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No. 438.

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1st Session, 4th Parliament, 16 Victoria, 1853.

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**BILL.**

**An Act more effectually to prevent the  
Desertion of Seamen.**

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Received and Read First time, Tuesday 7th June, 1853.

Second Reading, Wednesday 8th June, 1853.

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(500 Copies.)

**HON. MR. Atty. Genl. DRUMMOND.**

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S. Derbshire & G. Desbarats, Queen's Printer.

An Act more effectually to prevent the Desertion of Seamen.

**W**HEREAS it is expedient to provide more effectually for the prevention of the desertion of Seamen at the Port of Quebec : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That any person who shall directly or indirectly persuade, procure, aid or solicit any Seaman or Apprentice to desert or leave his Ship, shall incur a penalty of not more than Ten Pounds nor less than Five Pounds currency, for every Seaman or Apprentice who shall desert or whom he shall persuade, procure, aid or solicit to desert.

II. Any person who shall knowingly harbour or secrete any Seaman or Apprentice who shall have deserted from his Ship, shall for every such offence incur a penalty not exceeding Ten Pounds nor less than Two Pounds currency.

III. Any person found loitering near any Vessel in a Boat or other Water Craft, and not giving a satisfactory account of the business he may have there, or who shall take or receive any clothing or other articles from on board any Vessel without the permission of the Master or person in charge thereof, shall incur a penalty not exceeding Five Pounds and not less than Two Pounds currency, and shall be imprisoned during a period not exceeding three months nor less than one month.

IV. The Inspector and Superintendent of Police may order any Boat or other Water Craft in or on which any such person or clothing or other articles mentioned in the next preceding section, and unlawfully taken from any Vessel, shall be found or may have been conveyed, to be detained until the full payment of the fine which such person shall be condemned to pay, and in case such fine shall not be paid before the expiration of the term of imprisonment to which such person shall have been condemned, such Boat so detained, shall be sold by Public Auction, and the proceeds of the sale thereof shall be appropriated to the payment of such fine.

V. Any person other than such persons as are duly authorized by law, who shall go on board any Vessel arriving at or being in the Port of Quebec, without the permission of the Master or person in charge thereof, shall incur a penalty not exceeding Twenty Pounds nor less than Two Pounds currency; and every such Master or person in charge of such Vessel, is hereby authorized to take into custody any person so offending, and deliver him forthwith to the custody of any Peace Officer, to be by him taken before any Justice of the Peace, provided that if any such offender be arrested after the hour of five in the evening and before the hour of eight in the morning, or at any time during Sunday or a Holiday, he shall be detained at the nearest Police Station until the hour of ten in the forenoon, next following such arrest or Sunday or Holiday, then to be brought before any Justice of the Peace.

VI. The Owner, Master or person in charge of any Vessel who shall pay in advance in any manner whatsoever other than in money, or make or deliver any note, bill, order, promise, undertaking or otherwise for the payment of any part of the wages of any Seaman hired or engaged to be entered on board the said Vessel before the Ship's Articles shall have been duly signed by such Seaman, and by the Owner, Master or person in charge of such Vessel, or shall make an advance in money to any Seaman of any sum larger than One Pound currency, shall incur a penalty not exceeding Five Pounds and not less than Two Pounds currency, and all payments and promises of payment, bills, notes or orders, made contrary to the above provisions, shall be to all intents and purposes null and void, whether in the hands of the person to whom they were made or delivered or of any third party: and any person paying any such bill, note, order or undertaking, knowing it to be void under this Act, shall thereby incur the penalty aforesaid.

VII. No debt exceeding the sum of Five Shillings currency, incurred by any Seaman or Apprentice, shall be recoverable in any Court, or pleadable by way of set-off by any Keeper of a Tavern or House of Public Entertainment, or Lodging House.

VIII. The wearing apparel of any Seaman or Apprentice shall not be kept by any Keeper of a Tavern, House of Public Entertainment or Lodging House, in pledge for any debt or expenses incurred to any greater amount than Five Shillings currency, and on the payment or tender of such sum or of any less sum due, such wearing apparel shall be immediately given up, whatever be the amount due by such Seaman or Apprentice.

IX. That the seventh, tenth, eleventh and twelfth Sections of the Act passed in the Session held in the tenth and eleventh

years of Her Majesty's Reign, intituled, *An Act for regulating the Shipping of Seamen*, shall be and the same are hereby repealed.

X. And be it enacted, That whoever shall employ any person other than the Shipping Master for the said Port or his Deputy, for the purpose of engaging or providing Seamen to be entered on board any Merchant Ship, shall thereby incur a penalty not exceeding Ten Pounds currency, for every offence.

XI. The Master of every Merchant Ship shall, previously to clearing outwards from the port of Quebec, exhibit to the Shipping Master or his Deputy, the agreement made with the crew of such Merchant Ship for the voyage from the said Port to the Port of destination, and enregister at the office of the said Shipping Master the names of the said crew; and the said Shipping Master or his Deputy shall, thereupon, grant a certificate in the form in the Schedule to this Act contained, that such agreement has been produced and exhibited to him, and the names of the crew enregistered; and for every such certificate the said Shipping Master is hereby authorized to demand and receive the sum of Two Shillings and Six Pence currency.

XII. No Officer of Customs shall grant a clearance outwards to any Merchant Ship, or allow any Merchant Ship to proceed to sea until the Master thereof shall produce the certificate of the Shipping Master or his Deputy, required by the next preceding Section of this Act.

XIII. This Act shall be construed as if its provisions made part of the Act hereby amended, and all words and expressions used in this Act shall be held to have the meaning assigned to them in the said Act, and the penalties imposed by this Act shall be recovered and disposed of in the manner prescribed for the recovery and disposal of penalties imposed by the said Act hereby amended.

#### SCHEDULE.

*Certificate of production of agreement and enregistration of Crew.*

SHIPPING MASTER'S OFFICE.

QUEBEC,

18

I hereby certify that \_\_\_\_\_ Master of the \_\_\_\_\_ has produced and exhibited to me his agreement with his crew, properly signed and attested, (pursuant to the provisions of the Statute in that behalf,) for the voyage from this Port to \_\_\_\_\_ and that the names of such crew have been duly enregistered at this office.

A. H.  
*Shipping Master.*