or adopt any of the provisions of the above in part recited Imperial statute to any British ships registered at, trading with, or being at any place within

their respective jurisdictions, and to the owners, masters, mates, and crews thereof as aforesaid,—Be it enacted by the authority of the said Imperial statute, that from and after the passing of this Act it shall and may be lawful for the Board of Trade for the said city and port of

Board of Trade to appoint three Shipping-masters, who shall have the powers given by the said Imperial Act.

- 5 Quebec and their successors for the time being, and they are hereby fully authorised and empowered to nominate, constitute and appoint three or more persons who are capable and fully understand the business of hiring, engaging, supplying and shipping seamen, and who may be desirous of being so appointed, for the purpose of hiring, engaging,
- 10 supplying and shipping seamen, to be entered on board merchant ships and vessels in the Port of Quebec as aforesaid; and every such appointment shall be granted for such period of time as the said Board of Trade and their successors for the time being shall see fit, and upon such security been given as hereinafter mentioned, and shall be revocable for
- 15 any breach or non performance of duty after a due and proper investigation by the said Board of Trade and their successors for the time being, who shall have full power and authority to appoint others in their stead as often as the case may happen; and such Shipping Masters when so appointed as aforesaid, and as long as they shall remain in office, shall,
- 20 in all respects, have the same powers and authority as to the hiring, engaging, supplying, shipping, and discharging of seamen and all such other powers and authority as are vested in Shipping Masters in the United Kingdom of Great Britain and Ireland and in as full and ample a manner as they possess the same.

- 25 III. The said Shipping Masters, and each and every of them, shall, previous to their acting in such capacity, enter into Bonds to the said Board of Trade, with two responsible securities, in the sum of hundred dollars, for the true and faithful discharge of their duties, which Bonds shall enure to the benefit of all parties who may be damnified by
- 30 the misfeasance, malfeasance, or nonfeasance of the said Shipping Masters, or any or either of them, as the case may be, and all parties damnified shall be entitled to recover from any of them, and his sureties, before any court of competent jurisdiction, to the amount to which they have been damnified.

Shipping-masters to give bonds.

- 35 IV. Every such appointment shall be granted, and every revocation thereof shall be made by minute or resolution of the said Board of Trade, and their successors for the time being, and a copy of such minute or resolution, certified and signed by the Secretary of the said Board of Trade, shall be received in evidence of such appointment or revocation
- 40 without further proof.

Appointment or revocation of appointment, how made.

- V. The Shipping Master at whose office any Seaman or Apprentice shall be shipped, shall be entitled to take and receive for his own use and benefit, for each Seaman or Apprentice so shipped by him, the sum of *one dollar*, and no more, and for any certificate of shipment, if required, the sum of *fifty cents*, and no more, from the Master of the ship or vessel on board of which such Seaman or Apprentice shall be shipped, or to which he shall belong.
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Fees of shipping masters.

- VI. Each of the said Shipping Masters shall keep a register of all Seamen or Apprentices shipped by him, which shall be open for public
- 50 inspection.

They shall keep registers.

- VII. No person selling or vending any spirituous liquors or groceries, nor any tavern keeper, boarding house keeper, or any person dealing in

Tavern keepers, &c., not

to be shipping provisions, slops, or stores of any kind whatsoever, shall be eligible to the situation of Shipping Master; nor shall any Shipping Master, so to be masters. appointed as aforesaid, employ any of the persons above enumerated in any situation or capacity whatsoever in or about his offices, under the pain of dismissal and forfeiture of his appointments by the said Board of Trade, and their successor for the time being. 5

Commence- VIII. This Act shall come into operation and take effect immediately ment of Act. from and after the day of , 18 , and not before.