

A C T S
OF THE
GENERAL ASSEMBLY
OF
His MAJESTY'S PROVINCE
OF
NEW-BRUNSWICK,

PASSED IN THE YEAR 1798.



F R E D E R I C T O N :
Printed by CHRISTOPHER SOWER, Printer to the
KING'S MOST EXCELLENT MAJESTY.

Rec. Aug. 14, 1906.

ANNO REGNI

Georgii III. Regis

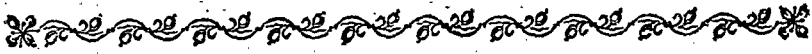
Magnæ Britannia, Franciæ & Hiberniæ,

TRICESIMO OCTAVO.

ACTS passed by the GENERAL ASSEMBLY of the Province of NEW-BRUNSWICK begun and holden at FREDERICTON on the TWELFTH day of FEBRUARY, Anno Domini 1793, in the THIRTY-THIRD Year of the reign of our Sovereign Lord GEORGE the THIRD by the Grace of GOD, of Great Britain, France and Ireland, KING, Defender of the Faith, &c.

And from thence continued by several prorogations, to TUESDAY the SIXTEENTH February 1798; being the THIRD Session of the FOURTH GENERAL ASSEMBLY convened in the said Province.

1790.



The TITLES of the ACTS.

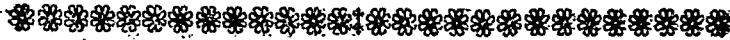
	<i>Page.</i>
I. A N ACT to continue fundry acts of the General Assembly that are near expiring.	394(<i>α</i>)
II. An act in addition to, and in amendment of an act intituled " An act for the regulation of Seamen."	395





ANNO TRICESIMO OCTAVO

Georgii III. Regis.



C A P. I.

An ACT to CONTINUE fundry ACTS of the GENERAL ASSEMBLY that are near expiring. Passed the 9th Day of February, 1798.



BE IT ENACTED, by the Lieutenant Governor, Council, and Assembly, That an act made and passed in the twenty-sixth year of His MAJESTY's reign intituled "An Act for Relief against Absconding Debtors;" also an act made and passed in the twenty eighth year of His MAJESTY's reign intituled "An Act in addition to an Act intituled 'An Act for Relief against Absconding Debtors'; also an act

Act for relief against Absconding Debtors

Act in addition thereto

Act to regulate the sale of goods sold at Public Auction.

Act to prevent frauds in the sale of damaged goods.

Act to authorise the Proprietors of certain Islands to make regulations &c.

Act to empower the Justices of the Sessions to make regulations respecting Markets and Ferries,

continued till the 1st March 1803.

act made and passed in the twenty sixth year of HIS MAJESTY'S reign intituled "An Act to regulate the Sale of Goods sold at Public Auction or Out Cry;" also an act made and passed in the twenty sixth year of HIS MAJESTY'S reign intituled "An Act to prevent Frauds in the Sale of Damaged Goods imported into this Province;" also an act made and passed in the twenty-seventh year of HIS MAJESTY'S reign intituled "An Act to authorise the respective Proprietors of certain Islands in the River Saint John and other Rivers in this Province to make Rules and Regulations for their better Improvement and Cultivation;" and an act made and passed in the twenty-eighth year of HIS MAJESTY'S reign intituled "An Act to empower the Justices of the Sessions in several Counties in this Province to make such Regulations respecting Markets and Ferries within such Counties as may be found necessary." be further continued; and the said acts, and every clause, matter and thing therein contained, are hereby continued, and declared to be in full force until the first day of MARCH which will be in the year of our LORD one thousand eight hundred and three, and no longer.

C A P . II.

see page 114.

An ACT in addition to and in amendment of an Act intituled "An Act for the REGULATION of SEAMEN." Passed the 9th Day of February, 1798.

Preamble

WHEERAS, in and by the third section of an act made and passed in the *twenty sixth* year of HIS MAJESTY'S reign intituled "An Act for the Regulation of Seamen" it is enacted "that if the master or commander of any ship or vessel shall ship any Seaman, knowing him to be first entered and shipped on board of any other ship or vessel, or after notice thereof given him, shall not forthwith dismiss him, every such master or commander so offending and being thereof convicted shall forfeit and pay the sum of *ten pounds* to the use of the city or county where such offence shall be committed, to be sued for in any Court of Record proper to try the same; and such Seaman so shipping himself, being under the obligation of a former contract, shall forfeit and pay the value of *one month's wages* that he shall so agree for, to be deducted from

“ from such wages as he may have due, or may afterwards be due unto him, for the use of the party aggrieved.” AND WHEREAS the said *third* section has hitherto been found defective and not to answer the purpose intended:—

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That the above recited section be, and the same is hereby repealed; and instead thereof.—

Third section of the former act repealed.

II. *Be it enacted,* That from and after the passing of this act, if any master or commander of any ship or vessel, or any other person or persons, shall hire or engage, harbour, or conceal any Seaman, Mariner, or other person who shall have signed any former contract or articles, knowing him to have deserted from any ship or vessel within the province, every such master, commander, or other person or persons so offending, and being thereof convicted, shall forfeit and pay the sum of *twenty pounds* to the use of the city or county where such offence shall be committed to be sued for in any Court of Record proper to try the same; and such Seaman, Mariner, or other Person who shall desert at any time during the voyage on which he is engaged by written contract or articles shall, over and above all penalties and forfeitures to which he is now by law subject, forfeit all the wages he may have agreed for, or be entitled to during the voyage from the master or owner of the ship or vessel on board of which he shall have entered after such desertion, to the use of the owner or owners of such ship or vessel as he shall have deserted from, to be sued for and recovered in the manner before directed.

Any person hiring or concealing any Seaman or other person who shall have signed any former contract knowing him to have deserted from any vessel to forfeit twenty pounds.

Any Seaman deserting during the voyage to forfeit, over and above the penalties to which he is by law subject, all the wages he may be entitled to during that voyage, to the use of the owner or owners.

“forfeit all their wages as shall be then due to him or them” Stat. 1792 12 W. 3. c 7. 57

III. *And be it further enacted,* That the before recited act and every clause, matter and thing therein contained (except wherein it is hereby altered and repealed) shall be and continue, and the same is hereby declared to be and continue in full force; any thing herein before contained to the contrary notwithstanding.

Recited act, except as hereby altered to remain in full force.

Eng. 12 W. 3. c. 7. directs a forfeiture (in case of desertion in parts beyond the sea) of all wages as shall be then due. § 17.
2 Geo. 2 If a Seaman deserts before the commencement of a voyage he forfeits all wages due at that time.
31 Geo. 3 c. 39. Ships of 200 tons upwards employed in the coasting trade to forfeit for neglect or refusal to proceed on the voyage the Seaman forfeits all wages due but for desertion afterwards a month's wages to Greenwich Hospital.
37 G. 3. c. 73. § 1. In addition to forfeitures of wages earned in service in the Ship from wh. a Seaman deserts, His Majesty's Justices are empowered to direct that all the wages, to which he might otherwise be entitled for his service on board of which he shall enter immediately after such desertion.