

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1849.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1849.

12 Victoria – Chapter 50

**An Act for regulating the shipping of Seamen at the Port of Saint John. Passed 14th April 1849.**

Whereas great frauds have been practised and much inconvenience felt from the system of shipping, Seamen at the Port of Saint John;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, it shall be lawful for His Excellency the Lieutenant Governor or the Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to constitute and appoint during pleasure, a fit and proper person to be Shipping Master for the said Port of Saint John, who shall previously to entering upon his duties as Shipping Master, himself, with two responsible sureties, enter into bonds to Her Majesty, Her Heirs and Successors, in the penal sum of five hundred pounds currency each, for the faithful discharge of his duty, and the said Shipping Master shall, before entering on his office, take and subscribe the following oath before any one of Her Majesty's Justices of the Peace for the said City and County of Saint John:

I, A. B., do solemnly swear, that I will faithfully and truly perform the office and duty of Shipping Master, according to the true intent and meaning of an Act passed by the Legislature of this Province in the twelfth year of Her Majesty's Reign, intituled *An Act for regulating the shipping of Seamen at the Port of Saint John*; that I will not directly or indirectly, personally, or by means of any other person or persons on my behalf, receive any fee, reward or gratuity whatsoever, by reason of any function of my office as Shipping Master, except such as are allowed to me by the said Act, and I will not directly or indirectly accept of any bill or draft, bond, note or money from any Seaman whatsoever, and that I will act without partiality, favour or affection, and to the best of my knowledge.—So HELP ME GOD.

Which oath and bond shall be filed and kept among the Records of the Office of the Secretary of the Province.

II. And be it enacted, That the said Shipping Master shall be, and is hereby empowered to appoint such and so many deputies for the said Port, as shall be necessary, which said deputy or deputies shall have the power and authority given to him or them by this Act, and shall take, and subscribe the above oath before any of Her Majesty's Justices of the Peace, and the same shall be filed in the Office of the Provincial Secretary; and any deputy so appointed, shall himself with two responsible sureties, enter into bonds to Her Majesty, Her Heirs and Successors, in the penal sum of two hundred pounds each, for the faithful discharge of his duties, which bond shall enure to the benefit of all parties who may be damnified by misfeasance, malfeasance or nonfeasance of the said deputy; all parties damnified shall be entitled to recover from the said deputy and his sureties,

before any Court of competent jurisdiction, upon such bond, by suit or action, to the amount to which they may have been so damnified.

III. And be it enacted, That no person selling or vending any spirituous liquors, tavern keepers, or boarding house, keepers, or bailiffs, shall be eligible to the situation of Shipping Master or Deputy.

IV. And be it enacted, That for each seaman shipped the Shipping Master shall be entitled to take and receive the sum of two shillings and six pence currency, from the Master of the Ship or Vessel on board of which such seaman shall be shipped, or to which he shall belong.

V. And be it enacted, That the said Shipping Master shall keep a registry of all seamen shipped, which shall be open for public inspection.

VI. And be it enacted, That every seaman desirous of shipping shall first exhibit his Registry Ticket to the Shipping Master or Deputy, previously to being shipped; and unless the seaman shall exhibit such ticket, or shew to the satisfaction of the said Shipping Master or Deputy why he does not exhibit the same, such seaman shall not be shipped.

VII. And be it enacted, That no person, not being such Shipping Master, or Deputy as aforesaid, or not being the owner, part owner, master, or person in charge of a merchant ship, or the ship's husband, shall hire, engage, supply or provide a seaman to be entered on board any merchant ship; and no person whatever, other than the owner, part owner, master, or other person in charge of a merchant ship, or ship's husband, shall demand or obtain the Register Ticket of any seaman, for the purpose or under the pretence of engaging him on board of any merchant ship.

VIII. And be it enacted, That no owner, part owner, master, or person in charge of any merchant ship, or ship's husband, shall knowingly receive or accept to be entered on board the said ship any seaman who has been hired, engaged, supplied or provided to be entered on board thereof contrary to the provisions of this Act.

IX. And be it enacted, That every person guilty of any of the offences above described shall forfeit and pay for each and every seaman hired, engaged, supplied or provided to be entered on board, and for every Registry Ticket demanded or obtained contrary to the provisions of this Act, or for every seaman knowingly received or accepted to be entered on board contrary to the provisions of this Act, any sum of money not exceeding ten pounds, upon conviction; thereof, for each offence, although several seamen may be included in the same contract, or several tickets may be obtained, or several seamen may be received, or permitted, or remain at the same time.

X. And be it enacted, That it shall be unlawful for any person or persons, other than such Shipping Master or Deputy, to be employed for the purpose of engaging or providing seamen to be entered on board merchant ships; and that any such Shipping Master or Deputy knowingly employing any other person for the purpose aforesaid, shall forfeit and pay a sum not exceeding ten pounds currency, and in addition thereto, shall forfeit and lose his office; for every day any

seaman shall be absent without leave he shall forfeit to the ship two days pay; and every seaman absent when unmooring or getting the ship ready for sea, shall forfeit to the ship one pound.

