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No. 226.

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3rd Session, 5th Parliament, 20 Victoriae, 1857.

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B I L L

To amend the Act 10 & 11 Vict., intituled,  
“ An Act for regulating the Shipping of  
“ Seamen and for other purposes con-  
“ nected therewith.”

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Received and read first time, Friday, 17th  
April, 1857.

Second reading, Friday, 24th April, 1857.

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Mr. Sol. Genl. Ross.

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S. J. GOSWAMI & G. DESBARATS, Queen's Printer.

An Act to amend and consolidate the Provincial Acts for preventing the Desertion and regulating the Shipping of Seamen.

**W**HEREAS great frauds have been committed and much inconvenience felt under the present system of shipping Seamen at the Port of Quebec ; and Merchant Vessels resorting to the said Port have been subjected to unnecessary detention, and their masters and crews to violence and outrage by the unlawful acts committed by persons attempting to induce Seamen to desert, or forcibly causing them to leave the same, to the great damage of the owners of such Merchant Vessels and of the character of the said Port of Quebec ; And whereas it is necessary to prevent such frauds and to repress such lawless acts : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

SHIPPING-MASTERS, AND THEIR DUTIES.

1. From and after the passing of this Act, it shall be lawful for the Governor, or the person administering the Government of this Province, for the time being, to constitute and appoint during pleasure, two fit and proper persons to be Shipping Masters for the said Port of Quebec, and who shall each previously to their acting in such capacity, enter into bonds, with two responsible sureties, to Her Majesty, Her Heirs and Successors, in the penal sum of five hundred pounds currency each, for the faithful discharge of their duties, (which bonds shall enure to the benefit of all parties who may be damnified by the misfeasance, malfeasance or non-feasance of the said Shipping Masters, or of either of them, as the case may be, and all parties damnified shall be entitled to recover from any one of them, and his sureties, before any Court of competent jurisdiction, to the amount to which they may have been so damnified) ; and the said Shipping Masters shall, each before entering upon the duties of their respective offices, take and subscribe the following oath, before any one of Her Majesty's Justices of the Court of Queen's Bench for the District in which the Shipping Master shall reside, and such oath shall be filed and kept as part of the records of the said Court.
- " I, A. B., do solemnly swear that I will faithfully and truly perform the office and duty of Shipping Master according to the true intent and meaning of the Act passed by the Legislature of this Province, in the twentieth year of Her Majesty's Reign, intituled, *An Act to amend and consolidate the Provincial*

Preamble.

Two Shipping Masters to be appointed for the Port of Quebec.

To give security.

And take an oath of office.

The oath.

“ *Acts for preventing the Desertion and regulating the Shipping of Seamen* ; that I will not, either directly or indirectly, personally, or by means of any other person or persons on my behalf, receive any fee, reward, or gratuity whatsoever, by reason of any function of my office as Shipping Master, except such as are allowed to me by the said Act ; and I will not, directly or indirectly, accept of any bill or draft, bon or note, from any Seaman whatsoever ; and that I will act without partiality, favor or affection, and to the best of my knowledge, skill and capacity ; So help me God.”

Shipping Masters may appoint Deputies.

II. The said Shipping Masters shall be, and they are hereby respectively authorized and empowered to appoint such and so many Deputies for the said Port, as shall by the Council of the Board of Trade at the said Port of Quebec be in the first place judged to be necessary, which said Deputy or Deputies shall have the power and authority given to him or them by this Act, and shall take and subscribe the above oath before any of Her Majesty’s Justices of the Peace, and the same shall be filed in the Office of the Clerk of the Peace for the District of Quebec ; and any Deputy so appointed, shall himself, with two responsible sureties, enter into bond to Her Majesty, Her Heirs and Successors, in the penal sum of two hundred pounds each, for the faithful discharge of his duties, which bond shall enure to the benefit of all parties who may be damnified by the misfeasance, malfeasance or non-feasance of the said Deputy, and all parties damnified shall be entitled to recover from the said Deputy and his sureties, before any Court of competent jurisdiction, upon such bond, by suit or action, to the amount to which they may have been so damnified.

Who shall be sworn and give security.

Persons disqualified as Shipping Master or Deputy.

III. No person selling or vending any spirituous liquors or groceries, tavern-keepers or boarding-house keepers, shall be eligible to the situation of Shipping Master or Deputy.

Where the office of the Shipping Masters shall be kept.

IV. The office of each of the said Shipping Masters shall be established at such place or places in the Port of Quebec as shall be directed by an order of the Council of the Quebec Board of Trade, and may be changed from time to time when deemed expedient by the same authority.

Fees for Shipping Seamen.

