

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1840. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1840.

3 Victoria – Chapter 76

An Act to provide for a regular supply of Seamen for new Ships fitted out or loaded in this Province. Passed 31st March 1840.

Whereas the great scarcity of Seamen in this Province, and the number of new Ships built, fitted out and loaded therein, renders it expedient that provision should be made to compel a portion of the Crews of such Vessels to be brought from the United Kingdom;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the first day of September next, it shall be the duty of every owner resident in this Province, or the agent of any owner no resident therein, of any new Ship or Vessel built within the same, or of any Ship or Vessel built without but brought into this Province for the purpose of loading or fitting for sea, to provide a certain number of the Crew necessary for such Ship or Vessel by procuring them from the United Kingdom of Great Britain and Ireland in the following proportions, that is to say; For every Vessel of the burthen of three hundred tons register, four men; and for every one hundred tons more the said Vessel may register one man; said men to be able bodied Seamen, and shall be in addition to and over and above the Crew of such Vessel of Vessels in which the said Seamen shall be brought: Provided always, That if such owner or agent shall deem it expedient to procure as aforesaid a Master, Mate, second Mate or Carpenter for any such Ship or Vessel, such Master, Mate, second Mate or Carpenter, or either of them, shall be deemed and taken as an addition to the number of men required to be procured by the preceding part of this Section.

II. And be it further enacted, That the owner or owners resident in this Province, or the agent of the owner or owners not resident therein, of any new Ship or Vessel built within the same, or of any Ship or Vessel built in any of the Sister Provinces, but brought into this Province for the purpose of loading or fitting for sea, or some or one of them, shall make a report in writing, previous to the clearing at the Custom House of such Vessel for sea, upon oath before the Treasurer of the Province or the Deputy Treasure of the District where such Vessel shall be fitted up, loaded or cleared out for sea specifying the name of such new Vessel, the place where such new Vessel was built and the tonnage thereof, and the number and names of the Seamen brought into the Province for the purpose of forming the Crew or a part of the Crew of the said Vessel, and that they were actually procured as aforesaid for such Vessel over and above the customary Crew of the Vessel in which such additional Seamen have been brought; and upon making such report the said Treasurer or Deputy Treasurer shall grant to the party or parties making such report a certificate of such report having been made, which certificate when so granted shall be filed by the party or parties, or by his or their agent, to whom the same shall be so granted at the Custom House from which such Vessel shall be cleared for sea, prior to the said Ship being cleared, and the Collector or Sub-Collector or Officer of the Customs of the Port or place at

which such certificate shall be filled or ordered to be filed, is hereby required to receive and file the same under for each and every refusal to file such certificate.

III. And be it further enacted, That if any owner resident within this Province, or the agent of any owner not resident therein, of any new Ship or Vessel built within the Province, or of any Ship or Vessel built in any of the Sister Provinces but brought into this Province for the purpose of fitting the said Vessel for sea or loading, shall neglect to comply with the provisions of this Act by not procuring the number of Seamen, or not making or causing to be made the necessary report as aforesaid, and by the provisions of this Act required, the said owner or owners, or the agent of such owner or owners as aforesaid, shall forfeit and pay the sum of ten pounds for each and every Seaman he shall fail in bringing from the United Kingdom for the purpose of forming any part of the Crew of such Vessel, and the like penalty for each and every neglect or failure to file the certificates.

IV. And be it enacted, That the several penalties and forfeitures hereinbefore mentioned, may be prosecuted, sued for and recovered in the Supreme Court or in any of the Inferior Courts of Common Pleas in this Province by action of debt, bill, plaint or information by any one who shall prosecute for the same, and when recovered shall be paid one moiety to the person so suing and prosecuting, and the other moiety into the Treasury of the Province for the use and support of sick and disabled Seamen within the Province: Provided always, That in case any owner or agent as aforesaid shall make it appear at the trial of any action for any such penalty that the number of Seamen required under the provisions of this Act have been actually engaged and shipped on board of some one or more Vessel or Vessels from the United Kingdom, but who, by reason of death, capture, shipwreck or other; unavoidable casualties shall not have arrived within this Province, then and in such case the said owner or agent shall not be liable to such penalty.

V. And be it further enacted, That no head money on any Seamen shall be required by the Treasurer of the Province, or any Deputy Treasurer from the Master or Commander of any Vessel in which Seamen may be brought into this Province, agreeably to the provisions of this Act, any Act to the contrary thereof notwithstanding.

VI. And be it further enacted, That every person who shall be convicted of making a false report, and taking a false oath to any of the matters hereinbefore required, shall be deemed guilty of perjury and subject to all the pains and penalties inflicted upon persons guilty of the same.

VII. And be it further enacted, That the several Seamen so procured under the provisions of this Act, and also any person or persons harbouring or concealing any such Seamen without a certificate of discharge from the person so bringing him or them into this Province as well as the Owner or Agent as aforesaid, shall be subject to all the provisions, forfeitures and penalties of all the laws which may be in force for the regulation of Seamen in this Province, notwithstanding the said Ship or Vessel for which such Seaman or Seamen maybe imported shall not be actually ready to proceed upon any voyage.

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VIII. And be it further enacted, That this Act shall continue in force until the first day of April, which will be in the year of our Lord one thousand eight hundred and forty five.