



No. 43.

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3d Session, 3d Parliament, 13 Victoria, 1850.

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## B I L L .

An Act to repeal the Act for regulating  
the Shipping of Seamen, and for other  
purposes therein mentioned.

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Received and Read a first time, Friday, 31st May,  
1850.

Second Reading, Monday, 10th June, 1850.

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MR. MÉTHOT.

## BILL.

An Act to repeal the Act for regulating the Shipping of Seamen, and for other purposes therein mentioned.

**W**HEREAS by an Act of this Province made and passed in the Session held in the tenth and eleventh years of the Reign of Her present Majesty, intituled, "*An Act for regulating the Shipping of Seamen,*" it is declared that great frauds had been practised and much inconvenience felt from the system of shipping seamen at the Port of Quebec, in that part of the Province which had theretofore constituted the Province of Lower Canada, and by the same Act power was given for the Governor or the 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 further declared that a deputy or deputies should be appointed in the manner by the said Act directed; And whereas the said Act has not answered the end proposed, and it is expedient to repeal the same; Be it therefore enacted, &c.

And it is hereby enacted by the authority of the same, That the said Act intituled, "*An Act for regulating the Shipping of Seamen,*" shall, from and after the passing of this Act, be and the same is hereby repealed.

II. And be it enacted, That from and after the passing of this Act it shall and may be lawful to and for the Council of the Quebec Board of Trade, and they are hereby authorized and empowered to license such number of persons, not less than four, as they may deem requisite and fit and who may be desirous to take out such licenses, to hire, engage, supply and provide seamen to be entered on board merchant ships; and every such license shall be granted for such period, on such terms and upon such security being given, and shall be revocable upon such conditions as the said Council of the Quebec Board of Trade may at any time or times appoint.

III. And be it enacted, That every such license shall be granted and every revocation thereof shall be made by minute or resolution of the said Council of the Quebec Board of Trade; and a copy of such minute or resolution, certified and signed by the Secretary of the said Board, shall be received as evidence of such license or revocation without further proof thereof.

No person not duly licensed or interested in the ship, to be concerned in procuring seamen to be entered.

IV. And be it enacted, That no person not licensed as aforesaid, or not being the owner or part owner, master or person in charge of a merchant ship, or the ship's-husband, shall hereafter engage, supply or provide any seamen to be entered on board any merchant ship, and 5  
no person, whether licensed or not, other than the owner, part owner, master or person in charge of a Merchant ship, or the ship's-husband, shall demand or obtain the Register Ticket of any seaman for the purpose or under the pretence of engaging him on board of any merchant 10  
Ship.

No person interested in the ship shall knowingly receive seamen hired contrary to this Act.

V. And be it enacted, That no owner, part owner, master or person in charge of any merchant ship, or ship's husband, shall knowingly receive or accept to be entered on board the said ship, any seaman who has been 15  
hired, engaged, supplied or provided to be entered on board thereof, contrary to the provisions of this Act.

Penalty on every person guilty of any of the offences herein described.

VI. And be it enacted, That every person guilty of any contravention of the foregoing sections of this Act, shall for every seaman hired, engaged, supplied or pro- 20  
vided to be entered on board, and for every Register Ticket demanded or obtained contrary to the provisions of this Act, or for every seaman knowingly received or accepted to be entered on board contrary to the provisions of this Act, incur a penalty not exceeding *twenty* 25  
*pounds*, although several seamen may be included in the same contract or several Tickets may be obtained, or several seamen may be received or permitted to remain at the same time.

Unlicensed persons not to be employed for the purpose of engaging seamen.

VII. And be it enacted, That it shall not be lawful for 30  
any person to employ any unlicensed person or persons for the purpose of engaging or providing seamen to be entered on board any merchant ship; and that any person whatever licensed or unlicensed, knowingly employing any unlicensed person or persons for the purpose afore- 35  
said, shall for each such offence incur a penalty not exceeding *twenty pounds* currency, and, if licensed, shall in addition thereto, forfeit and lose his license.