V. The Shipping Master at whose office he shall be shipped, shall be entitled to take and receive for each Seaman shipped, the sum of *five shillings* currency, and for every certificate of shipment, if required, the sum of *two shillings and six pence*, from the Master of the Ship or Vessel on board of which such Seaman shall be shipped or to which he shall belong.

Register to be kept.

VI. Each of the said Shipping Masters shall keep a Register of all Seamen shipped, which shall be open for public inspection.

## DUTIES OF MASTERS OF VESSELS ON ARRIVAL.

VII. The master or other person commanding every ship or vessel on her arrival in the port of Quebec, shall deliver to some one of the said shipping masters a correct list of all his officers and men forming the crew of his ship, with all the particulars set opposite their respective signatures in the articles of the said ship, noting the absence and its cause, of any who may have left the vessel since her departure from her port of clearance in the United Kingdom or elsewhere; and when each such vessel shall be ready for sea, such master or other person commanding such ship shall deliver at the Office of the same shipping master a list of the officers and men then forming his crew, noting the time and cause of any change in the persons of such crew since the delivery of his previous list, together with the names of the vessel or vessels in which his new seamen, if any, may have last served; and no master or commander of any ship shall be permitted to enter or clear at the Custom House without producing there a copy of his said list duly certified by the same shipping master, under a penalty of *fifty pounds* for omitting or neglecting so to do, as well as for any other wilful evasion of the provisions of this section.

Masters of Vessels arriving at Quebec to report their crew to one of the Shipping Masters.

Penalty for default.

VIII. The Master of every Vessel arriving from Sea, at any Port in this Province, shall give to every person shipped on board such Vessel, who shall be entitled to his discharge, or who shall be discharged there, a certificate in the following form:

“ A. B. one of the crew of the Ship or Vessel called the \_\_\_\_\_ of \_\_\_\_\_ whereof C. D. is (*or, lately was*) Master on her voyage from \_\_\_\_\_ to \_\_\_\_\_ is hereby discharged, having been previously paid all the wages justly due to him.

Seamen discharged in the Province to have certificate from the Master.

Form.

30 Dated at \_\_\_\_\_ (*or, on board of the said Vessel off* \_\_\_\_\_ )  
on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of \_\_\_\_\_

(Signed) C. D. Commanding said Vessel.”

IX. No master of a vessel, nor any person for him, shall ship any seaman who shall not produce such discharge, unless he shall previously thereto have given forty eight hour's notice in writing to all the masters of vessels then in port, who have within two months next before advertised any deserter from their vessels, to the effect that such seaman has applied to be shipped without a discharge, which notice shall be given by posting it up in each of the shipping offices and in the principal Police Station in the Lower Town of Quebec; and until the expiration of the said space of forty-eight hours, the master of any vessel to whom such seaman may apply to be shipped is authorized to detain him on board his vessel to the end that he may be claimed if he be a deserter; but if such seaman be not so claimed,

Notice to be given by Masters Shipping Seamen without a discharge.

Seaman applying to Ship without a discharge to be Detained.

Certificate if he be not claimed, and he may be engaged.

Penalty for Shipping Seaman without such certificate.

then upon the production by him of a certificate signed by each of the said shipping masters and by the Chief Constable of Police that the said notice hath been posted up as herein provided during forty-eight hours, for which certificate the said Shipping Masters and Chief Constable of Police shall each be entitled to receive from such seaman the sum of *six* pence before delivering the same, it shall then be lawful to engage him without his producing any other certificate. And if any master of a vessel, not being a new Canadian ship on her first voyage within the intent and meaning of the section of this Act, shall ship any seaman contrary to the provisions of this section, he shall forfeit *twenty* pounds; and if the master of any new Canadian ship on her first voyage, or owner or agent of such new ship, shall ship any seaman without such discharge or certificate as last aforesaid, such master, owner or agent shall forfeit *fifty* pounds; either of the said penalties to be recovered in default of payment by seizure and sale of such new ship, her tackle, apparel and furniture in a summary manner

Proceedings for obtaining a discharge illegally refused by the Master of any Vessel.

X. The Justice of the Peace, on the verbal complaint of any person that he is entitled to receive his discharge, and that the same is denied by the Master of the Vessel to which he belonged, shall issue a citation, directed to the Master, commanding him to appear before him, to shew cause why such certificate should not be granted; the Justice shall examine, in a summary way, into the circumstances of the case, and if he finds that the seaman is entitled to his discharge, he shall give judgment to that effect together with costs in his discretion; and if the discharge has been previously demanded and refused, he shall add to the judgment an order that the defendant pay to the complainant *two pounds* for his damages, and pay the costs of the proceedings; and a copy of so much of the judgment as orders the discharge, shall be given to the complainant, which shall have all the effects of a legal discharge.

Seamen deserting to be advertised.

