

XXXII. And be it further enacted, That this Act shall commence and take effect on the first day of January one thousand eight hundred and thirty seven. Commencement of Act.

CAP. XLIV.

An Act in addition to an Act, intituled *An Act to repeal all the Laws now in force for the regulation of Seamen and to make more effectual provision for that purpose.* 7 G. 4, c. 12.

Passed 16th March 1836.

WHEREAS seamen in cases of dispute may be exposed to great inconvenience, expense and delay in obtaining payment of their wages; for remedy thereof;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all cases of wages not exceeding twenty pounds which shall be due and payable to a seaman for his services in any ship or vessel, it shall be lawful for any Justice of the Peace in any part of this Province residing near to the place where the ship or vessel shall have ended her voyage, cleared at the custom house or discharged her cargo, or near to the place where the master or owner upon whom respectively the claim is made shall be or reside, upon complaint on oath or affirmation (in the case of persons allowed by law to affirm in civil cases), to be made to such Justice by any such seaman or on his behalf, to summon such master or owner to appear before him to answer such complaint, and upon the appearance of such master or owner, or in default thereof, on due proof of his having been so summoned, such Justice is hereby empowered to examine upon the oath or affirmation (in the case of persons allowed by law to affirm in civil cases), of the parties and their respective witnesses (if there be any), touching the complaint and the amount of wages due, and to make such order for payment thereof as shall to such Justice appear reasonable and just; and in case such order shall not be obeyed within two days next after the making thereof, it shall be lawful for such Justice to issue his warrant to levy the amount of the wages awarded to be due by 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 overplus (if any shall remain of the produce of the sale) after deducting thereout all the charges and expenses incurred by the seaman in making and hearing of the complaint as well those incurred by the distress and levy and in the enforcement of the Justice's order, and in case sufficient distress cannot be found it shall be lawful for the said Justice to cause the amount of the said wages and expenses to be levied on the ship in respect of the services 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 Justice, then he is hereby empowered to cause the party upon whom the order of payment shall be made to be apprehended and committed to the common gaol of the County, there to remain without bail until the payment shall be made of the amount of the wages so awarded, and of all costs and expenses attending the recovery thereof, and the award and decision of such Justice as aforesaid shall be final and conclusive as well on every such seaman as on the owner and master of the ship.

In cases of wages not exceeding £20, master or owner of vessel may be summoned by a Justice of the Peace, and such order for payment be made as may be just.

Payment may be enforced by distress and sale and commitment to Gaol.

II. And be it enacted, That if any suit for the recovery of a seaman's wages shall be instituted against the ship, or the master or owner thereof, in the Vice Admiralty Court, or against the master or owner in any Court of Record in this Province, and if it shall appear to the Judge in the course of such suit that the plaintiff might have had as effectual a remedy for the recovery of his wages by complaint If suit be brought in the Vice Admiralty Court or any Court of Record, Plaintiff to have no costs if a complaint

medy could be had by application to a Justice of the Peace.

complaint to a Justice of the Peace as hereinbefore provided, then and in every such case it shall be lawful for such Judge, and he is hereby required to certify to that effect, and thereupon no costs of suit shall be awarded to the plaintiff.

CAP. XLV.

3 W. 4, c. 38. An Act to amend and explain an Act, intituled *An Act to alter the names of certain parts of three Parishes in the County of York, and to erect two separate Parishes therein.*

Passed 16th March 1836.

Islands in front of the Parish of Dumfries to be deemed parts thereof.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all and singular the islands in the River Saint John, lying and being in front of the Parish of Dumfries in the County of York, shall be deemed and taken to be part and parcel of the said Parish of Dumfries, any law, usage or custom to the contrary notwithstanding.

CAP. XLVI.

5 W. 4, c. 36. An Act in addition to an Act, intituled *An Act for the appointment of Firewards and the better extinguishing of Fires which may happen in that part of the Parish of Saint Stephen, commonly called Milltown, and its immediate vicinity.*

Passed 16th March 1836.

Householders to provide themselves with two buckets and with ladders to afford access to the top of the house.

1. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That so soon after the passing of this Act as the same can be procured, every householder in the district of Milltown mentioned and described in the Act to which this is an addition shall provide himself or herself with two good leather buckets, of sufficient size to hold two and a half gallons of water each, with the name of the proprietor thereof painted on the side of each of the said buckets, to be kept always ready in some convenient place in his, her or their house, and shall also provide himself, herself or themselves with two good and sufficient ladders, one to reach from the ground to the roof of his, her or their house, and the other to lay on the roof thereof, and secured at the top by two substantial iron hooks fastened to the end of such ladder, which shall extend down the roof until it meets the ladder standing on the ground, which said ladders every such householder or householders shall keep stationary at his, her or their house in such convenient situation as will at all times afford a ready access to the top of his, her or their house or houses when necessary; and that on every alarm of fire in the said district every householder in the said district knowing of such alarm and not being a fireward, shall forthwith carry his or their buckets so provided as above directed or cause the same to be carried to the place where the fire may be, to be by them used as occasion may require; and every person wilfully refusing or neglecting to perform any of the duties by this Act imposed, shall for every such offence forfeit and pay the sum of forty shillings, to be recovered and applied in like manner as the forfeitures mentioned in the fourth section of the Act to which this is an addition are directed to be recovered and applied.

Buckets to be carried or sent to the place on fire.

Penalty for neglect.

Limitation.

II. And be it enacted, That this Act shall continue and be in force so long as the said Act to which this is an addition and no longer.