

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1836. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1836.

6 William IV – Chapter 44

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.* Passed 16th March 1386.

'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.

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 stilt that the plaintiff might have had as effectual a remedy for the recovery of his wages by 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.