XI. If any Seaman shall desert from any Vessel in any of the Ports of this Province, or on the voyage from the Sea up to any one of them, the Master of the Vessel shall, within twelve hours after his arrival, if such desertion shall have taken place before his arrival, or within twelve hours after the desertion shall have been made known to him, if it shall happen in the Port, make out an advertisement containing the name of the Seaman and of the Vessel to which he belonged, together with a description of the person of the deserter; which advertisement shall be signed by the Master, and, within the time aforesaid, put up at the usual place of fixing notices, in the *Merchant's Exchange*, and in the office of the Clerk of the Peace, at or nearest to the Port of arrival.

Publication of advertisement.

#### BOARDING VESSELS AND SOLICITING SEAMEN TO DESERT.

Vessels not to be boarded,

XII. It shall not be lawful for any person (other than any Officer or person in Her Majesty's service or employment,

- Harbour Master, Deputy Harbour Master, Health Officers and Custom House Officers,) to go and be on board of any Merchant Vessel arriving, or about to arrive at the place of her destination, before or previously to her actual arrival in dock, or at the quay or place of her discharge, for any other purpose than that of passing from such Vessel to another lying alongside, without the permission 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 previously to her actual arrival in dock, or at the quay or place of her discharge, without such permission, shall, for every such offence, forfeit and pay a sum of money not exceeding *twenty pounds* currency; and for the better securing the person of such 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 of the Peace, to be dealt with according to the provisions of this Act; 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 may, if necessary, 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.
- 25 XIII. If any person shall, either on board any Merchant Ship or in or upon any boat or vessel, quay or wharf or other place near thereto, within twenty-four hours of her arrival at any port as aforesaid, solicit any Seaman to become a lodger at the house of such person or elsewhere, 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 with the permission of the Master or person in charge of such ship, such person shall be liable to forfeit and pay for every such offence, the sum of *five pounds* currency.
- 35 XIV. Any person who shall go on board of any Merchant Ship or Seagoing Vessel, whether of the United Kingdom, Her Majesty's Colonies or any Foreign State, in any part of the St. Lawrence within the jurisdiction of this Province, or shall go alongside of the same in a boat or otherwise, for the purpose of soliciting or causing any Seaman, apprentice or landsman then serving therein, to leave the same or of carrying away his effects, without the consent of the Master or person in charge of the said Ship or Vessel, and with or without the consent of such Seaman, apprentice or landsman, or for any other purpose tending to disturb or interfere with the discipline of the said Ship or Vessel, shall be liable to a penalty not exceeding *fifty pounds*; and may then and there, together with all others aiding or abetting such unlawful purpose, be forthwith apprehended and detained by such Master or other person in charge of the said Ship or Vessel, and handed over, with directions either
- (except by Officers) before they are at the wharf, &c.
- Penalty for contravention.
- Master may arrest the offender.
- As to offenders arrested in the evening, &c.
- Penalty for soliciting Seamen as lodgers, &c., without consent of Master.
- Going on board or alongside to solicit Seamen to desert.
- Penalty.
- Master of Vessel may arrest the offender.

Procuring or aiding desertion. Penalty. written or verbal as to his detention and the cause thereof, to any member of the Police force or other Peace Officer, to be prosecuted for such offence : and any person who shall otherwise 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* currency, for every Seaman or Apprentice who shall so desert from or leave his Ship, or whom he shall persuade, procure, aid or solicit to desert or leave his ship. 5

If offender be armed—the offence to be a misdemeanor. XV. And if any person engaged in such unlawful purpose as last aforesaid, shall be armed with any fire-arm, or other deadly weapon or bludgeon, he shall be guilty of a misdemeanor and be liable to be punished accordingly. 10

Using or leveling fire arms, &c., by such offender to make the offence felony. Punishment. And if committed at night. XVI. If any person so offending as in the last two preceding Sections, shall discharge any fire-arm loaded with powder or otherwise, or use any deadly weapon or bludgeon, or level or present any fire-arm at or against any person whomsoever, in or on board of or near to any such Ship or Vessel, or use or threaten to use any such weapon or bludgeon in furtherance of such or any unlawful purpose, such person shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned in any common Gaol of the District wherein or near to which the offence shall be tried for any period not exceeding one year ; and if any such offence as last aforesaid be committed between sunset and sunrise, every person guilty thereof shall be liable to be imprisoned in the Penitentiary of the Province for any period not exceeding seven nor less than two years, or in any common Goal for a period not exceeding one year, with or without hard labor in either case. 20 25

Penalty for loitering near a Vessel in a Boat, &c., without lawful cause. XVII. 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* currency, and shall be imprisoned during a period not exceeding three months. 30 35

Inspector of Police may order such Boat to be retained until fine be paid. Sale in case of non-payment. XVIII. 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 at or before the time to be appointed by the convicting Justice, such Boat so detained shall be sold by Public Auction, and the proceeds of the sale thereof appropriated to the payment of such fine and costs. 40 45

Penalty for harbouring deserters. XIX. Any person who shall knowingly harbour or secrete any Seaman or Apprentice who shall have deserted from his



ship, or shall be absent therefrom without leave, shall, for every such offence, incur a penalty not exceeding *ten pounds* currency.