Penalty for receiving remuneration for hiring seamen, from any other than the owner, master, &c.

VIII. And be it enacted, That if any person or persons shall demand or receive from any seaman, or from 40  
any person other than the owner, part owner, master, or person in charge of a merchant ship or the ship's-husband requiring seamen, any remuneration whatever either directly or indirectly for and on account of the hiring, supplying, or providing any such seaman, he shall for 45  
every such offence incur a penalty not exceeding *five pounds* currency.

Persons not to be admitted on board mer-

IX. And be it enacted, That it shall not be lawful for any person (other than any officer or person in Her Ma-

jesty's service or employment, Harbour Master, Deputy  
 Harbour Master, Health Officer or Customs Officer) to  
 go and be on board any merchant vessel arriving or about  
 to arrive at the place of her destination, before or previous  
 5 to her actual arrival in dock or at the quay or place of  
 her actual discharge, without the permission and consent  
 of the master or person in charge of the said vessel; and  
 if any person (other than as aforesaid) shall go and be  
 on board any such vessel before or previous to her actual  
 10 arrival in dock or at the quay or place of her discharge,  
 without the permission and consent of the said master or  
 person in charge of the said vessel, he shall for every  
 such offence incur a penalty not exceeding *twenty pounds*  
 currency; and for the better securing the person of such  
 15 offender, the master or person in charge of the said vessel  
 is hereby authorized and empowered to take any person  
 so offending as aforesaid into custody and to deliver him  
 up forthwith to any constable or peace officer, to be by  
 him taken before a Justice or Justices to be dealt with  
 20 according to the provisions of this Act.

X. And be it enacted, That if any person shall on  
 board any merchant ship, within twenty-four hours of her  
 arrival at any port as aforesaid, solicit any seamen to be-  
 come a lodger at the house of any person letting lodgings  
 25 for hire, or shall take from and out of such ship any chest,  
 bedding or other effects of any seaman, except under the  
 personal direction of such seaman, and without having  
 the permission of the master or person in charge of such  
 ship for so doing, he shall for every such offence incur a  
 30 penalty of *five pounds* currency.

XI. And be it enacted, That if any person shall de-  
 mand and receive of and from any seaman payment in  
 respect of his board and lodging in the house of any such  
 person for a longer period than such seaman shall actually  
 35 have resided or boarded therein, or shall receive or take  
 into his possession or under his control any moneys,  
 documents or effects of any seaman, and shall not return  
 the same or pay the value thereof when required so to  
 do by such seaman, after deducting therefrom what shall  
 40 be justly due and owing in respect of the board and  
 lodging of such seaman, the person so offending shall for  
 each offence incur a penalty not exceeding *ten pounds*  
 currency, over and above the amount or value of such  
 moneys, documents or effects after such deductions as  
 45 aforesaid, which shall be adjudged to be forthwith paid  
 to such seaman upon and in the conviction of the of-  
 fender, and by the Justices before whom the offence shall  
 be heard and determined.

XII. And be it enacted, That all penalties and for-  
 50 feitures imposed by this Act shall and may be recovered  
 with costs, by summary proceedings before any two Jus-

chant vessels  
 before their  
 arrival in dock  
 or at their  
 place of dis-  
 charge, with-  
 out permission,  
 &c.

Penalty for  
 soliciting sail-  
 ors to become  
 lodgers, or re-  
 moving sailors'  
 effects.

Penalty for re-  
 ceiving remu-  
 neration for  
 board of sail-  
 ors for longer  
 time than is  
 due, or neg-  
 lecting to re-  
 turn moneys or  
 effects belong-  
 ing to seamen.

