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2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act to repeal the Act of the 10th and 11th Vict. chap. 25, intituled, "*An Act for regulating the Shipping of Seamen,*" and for other purposes therein mentioned.

Received and read a first time Tuesday, 24th April, 1849.

Second reading Monday, 30th April, 1849.

Mr. MÉTHOT.

B I L L .

An Act to repeal the Act of the 10th and 11th Vict. cap. 25, intituled, *An Act for regulating the Shipping of Seamen*, and for other purposes therein mentioned.

WHEREAS 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.

Preamble.

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Act for regulating of Shipping of Seamen*," shall, from and after the passing of this Act, be and the same is hereby repealed.

Repeal of the Shipping Seamen Act of 10 and 11 Vict., c. 25.

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 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.

Board of Trade of Quebec to license Shipping Masters to provide seamen for merchant ships.

Manner of granting and revoking licence.

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.

Evidence of granting or revocation of licence.

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, 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 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 Ship. 5

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 hired, engaged, supplied or provided to be entered on thereof, contrary to the provisions of this Act. 15

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 provided 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 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. 20 25

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

VII. And be it enacted, That it shall not be lawful for 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 aforesaid, 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. 30 35

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 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 every such offence incur a penalty not exceeding *five pounds* currency. 40 45

Persons not to be admitted on board merchant vessels

IX. And be it enacted, That 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 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 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 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 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 according to the provisions of this Act.

before their arrival in dock or at their place of discharge, without permission, &c.

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 become a lodger at the house of any person letting lodgings 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 penalty of *five pounds* currency.

Penalty for soliciting sailors to become lodgers, or removing sailors' effects.

XI. And be it enacted, That if any person shall demand 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 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 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 aforesaid, which shall be adjudged to be forthwith paid to such seaman upon and in the conviction of the offender, and by the Justices before whom the offence shall be heard and determined.

Penalty for receiving remuneration for board of sailors for longer time than is due, or neglecting to return monies or effects belonging to seamen.

XII. And be it enacted, That all penalties and forfeitures imposed by this Act 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

Recovery and application of penalties.

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 after the conviction or within such reasonable time as such 5 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 kept to hard labour, according to the discretion of such 10 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 manner following, (that is to say,) one moiety of such 15 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 superintendence or conduct of the Marine Hospital at Quebec, and shall be applied and accounted for as are 20 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 this Act, the evidence of such seaman shall be received 25 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 sum as the Justices before whom the case shall be heard 30 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 the penalty shall be recovered, then the portion thereof 35 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 whom any person shall be summarily convicted of any 40 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:

BE IT REMEMBERED, that on the _____ day of 45
 _____ 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
 District, for that he the said A. O. did (*specify the offence* 50
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.) 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 months, unless the said sums shall be sooner paid (*or* and 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 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.*)
 Given under our hands the day and year above mentioned.

25

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.

Proviso.

XV. And 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 day of next, and not before.

Commencement of the Act.