- XX. All row-boats, sail-boats, or other small water craft, plying in the harbour of Quebec after midnight and before sun-rise, may be hailed and stopped by any member of the Water Police force for the purpose of ascertaining whether any of the persons on board such boat be engaged in any unlawful purpose. If such Policeman have just reason to suspect that the persons in such boat are engaged in or about to effect some unlawful purpose, he may question them as to the business in which they may be then engaged, and in default of their giving a satisfactory account of themselves, they may be detained and taken to a Police Station to be thence brought before a Justice without any unnecessary delay, and dealt with according to law; and all persons in such boats refusing to stop when challenged, or to permit such examination, or in any way obstructing the same, or failing or refusing to give a satisfactory account of themselves, shall be liable to a penalty not exceeding *ten pounds*.

Police may stop Boats after midnight.

May detain those in such Boats if they do not give satisfactory account of themselves, &c.

#### SHIPPING SEAMEN.

- XXI. Every Seaman desirous of shipping, shall first exhibit his Registry Ticket to a Shipping Master or Deputy, previously to being shipped, and unless the Seaman shall exhibit such ticket, or satisfactorily account for his inability to do so, such Seaman shall not be shipped.

Seamen without registry ticket not to be shipped.

- XXII. No person not being such Shipping Master or Deputy as aforesaid, or not being the owner, part owner, master or person in charge of a Merchant Ship, or the Ship's Husband, shall hire, engage, supply or provide a Seaman to be entered on board any Merchant Ship; and no person whatever 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 Ship.

Certain persons only may engage or supply Seamen, &c.

- XXIII. 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 hired, engaged, supplied or provided, to be entered on board thereof, contrary to the provisions of this Act.

Seamen engaged contrary to this Act not to be shipped.

- XXIV. It shall not be lawful to employ any person or persons other than such Shipping Master or Deputy, for the purpose of engaging or providing Seamen to be entered on board Merchant Ships; and any such Shipping Master or Deputy, knowingly employing any other person for the purpose aforesaid, shall

Shipping Master or his Deputy only to be engaged to provide Seamen.

Penalty. forfeit and pay a sum not exceeding *ten pounds* currency, and in addition thereto, shall forfeit and lose his office.

Penalty for taking pay for supplying Seamen. **XXV.** If any person shall demand or receive from any Seaman, or from 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 forfeit for every such offence a sum not exceeding *five pounds* currency. 5

Penalty for demanding of a Seaman more than is due for board, &c. **XXVI.** If any person shall demand and receive of and from any Seaman payment in respect of his board or lodging in the house of such person, for a longer period than such Seamen shall have actually resided and boarded therein, or of a greater sum than was reasonably due therefor, according to the customary rates of boarding and lodging, or shall receive or take into his possession, or under his control, any monies, 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 be justly due and owing in respect of the board and lodging of such Seaman, he shall forfeit and pay a sum not exceeding *ten pounds* currency, over and above the amount or value of such monies, documents or effects after such deductions as aforesaid, which shall be adjudged to be forthwith paid to such Seaman, under the conviction by the Justices before whom such offence shall be heard and determined. 10  
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Tavern-keeper not to recover more than five shillings from any Seaman, &c. **XXVII.** 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, and 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. 30  
35

In what cases and to what extent only wages may be paid to Seamen in advance. **XXVIII.** The owner, part owner, master or person in charge of any Merchant Ship or Ship's Husband, shall not pay in advance, nor make or deliver any note, bill, order, promise or other undertaking whatever for the payment in advance of any part of the wages of any Seaman hired, engaged, supplied or provided to be entered on board the said Ship, until after the Ship's Articles shall have been duly signed by the said Seaman, and by the master or owner of the said Ship, and then only to the said Seaman himself, unless such wages or advance of wages be paid in money, in which case the payment thereof may be made to the said Seaman himself, and to the extent only of the sum of one 40  
45

pound currency, under a penalty of *ten pounds*; and all pay-  
 5 ments of wages, bills, notes, orders and undertakings for the  
 same made contrary to the provisions of this Act shall be and  
 are hereby declared to 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 the amount thereof  
 shall be recoverable by the said Seaman as if they had not  
 been paid or advanced; and any person paying or redeeming  
 any such bill, note, order, undertaking or promise of payment,  
 10 knowing it to be void under this Act, shall thereby incur a like  
 penalty of *ten pounds*.