Recovery and  
 application of  
 penalties.

tices of the Peace residing at or near to the place where the offence shall be committed, or where the offender shall be; and if the sum imposed as a penalty or adjudged to be paid as aforesaid (or both, if both be adjudged) by any such Justices, shall not be paid either immediately 5 after the conviction or within such reasonable time as such Justices shall at the time of such conviction appoint, it shall be lawful for such Justices to commit the offender or offenders to the Common Gaol of the District of Quebec, there to be imprisoned only, or to be imprisoned and 10 kept at hard labour, according to the discretion of such Justices, for any term not exceeding three calendar months, the commitment to be determinable upon payment of the amount due and costs; and all pecuniary penalties under this Act shall be paid and applied in 15 manner following, (that is to say) one moiety of such penalty shall be paid to the informer or person upon whose discovery or information the same shall be recovered, and the residue thereof shall be paid to the Commissioners or others entrusted with the principal 20 superintendence or conduct of the Marine Hospital at Quebec, and shall be applied and accounted for as are the moneys by law appropriated towards the support of the said Marine Hospital: Provided always, that in all cases of complaint made by or on the behalf of any seaman under 25 this Act, the evidence of such seaman shall be received and taken notwithstanding he may be interested in the matter: And provided also, that such seaman shall not in any such case where he shall have been so examined, receive any part of any penalty to be imposed, but only such 30 sum as the Justices before whom the case shall be heard shall adjudge him to receive for any moneys or effects which shall appear to have been deposited by him with any such person as aforesaid; but if such seaman be the informer or person upon whose information or discovery 35 the penalty shall be recovered, then the portion thereof which would otherwise have gone to such seaman, shall be paid and applied in the same manner as herein directed with regard to the other moiety of such penalty.

Proviso.

Proviso.

Form of conviction.

XIII. And be it enacted, That the Justices before 40 whom any person shall be summarily convicted of any offence against this Act, may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall require, that is to say: 45

BE IT REMEMBERED, that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_ at the City of Quebec, in the District, A. O. is convicted before us (*naming the Justices*) two of Her Majesty's Justices of the Peace for the said 50 District, for that he the said A. O. did (*specify the offence and the time and place when and where the same was com-*

mitted, as the case may be) and we the said Justices adjudge the said A. O. for his said offence to forfeit and pay the sum of (*here state the amount of the penalty imposed, and when necessary, add the words, over and above the sum* of . . . ) which we, the said Justices, do hereby adjudge to be forthwith paid to the said E. F., (*the seaman*) the same being the value of moneys, documents or effects of the said E. F., received by or taken into the possession or under the control of the said A. O.)  
 10 and we the said Justices do also adjudge the said A. O. to pay the sum of . . . for costs, and in default of immediate payment of the said sums of . . . and . . . to be imprisoned in the Common Gaol of the District of Quebec for the space of  
 15 months, unless the said sums shall be sooner paid (*or and we order that the said sums of . . . shall be paid by the said A. O. on or before the . . . day of . . .*) and we direct that the sum of . . . part of the said penalty, together with the sum of . . . for  
 20 costs, shall be paid to C. D., (*the party informing*) and the residue of the said penalty shall be paid to the Commissioners or others entrusted with the principal superintendence or conduct of the Marine Hospital at Quebec, (*or as the case may be.*)  
 25 Given under our hands the day and year above mentioned.

*Signatures.*

XIV. And be it enacted, That no such conviction shall be quashed for want of form, or be removed by *certiorari* or otherwise into any of Her Majesty's Superior Courts of Record; and no warrant or commitment shall be held void by reason of any defect therein; Provided it be therein alleged that the party had been convicted, and there be a good and valid conviction to sustain the same.

No certiorari, &c.  
Provido.

XV. Add be it enacted, That the words "merchant ship" in this Act shall be understood to include every description of sea-going, trading, or passage vessel lying and being within the Port of Quebec, and in the River St. Lawrence between the said Port of Quebec and the Port of Montreal.

Explanatory clause.

XVI. And be it enacted, That all Acts and provisions now in force which are inconsistent with this Act, or which make any provision in any matter provided for by this Act other than such as is hereby made in such matter, shall be and are hereby repealed.

Repeal of inconsistent enactments.

XVII. And be it enacted, That this Act shall commence and have effect upon, from and after the next, and not before.

Commencement of the Act.