

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1826. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1826.

7 George IV – Chapter 12

An Act to repeal all the Laws now in force for the regulation of Seamen, and to make more effectual provision for that purpose. Passed the 7th of March, 1826.

Whereas the several Acts for the regulation of Seamen, require some alteration and amendment, and it is expedient that the said Acts should be consolidated,

I. Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That an Act made and passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled "An Act for the regulation of Seamen," and also an Act made and passed in the thirty-eighth year of His said late Majesty's Reign, intituled, "An Act in addition to and in amendment of an Act intituled an Act for the regulation of Seamen," and also another Act made and passed in the fiftieth year of His said late Majesty's Reign, intituled, "An Act in amendment of the Acts now in force for regulating Seamen," be and the same are hereby severally repealed.

II. And be it further enacted, That if any Innholder, Shopkeeper, or any other person whatsoever, shall trust or give credit to any Mariner or Seaman belonging to any Ship or Vessel, without the knowledge and allowance of the Master or Commander thereof, no *capias* or other process for the arrest of the person of such Mariner or Seamen for any debt so contracted, shall be issued against or served upon the person of such Mariner or Seaman until he shall have performed the voyage which he may be then entered upon, and be discharged of the same, and every such process so issued shall be deemed and adjudged utterly void in Law, and any one Justice of the Court from whence such process shall issue, or Justice of the Peace, in case the debt demanded may not exceed five Pounds, to whom it shall be made to appear that any Mariner or Seaman is committed or restrained upon process granted for any such debt or pretence of debt made whilst he was engaged and actually entered and in pay on any voyage, shall forthwith order his release.

III. And be it further enacted, That if any Mariner or Seaman having shipped himself on board of any ship or vessel which hath been launched, or is actually preparing for sea, to proceed on any voyage, or belonging to any vessel arriving in the Province, and upon pay, shall neglect his attendance or refuse to do his duty on board, or shall absent himself, without leave, from his said service, upon complaint thereof made on oath by the owner or Master or other officer of said Ship or Vessel to any Justice of the Peace within the said County, such Justice is hereby empowered to cause such Mariner or Seaman to be forthwith Brought before him by warrant and upon conviction of his neglecting his attendance, or refusing to do his duty on board, or absenting himself without leave as aforesaid, to commit such Mariner or Seaman to prison, that he may be secured and forthcoming to proceed on the voyage he has so agreed for, and to be delivered, by order of the Justice that committed him, or some other Justice in the same County, and all necessary charges attending his being so secured, and which have been actually paid by the said

Owner or Master, may be deducted from such Mariner's or Seamen's wages, as the same may become due.

IV. And be it further enacted, That if any Master or Commander of any Ship or Vessel, or any other person or persons shall hire or engage, harbour or conceal any Mariner or Seaman 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 before any two of His Majesty's Justices of the Peace for the County where the offence is committed, upon the oath of one or more credible witness or witnesses, or confession of the party, shall forfeit and pay such sum as the said Justices shall adjudge, not exceeding Ten Pounds, and not less than Five Pounds; to be levied by warrant of distress and sale of the offenders goods, under the hand and seal of such Justices, and when recovered one moiety to be paid to the person so prosecuting for the same, and the other moiety to the County Treasurer where the offence is committed, for the use of such County; and if there shall be no goods or chattles of such offender, whereof the said penalty may be levied, it shall and may be lawful for such Justices, by warrant under their hands and seals, to commit such offender to the Gaol of the County where such offence shall be committed, there to remain for a space of time not exceeding Sixty Days: and not less than Thirty Days: And such Mariner or Seaman who shall desert at any time during the voyage on which he is engaged by written contract or articles, shall over and above the 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 Owners or Master 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 by action of debt, in any Court competent to try the same.

V. And be it further enacted, That if proof be made upon oath, by the Owner, Agent, or Master of any ship or vessel, before any of His Majesty's Justices of the Peace in this Province, that any Seaman or Mariner belonging to such ship, or vessel, and who may have deserted or absented himself from the same, be kept or concealed on board of any other ship or vessel within any of the Harbours of this Province, or in any Tavern, Pot-House, or other house or place within the County for which such Justice shall be appointed; or if oath be made that such Owner, Agent or Master hath good reason to suspect, and doth verify believe that such Seaman or Mariner is so concealed as aforesaid, it shall and may be lawful for such Justice to issue his warrant to any of the Constables or Peace officers within the said County, to make search on board such ship or vessel, or in such Tavern, Pot-House, or other place, and if such Seaman shall be found in such suspected place, that such Justice shall cause such Seaman to be brought before him; and upon conviction of his having so deserted or absented himself, shall cause such Seaman to be delivered over to the Owner or Master of the ship or vessel to which such Seaman shall belong, to be earned on board such ship or vessel or to be committed to prison, as directed in the third section of this Act.

VI. And whereas the practice of enticing Seamen to desert their ships, is greatly promoted by the encouragement given to Tavernkeepers and others, by giving large sums to them for procuring Seamen;—Be it further enacted, That from and after the first day of April next, it shall not be lawful for any owner, Master or Agent of any ship or vessel, or other person, either directly or indirectly,

to pay or give any money, hire or reward, to any Innholder, Tavernkeeper, Shopkeeper, or other person or persons, for the procuring of any Seaman or Seamen for any ship or vessel; and that it shall not be lawful for any Innholder, Tavernkeeper, Shopkeeper, or other person or persons to receive any money, hire or reward, either directly or indirectly, for the procuring such Seaman or Sea-men; and that any monies so to be paid, shall be considered as paid without consideration, and may be recovered back by action or suit in any Court having competent jurisdiction; and that all bonds, notes, bills, agreements promises or engagements for paying or giving any money, hire or reward for the abovementioned purposes, shall be absolutely null and void to all intents and purposes whatsoever; and if any suit or action is knowingly brought upon any such bond, note, bill, agreement or engagement, and the same shall appear to the satisfaction of the Judge who shall try the cause, he shall grant a certificate of the same immediately after the trial; and the Plaintiff in such action shall thereupon be liable to pay double costs of suit to the Defendant in such action.

VII. Provided always, and be it further enacted, That no Mariner or Seaman shall be bound by entering or shipping himself on board of any ship or vessel, unless the agreement shall be in writing, and declare what wages such Mariner or Seaman is to have for so long a time as he shall ship himself for and also shall express the voyage for which such Mariner or Seaman was shipped; anything hereinbefore contained to the contrary notwithstanding.

VIII. And be it further enacted, That this Act shall continue and be in force until the thirty-first day of March, which will be in the year of our Lord one thousand eight hundred and twenty-nine, and no longer.