Notes, &c., for wages made contrary to this Act to be void.

Penalty.

XXIX. Every person guilty of any of the offences above  
 described shall, upon conviction thereof, forfeit and pay for each  
 and every Seaman hired, engaged, supplied or provided to be  
 15 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, any sum of money  
 not exceeding *ten pounds*, for each offence, although several  
 20 Seamen may be included in the same contract, or several  
 tickets obtained, or several Seamen received or permitted to  
 remain at the same time.

Penalty for offences above described.

#### PROCURING SEAMEN FOR SHIPS BUILT IN CANADA.

XXX. And whereas it is necessary to facilitate the owners of  
 ships built in Canada in procuring Seamen to man the same  
 25 from the United Kingdom, in so far as the same may be done  
 under the laws of this Province; It is therefore enacted, that  
 in every case in which the master or other person in charge of  
 a British Merchant Ship or Vessel having on board within the  
 limits of this Province any number of Seamen shipped either as  
 30 passengers or as a supernumerary crew for such ship, and  
 lawfully engaged by a special written contract to proceed to  
 any port or place in Canada for the purpose of entering into  
 articles of agreement with the owner and Master of any new ship  
 therein built or being built, and of serving on board such Cana-  
 35 dian ship on her first voyage to parts beyond Seas, it shall be  
 lawful for such master or other person in charge of such British  
 Merchant vessel, while in Canadian waters, to detain such Sea-  
 men for the purpose of their entering into such new articles of  
 agreement, and until they shall have signed and executed the  
 40 same in due form of law, according to the provisions of the  
 Imperial "Merchant Shipping Act, 1854;" during all which time  
 from the entry of such British Ship into Canadian waters until  
 the execution of such new articles of agreement, each such sea-  
 man shall be subject to all the pains and penalties of the last  
 45 mentioned Act in like manner as if they had signed articles of  
 agreement in the United Kingdom as seamen of and for such  
 British Merchant Vessel, and every act of absence without  
 leave of the Master thereof, of disobedience of his lawful orders

Recital.

Seamen brought into the Province to man new ships, may be detained until they have signed articles for the same.

And they shall be deemed to belong to the Vessel that brought them out.

and of desertion from such British Ship committed in Canadian waters, shall be dealt with in all respects and to all intents and purposes as an infraction of the said Imperial Act by such Seamen in respect of such British Ship, provided that such special contract contain a clause subjecting them to all the provisions of the said Imperial Act, in relation to the aforesaid offences, and that all and every the provisions of the said Imperial Act have been observed in relation to the reading, signing and executing of such special contract in so far as the same are applicable.

**Proviso.** Penalty or Seamen engaged for a new ship and refusing to serve, &c.

XXXI. Any Seaman so engaged to serve on board such new Canadian Ship who shall, after the arrival of such British Ship in any port or place in this Province, refuse or neglect to comply with the conditions of such special contract, or who, in the event of such British Ship being disabled or detained by stress of weather or other unavoidable cause within the limits of this Province, refuse or neglect to proceed in and by any other Ship or Vessel or other conveyance either by land or water to the place of their intended destination, shall be liable to a penalty not exceeding *twenty pounds*, or to imprisonment in the common Gaol for a period not exceeding three months.

Seaman so refusing not to be engaged in any other Vessel within one year, without certificate of discharge.

XXXII. Any Seaman so engaged to serve on board such new Canadian Ship who shall have refused to join the same, or have deserted therefrom, or who shall be convicted of any one of the foregoing infractions of the said Imperial Act or of any omission of refusal or neglect under the provisions of the two preceding sections of this Act, shall not be hired to serve in any other Merchant Ship or Vessel whatever trading to Canada for and during the twelve calendar months next after such conviction, unless he shall produce a certificate of discharge from the owner, master or agent of such new Canadian Ship, made in the presence of and attested by one of the said shipping masters (who may withhold such attestation in his discretion), under a penalty of *fifty pounds* against the owner or master of such other ship or vessel or other person acting for him or them, as the case may be, or any other person whomsoever knowingly hiring such seaman so refusing to join such ship or deserting therefrom or convicted as aforesaid, to serve on board of any ship or vessel whatever other than the vessel for which he was originally engaged in the United Kingdom: Provided always that the owners, masters or agents of such new ship be ready and willing to fulfil on their part the conditions of such special contract and that until such time as such new Canadian Ship shall be ready to receive such imported crew, they may be detained on board the said British ship so long as the master thereof shall agree to keep them on board his vessel at a reasonable charge for their maintenance, to be paid by the owner, master or agent of such new ship, after which they may be transferred to the latter, or to any fit and proper lodging house, there to be maintained at the expense of such new ship until she be fit and ready for their reception.