XI. And be it enacted, That the owner, part owner, master, or person in charge of any merchant ship, or ship's husband, shall riot pay in advance, nor give any note in writing, or otherwise in the nature of and purporting to be an advance note for any part of the wages for the seaman hired, engaged, supplied or pro-vided to be entered on board the said ship, until three days after the sailing of the ship or vessel, with the men certified by the master of said ship or vessel to be on board at the time of sailing.

XII. And be it enacted, That if any person shall demand or receive from any seaman, or from any person other than the owner, part owner, master, or person in charge of a merchant ship, or ship's husband, requiring seamen, any remuneration whatever, either directly or indirectly, for and on account of the hiring, supplying or providing any such seamen, lie shall forfeit for every such offence a sum not exceeding five pounds currency.

XIII. And be it enacted, That it shall not be lawful for any person, other than any officer or person in the employment of Her Majesty's Government, Harbour Master, Health Officer, Emigration Officer, and Custom House or Treasury Officer, to go and he on board of any merchant vessel arriving or about to arrive at the port of her destination, before or previous to her actual arrival in dock, or at the quay or place of her discharge, without the permission and consent of the master or person in charge of the said vessel; and if any person (other than as aforesaid) shall go and be on board any such vessel before or previous to her actual arrival in dock, or at the wharf or place of her discharge, without the permission and consent of the said master or person in charge of the said vessel, he shall for every such offence forfeit and pay a sum of money not exceeding fifty pounds currency; and for the better securing the person of such offender, the master or person in charge of the said vessel is hereby authorized and empowered to take any person, so offending as aforesaid into custody, and to deliver him up forthwith to any Constable or Peace Officer, to be by him taken before a Justice or Justices of the Peace, or Police Magistrate, to be dealt with according to the provisions of this Act.

XIV. And be it enacted, That if any person shall go on board any merchant vessel, within twenty four hours after her arrival at any port as aforesaid, and solicit any seaman to become a lodger at the house of any person letting lodgings; for hire, or shall take from and out of such ship any chest, bedding, or other effects of any seamen, except under the personal direction of such, seaman, without having the permission of the master or person in charge of such ship, he shall be liable to forfeit and pay for every such offence a sum not exceeding ten pounds.

XV. And be it enacted, That if any person shall demand and receive of and from any seaman payment in respect of his board or lodging in the house of such person, for a longer period than such seaman shall have actually resided and boarded therein, or shall receive or take into his possession or under his control any monies, documents or effects of any seaman, and shall not return the same, or pay the value thereof, when required so to do by such seaman, and after deducting therefrom what shall be justly due and owing in respect of the board and lodging of such seaman, he shall forfeit and pay a sum not exceeding ten pounds currency, over and above

the amount or value of such monies, documents or effects, after such deductions as aforesaid, which shall be adjudged to be forthwith paid to such seaman, under the conviction by the Justices before whom such offences shall be heard and determined.

XVI. And be it enacted, That all penalties and forfeitures imposed by this Act, shall and may be recovered with costs, by summary proceedings before any two Justices of the Peace, or Police Magistrate; and if the sum imposed as a penalty to be paid shall not be forthwith and immediately paid on conviction, it shall be lawful for the said Justice or Justices, or Police Magistrate, to commit the offender or offenders to the Common Gaol of the City and County of Saint John, there to be imprisoned and kept to hard labour according to the discretion of said Justices or Police Magistrate, for any term not exceeding three calendar months, the commitment to be determinable upon payment of the amount of costs; and all such penalties and forfeitures shall be paid and applied in manner following, (that is to say) one moiety of such penalty shall be paid to the informer, and the residue shall be paid to the Commissioners for the benefit of the Marine Hospital at the Port of Saint John.

XVII. And be it enacted, That the Justices or Police Magistrate before whom any person shall be summarily convicted against this Act, may cause the conviction and commitment to be the same as set out in Form N. in the Schedule to An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions within this Province, with respect to summary convictions and orders, passed at this Session of the Legislature.

XVIII. And be it enacted, That no such conviction shall be quashed for want of form, or be removed into any of Her Majesty's Superior Courts, and no Warrant of Commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

XIX. And be it enacted, That the words " Merchant Ships," inserted in this Act, shall be understood to include all vessels trading to Foreign Ports, or Ports within the British Dominions, and not such vessels as are prosecuting the Coasting Trade.

XX. And be it enacted, That so much of any Act or Acts now in force as are at variance and interfere with the working of this Act, shall be and the same are hereby suspended and inoperative during the continuance of this Act.

XXI. And be it enacted, That this Act shall take effect upon, from and after the first day of July next, and not before, and shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty two.