

The Provincial Statutes of Lower-Canada, Being the second session of the fifteenth Provincial Parliament of Lower-Canada. Quebec: John Carleton Fisher & William Kemble, Law Printer to the King's Most Excellent Majesty, 1836.

6 William IV – Chapter 28

An Act to provide less expensive means for the recovery of wages due to Seamen of Vessels belonging to or registered in this Province. (21st March, 1836.)

Whereas the Masters and Owners of Vessels belonging to, or registered in this Province, as well as the Seamen of such Vessels are frequently, in case of disputes arising between them relative to wages, exposed to great inconvenience, expense and delay, for remedy thereof; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province, of Quebec, in North America,' And to make further provision for the Government of the said Province;" and it is hereby enacted by the authority of the same, that in all cases of wages not exceeding twenty pounds sterling, which shall be alleged to be, due and payable to a Seaman for his service in any such Ship or Vessel belonging to, or registered in this Province as aforesaid, it shall be lawful for any two Justices of the Peace, residing near to the place where such Vessel shall have ended her voyage, cleared at the Custom House, or discharged her cargo, or near the place where the Master or Owner, upon whom respectively the claim is made, shall be or reside, upon complaint on oath to be made to such Justices by any such Seaman or on his behalf, to summon such Master or Owner to appear before him, to answer such complaint, and upon appearance of such Master or Owner, or, in default thereof, on due proof of his having been so summoned, such Justices are hereby empowered to examine upon the oath of the respective witnesses of the parties (if there be any) or upon the oath of either of the parties, in case one of the parties should require such oath from the other, before such Justices of the Peace, touching the complaint and amount of wages due, and to make such order for the payment thereof as shall to such Justices appear reasonable and just; and in case such order shall not be obeyed within twenty four hours next after the making thereof, it shall be lawful for such Justices to issue their warrant to levy the amount of the wages awarded to be due, by the distress and sale of the goods and chattels of the party on whom such order for payment shall be made, rendering to such party the oversurplus (if any shall remain) of the produce of the sale, after deducting therefrom, all the charges and expenses incurred by the Seaman in the making and hearing of the complaint, as well as those incurred by the distress and levy, and in the enforcement of the Justices' order; and in case sufficient distress cannot be found, it shall be lawful for such Justices of the Peace to cause the amount of such wages and expenses to be levied on the Ship, in respect of the service on board which the wages are claimed, or the tackle and apparel thereof; and if such Ship shall not be within the jurisdiction of such

Justices, then they are hereby empowered to cause the party upon whom the order for payment shall be made to be apprehended and committed to the common goal of the District or Inferior District, there to remain for a time not less than one, nor more than three, calendar months, under each such condemnation.

II. And be it further enacted by the authority aforesaid, that if any suit for the recovery of a Seaman's wages shall be instituted against any such Ship or the Master or Owner thereof, in the Court of Vice Admiralty or against the Master or Owner in any Court of record in this Province, and it shall appear to the Judge or Judges of such Court, in the course of such suit, that the Plaintiff might have had as effectual a remedy for the recovery of his wages by complaint to two Justices of the Peace, as hereinbefore provided, then and in every such case, it shall be lawful for such Judge or Judges, and he or they, is or are hereby required to certify to that effect, and thereupon no costs shall be awarded to the Plaintiff.

III. Provided always, and be it further enacted by the authority aforesaid, that this Act shall continue and remain in force until the first day of May, one thousand eight hundred and thirty eight, and no longer.