**Proviso:** that the new ship be ready to receive him, &c.

XXXIII. All and every the provisions of this Act shall apply to any such British Ship and to any other Ship or Vessel in respect of such Seaman so hired in the United Kingdom, and of the Masters and Crew thereof; and all the offences and other unlawful acts therein mentioned, when committed in respect to such British Ship or any such Seaman, or his effects, shall be dealt with in like manner as if committed in respect of any other Ship or Vessel in the River St. Lawrence or of the Master and Crew thereof, or of any other person whomsoever.

Act to apply to any British Ship in respect of such Seaman, &c.

#### GENERAL PROVISIONS.

XXXIV. It shall not be lawful to serve or execute, or cause to be served or executed, any process or citation in or on board of any merchant ship or vessel of the United Kingdom, Her Majesty's Colonies, or of any foreign state, upon the owner, master, or any one of the crew thereof, or any process of execution against such ship, her tackle, apparel or furniture, her owner, master or any one of the crew thereof, otherwise than by some Officer or Bailiff of the courts of vice-admiralty or common law, or any Constable, Policeman or other Peace Officer according to the nature of such process, under a penalty of *fifty pounds*. And if in the service or execution of such process, recourse be had to any violence, threats of violence or any unnecessary demonstration of force, either by the person serving or executing such process, or by any other in conjunction with him, or by the party or parties upon or against whom the same is to be served or executed, every person committing or threatening such violence or making such demonstration of force, shall be guilty of a misdemeanor and be liable to be prosecuted accordingly.

XXXV. It shall not be lawful for any member of the city or Water Police of Quebec, nor for any other person whomsoever in the pay of the Imperial or Provincial Government to let or sublet any house or tenement, or part of a house or tenement to be used as an unlicensed tavern or grog shop for the sale of wines or spirituous or malt liquors, or knowingly to suffer the same to be so used or occupied, or as a lodging house in which seamen or apprentices, deserters or unlawfully absent from their ships are harboured or secreted; nor to have any share or interest directly or indirectly in the business or management of any such unlicensed tavern, grog shop, or lodging house under a penalty of *one hundred pounds*. And the keeper of such unlicensed tavern, grog shop, or lodging house who shall persist against the will of the proprietor or lessor thereof, in so using or occupying the same after having been convicted of the offence of selling wines or spirituous or malt liquors without a license, or of harbouring or secreting such seamen, may, upon the demand of the proprietor or lessor, supported by a copy of such conviction which shall not have been quashed, vacated or an-

By whom only process may be served or executed on board Vessels.

Punishment for any violence in executing such service.

Members of Water Police, &c., not to let any house as a Tavern, &c.

Penalty.

And on persons keeping unlicensed Taverns, &c., against the will of the Lessor.

Proceedings  
for ejection.

nulled or removed by writ of *certiorari* into a superior court, made to any judge of the superior or circuit courts, be summoned to shew cause within three days why he should not be summarily amoved and ejected from such premises; and if no sufficient cause to the contrary be shewn to the satisfaction of such judge, it shall be lawful for him to order and adjudge that the lease between the said parties, if any, be thenceforth rescinded, annulled and made void, and the same shall thereupon be rescinded, annulled and made void to all intents and purposes, and the said lessee or occupant ordered to quit the premises within three days, and in default thereof, to be summarily amoved and ejected therefrom by the Sheriff of the District according to the course and practice of the court in such matters; and all the costs of the proceedings in that behalf, together with the amount of rent which may be due on such premises by the said lessee or occupant shall, upon attachment, constitute a privilege upon the furniture and effects of said lessee or occupant found garnishing the premises, or which may have been removed therefrom at any time after such conviction, to the whole of which period the remedy of *droit de suite* (or right of attachment and privilege within eight days) shall attach, and such costs and rent shall be recoverable in the ordinary courts of law.

Costs and rent  
how recoverable.

Recovery of  
penalties under  
this Act  
when no other  
provision is  
made.

XXXVI. All penalties and forfeitures imposed by this Act, where no special provision has been therein made in respect thereof, shall and may be recovered with costs, by summary proceedings before any two Justices of the Peace residing at or near to the place where the offence shall have been committed, or where the offender shall be; and if the sum imposed as a penalty, or adjudged to be paid as aforesaid, by any such Justices, shall not be paid, either immediately after the conviction, or within such reasonable time as such Justices shall at the time of the conviction appoint, it shall be lawful for the Justices to commit the offender or offenders to any Common Gaol within their jurisdiction there to be imprisoned only, or to be imprisoned and kept to 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 and costs of prosecution and imprisonment, which latter shall be endorsed on the commitment by the committing Justice: And all such penalties and forfeitures shall be paid and applied in 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 accrue to Her Majesty and shall be paid to the Receiver General of the Province, and be applied and accounted for as are the monies by law appropriated towards the support and maintenance of a Water Police at the Port of Quebec. And it shall also be lawful for such Justices in convicting the Defendant of any such penalty, further in their discretion to order that such Defendant in addition to the forfeiture of such penal

Imprisonment  
for non pay-  
ment.

