

## C A P. VII.

## A Declaratory Act respecting Actions for Criminal Conversation.

(29th MAY, 1800.)

Preamble.

WHEREAS Doubts have been entertained, whether by the Laws which prevail in this Province, an Action can be maintained for a pecuniary compensation in damages for criminal conversation with the Plaintiff's wife, unless a criminal Process shall have been instituted and a verdict convicting the Party of Adultery, shall have been obtained, which is manifestly inconvenient. For removing such doubts, Be it enacted and declared 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 of 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 and declared by the authority of the same, that from and after the passing of this Act, it shall be no valid Exception or Plea in Bar, to an Action for a pecuniary compensation in damages for Criminal Conversation, that the Plaintiff hath not instituted a Criminal Process and obtained a verdict, convicting the Defendant of Adultery, any Law, Custom or Usage to the contrary notwithstanding.

A criminal verdict not necessary to obtain compensation in damages for Adultery.

## C A P. VIII.

## An Act to prevent harbouring run-away Seamen, to repeal certain parts of an Act or Ordinance therein mentioned, and for other purposes.

(29th MAY, 1800.)

Preamble.

WHEREAS it is essential for the protection of Commerce to prevent harbouring run away Seamen; and whereas the Laws now in force relating thereto are found inadequate to the purposes intended; Be it therefore 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 of the Parliament of Great Britain passed in the thirty first year of His Majesty's Reign, 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 from and after the passing of this Act, if any person shall lodge, harbour or secret any seaman or apprentice, who shall have deserted from any ship or vessel in the service of His Majesty, or who, having regularly entered and signed Articles of Agreement, to serve on board any Merchant ship or vessel, shall have deserted from the same, for the space of more than twelve hours, every person so offending, and knowing such seaman or apprentice to be a deserter, shall for the first offence forfeit the sum of Five Pounds Current money of this Province over and above the penalty inflicted by the tenth Clause of the Act, intituled, "An Act to provide for the greater security of this Province by the better regulation of the Militia thereof, and for re-

Penalty on persons harbouring deserters.

Act 34th Geo. III. cap. 4.

"pealing."

“ *pealing certain Acts or Ordinances relating to the same,*” and for a second and every subsequent like offence, shall forfeit the sum of two Pounds, also current money of this Province, over and above the penalty inflicted by the aforelaid Act: and if such offender be an Inn keeper or Tavern keeper, his or her Licence for keeping a House or other place of public intertainment, shall, from and after a conviction of such second offence, be null and void.

Penalty on Masters of vessels, receiving and harbouring deserters

II. And be it further enacted by the authority aforelaid, that if the Captain or Master of any ship or vessel shall receive or harbour, on board of his ship or vessel for more than ten hours any seaman or seamen or apprentice who shall have deserted as herein before mentioned, knowing such seaman or seamen or apprentice to be a deserter or deserters, every such Captain or Master, shall for such offence, forfeit the sum of Twenty Pounds, current money of this Province, for every seaman so received or harboured on board of his ship or vessel. Provided always, that nothing in this Act contained, shall extend or be construed to extend to preventing any seaman from entering into his Majesty's service; or to subject any Officer in His Majesty's service, to any penalty for entering or receiving such seaman.

Not to prevent seamen entering into his Majesty's service or to subject Officers to a penalty for entering or receiving seamen.

Seamen or apprentices committed to Goal or House of Correction, to be paid one shilling a day.

III. And be it further enacted by the authority aforelaid, that to every seamen or apprentice committed for desertion from any ship or vessel to the common Goal or House of Correction, the Master of such ship or vessel, shall pay or cause to be paid in advance, for each and every day such seaman or apprentice shall remain in such common Goal or House of Correction, the sum of one Shilling current money of this Province; and in default of such payment by such Captain or Master, upon representation of such default by such seamen or apprentice to any one Justice of the Peace for the District wherein such seaman or apprentice shall be so confined, if proof of such payment shall not be made by such Captain or Master, to the satisfaction of such Justice, such seaman or apprentice shall be discharged and set at liberty, upon the Warrant of such Justice to the keeper of such Goal or House of Correction for that purpose directed.

And in default of payment, to be discharged.

Second Section of Act 33 Geo: III cap. 4 repealed.

IV. And be it further enacted by the authority aforelaid, that from and after the passing of this Act, the second enacting clause of an Act or Ordinance passed in the thirty third year of His present Majesty's Reign, chapter fourth, intituled, “ *An Act or Ordinance more effectually to prevent the desertion of seaman from the Merchant service,*” shall be and the same is hereby repealed.

Recovery of Fines.

V. And be it further enacted by the authority aforelaid, that all and every the Fines and Penalties incurred by virtue of, and under this Act, shall and may be sued for, prosecuted and recovered in a summary manner before any two of His Majesty's Justices of the Peace, for the District wherein the offence shall be committed, on the Oath of one or more credible witness or witnesses other than the informer, which oath the said Justices are hereby empowered to administer. And in case of non payment shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of such Justices of the Peace, directed to a Constable or other Peace Officer, and the over plus, if any, after deducting the Penalty and Costs of suit, together with the expences of the distress and sale, shall be returned to the owner, and for want of sufficient distress, the offenders shall be committed, by warrant under the hands and seals of such Justices, to the Goal of the District for any time not exceeding one Calendar Month, as such Justices shall think most proper.

Fines, how disposed of and to be accounted for to His Majesty.

VI. And be it further enacted by the authority aforesaid, that the Fines, by this Act imposed, shall belong, one half to the informer and the other half shall be paid into the hands of the Receiver General of the Province, for the support of the Civil Government thereof, and shall be accounted for to the Crown through the Commissioners of His Majesty's Treasury for the time being, as the Crown shall direct.