Application of  
penalties.

Imprisonment  
may be added  
to the penalty.

ty, by imprisoned, with or without hard labour, in any Common Gaol within their jurisdiction for a period not exceeding three months. Provided always, that in all cases of complaint made by or on the behalf of any Seaman under this Act, the evidence of such Seaman shall be received and taken, notwithstanding that he may be interested in the matter; 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 sum as the Magistrate before whom the case shall be heard shall adjudge him to receive for any monies or effects which shall appear to have been deposited by him with any such person as aforesaid.

XXXVII. It shall also be lawful for such Justices, if they shall deem it expedient in the event of such penalty and costs not being immediately paid, to appoint some future day for the payment thereof, and to order the offender to be detained in safe custody until the day so appointed, unless such offender shall give security to the satisfaction of such Justices for his or her appearance on such day; and such Justices are hereby empowered to take such security by way of recognizance or otherwise at their discretion; and if at the time so appointed such penalty shall not be paid, it shall be lawful for the same or any other Justice of the Peace, by warrant under their hands and seals, to commit the offender to the Common Gaol or House of Correction within their jurisdiction, there to remain for any time not exceeding three months, reckoned from the day of such adjudication; such imprisonment to cease on payment of the said penalty and costs.

XXXVIII. In all Informations and Plaints for the prosecution of offences against this Act, several counts for the same offence, and several offences under the same section, similar in their nature and only constituting different categories of the same offence, may be included, provided the time and place of the commission of each offence be alleged; and the Information or Complaint may be amended before plea to the merits in any matter of form or substance, upon motion in writing of the complainant, setting forth the required amendment, but without obliterating or altering the original pleading; and if the amendment be allowed, the Defendant, if he require it, may have a further delay to plead to the merits, or for plea and proof as it may be ordered; if the pleading, in the opinion of the Justice, be so defective either in form or substance, that a legal conviction cannot be based upon it, and be not amended or reformed, the Justice may dismiss the case, the whole with or without costs in his discretion.

XXXIX. And be it enacted, that the Justices before 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 :)

Proviso.

Proviso.

Justices may grant time for payment of penalty.

And may take security.

Commitment if penalty be not paid at time appointed.

Several counts may be inserted in complaints.

Amendments allowed.

Pleadings.

Form of conviction under this Act.

“ Be it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_  
 “ in the year of Our Lord \_\_\_\_\_, at \_\_\_\_\_  
 “ in the District of \_\_\_\_\_, A. O. is convicted before us,  
 “ (*naming the Justices*) two of Her Majesty’s Justices of the  
 “ Peace for the said District, for that he the said A. O. on the \_\_\_\_\_ 5  
 “ at the \_\_\_\_\_ did (*specify the offence, and the time*  
 “ *and place when and where the same was committed, as the case*  
 “ *may be,*) and we the said Justices do adjudge the said A. O.  
 “ for his said offence to forfeit and pay the sum of (*here state the*  
 “ *amount of the fine imposed, and when necessary, add the words* 10  
 “ *‘ over and above the sum of \_\_\_\_\_ )* which we the said Jus-  
 “ *tices* do hereby adjudge to be forthwith paid to the said E.  
 “ *F. the Seaman, the same being the value of (monies, docu-*  
 “ *ments or effects)* of the said E. F. received by (or taken into  
 “ *the possession) or (under the control of) the said A. O.’* and 15  
 “ we, the said Justices do also adjudge the said A. O. to pay  
 “ the sum of \_\_\_\_\_ for costs, and in default of immediate pay-  
 “ ment of the said sum of \_\_\_\_\_ to be imprisoned in the Com-  
 “ mon Gaol of the District of Quebec, for the space of \_\_\_\_\_  
 “ unless the said sums shall be sooner paid, (*or, and we order* 20  
 “ *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  
 “ said sum of \_\_\_\_\_ for costs, shall be paid to C. D. (*the party*  
 “ *informing,*) and the residue of the said penalty shall be paid to 25  
 “ the Receiver General for the purposes of the said Water  
 “ Police Fund. Given under our hands and seals at the said  
 “ \_\_\_\_\_ on \_\_\_\_\_ ”

Appeal from  
 conviction un-  
 der this Act,  
 and how pro-  
 secuted and  
 on what con-  
 ditions.

XL. Any party to a prosecution under this Act either as com- 30  
 plainant or defendant, aggrieved by any conviction, judgment, or  
 order made under the provisions thereof, who shall within forty-  
 eight hours after the making or rendering of such conviction, judg-  
 ment or order, give notice in writing to the Justice or Justices  
 rendering the same, or to his or their Clerk, or to the person who 35  
 officiated as such, at the trial of such case, of his intention to  
 appeal from such conviction, judgment or order, and shall,  
 if a defendant, within eight days from the date thereof, depos-  
 ite with the Clerk of the Peace for the District within which such  
 judgment has been pronounced, the amount of the penalty and 40  
 costs awarded by such judgment, may apply, after two day’s no-  
 tice to the opposite party or his Attorney, to any Justice of the  
 Superior or Circuit Courts by petition setting forth the grounds  
 of his application, and praying to be permitted to appeal from such  
 conviction or judgment to the Court of General Quarter Sessions  
 of the Peace; and thereupon such Judge, if he see fit, may make 45  
 an Order directing the Justice, or public Officer having the legal  
 custody of the record in such case to send the same immediat-  
 ely before him together with a copy of the conviction, and after  
 examining the same, and hearing the parties, he may allow the  
 said appeal, or he may reject the said petition with costs, to be 50  
 taxed by him and entered in execution against the party fail-

Judge’s per-  
 mission re-  
 quired.



ing by the Justice or Justices who tried the case, or without costs in his discretion; and in the event of the judges allowing the said appeal, he may order the said petition and record in the cause to be returned and filed with the Clerk of the Court of Quarter Sessions to be set down without further formality for hearing on the first day of the said court next thereafter, when the said appeal shall be heard and shall be restricted to a mere revision of the proceedings, proof and judgment therein, without the admission of any other evidence or adoption of any other proceeding whatever; Provided always that the evidence in such prosecutions have been reduced to writing at full length, which it will be lawful to do on the requisition of either party at the commencement of the trial by a Clerk thereto appointed by the Clerks of the Peace and who shall be paid six pence per hundred words or ten shillings per day in the discretion of the Justices trying the case, and provided also that no appeal shall be allowed in any case wherein a Writ of *certiorari* has been obtained.

Transmission of record if appeal be allowed.

Proviso: evidence to be taken in writing.

XLI. No such conviction shall be quashed for want of form, or be removed by Writ of *Certiorari* or otherwise, into any of Her Majesty's Superior Courts of Record unless the party applying for such Writ shall have first deposited the amount of the condemnation and costs with the Prothonotary of such Court of Record, and given good and sufficient security to a Justice of the said Court to satisfy any judgment which may be therein rendered against him in principal and costs; whereupon, and upon good cause shewn, such Writ may be allowed; and no warrant of commitment shall be held void by reason of any defect of form therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same; and any party alleging the nullity of such commitment and the insufficiency of such conviction, shall be held, if required by the judge to whom application is made, to produce a certified copy of such conviction, to be procured from the committing justices upon payment of the sum of ten shillings, provided that no *certiorari* shall be allowed in any case wherein an appeal has been allowed.

Convictions not to be quashed for want of form or removed by *certiorari*, except on certain conditions.

What warrant of commitment shall be sufficient.

XLII. The Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act for regulating the Shipping of Seamen*, and the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act more effectually to prevent the Desertion of Seamen*, and all and every the provisions of any Acts now in force inconsistent with this Act, shall be and the same are hereby repealed; but any Acts or provisions of Acts thereby repealed shall not by reason of the present repeal be revived.

Act 10, 11 V. c. 25, and

16 V. c. 165, and other Acts &c., inconsistent with this Act, repealed.

XLIII. Any appointment heretofore made or thing done by virtue of the said Acts or provisions of Acts now repealed, and any prosecution or other proceeding commenced, or order, conviction, or thing done under repealed Acts to remain valid, &c.

tion or judgment made or obtained under the authority of the same, shall be valid to all intents and purposes, and any contravention of the said Acts or provisions of Acts heretofore committed, may be prosecuted to conviction, judgment and execution, the same as if this Act had not been passed ; Provided **5** always, that immediately after this Act shall come into force all Shipping Masters and their Deputies shall take the oath and enter into the bonds herein required.

Interpretation  
clause. **XLIV.** The words " Merchant Ships," inserted in this Act, shall be understood to include any description of Sea going, **10** trading or passage Vessel, or Steamer lying and being in any part of the River St. Lawrence within the jurisdiction of this Province.

Commence-  
ment of Act. **XLV.** And be it enacted, That this Act shall take effect upon, from and after the day of , and not before. **15**