



ANNO DECIMO ET UNDECIMO  
**VICTORIÆ REGINÆ.**

C A P. XXV.

An Act for regulating the Shipping of Seamen.

[ 28th July, 1847. ]

**W**HEREAS great frauds have been practised and much inconvenience felt from the system of shipping Seamen at the Port of Quebec, in that part of the Province which heretofore constituted the Province of Lower Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall be lawful for the Governor, or the Person administering the Government of this Province for the time being, to constitute and appoint during pleasure a fit and proper person to be Shipping Master for the said Port of Quebec, and who shall previously to entering upon his duties as such 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, (which bonds shall enure to the benefit of all parties who may be damnified by the misfeasance, malfeasance or nonfeasance of the said Shipping Master, and all parties damnified shall be entitled to recover from him and his sureties before any Court of competent jurisdiction to the amount to which they may have been so damnified): and the said Shipping Master shall, before entering upon the duties of his office, take and subscribe the following oath, before any of Her Majesty's Justices of the Court of Queen's Bench for the District in which the Shipping Master shall reside:

Preamble.

A shipping master to be appointed for the Port of Quebec.

He shall give security.

And take an oath of office.

His oath of office.

“ 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 tenth and eleventh year of Her Majesty's Reign, intituled, *An Act for regulating the Shipping of Seamen*; that I will not, either 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, bon or note, from any Seaman whatsoever; and that I will act without partiality, favor or affection, and to the best of my knowledge; So help me God.”

Which

Oath to be recorded.

Which oath and bond shall be fyled and kept among the records of the office of the Registrar of this Province.

He may appoint Deputies.

II. And be it enacted, That the said Shipping Master shall be, and he is hereby authorized and empowered to appoint such and so many Deputies for the said Port, as shall by the Council of the Board of Trade at the said Port of Quebec be in the first place judged to 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 fyled in the office of the Clerk of the Peace for the District of Quebec; and any Deputy so appointed, shall himself, with two responsible sureties, enter into bond 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, and 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.

They shall give security and take the oath of office.

Certain persons may not be Shipping Master or Deputy.

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

Fee for shipping seamen.

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

Shipping Master to keep a registry of seamen shipped.

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.

Seamen to exhibit their registry tickets before being shipped.

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.

Certain persons only, authorized to hire seamen, for Merchant Ships.

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 person in charge of a Merchant Ship or the 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.

No ship owner, &c. to receive seamen hired contrary to this Act.

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.

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 Register 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 to remain at the same time.

Penalty for contravening any of the above enactments.

X. And be it enacted, That it shall be unlawful for any person to employ any person or persons other than such Shipping Master or Deputy, 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.

No person but the Shipping Master and his Deputy to be employed in procuring seamen. Penalty.

XI. And be it enacted, That the owner, part owner, master or person in charge of any Merchant Ship or Ship's Husband, shall not 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 of any Seamen hired, engaged, supplied or provided to be entered on board the said ship, until six hours after the Ship's Articles have been duly signed by the said Seaman, and by the master or owner of the said ship, and then only to the said Seaman himself, unless such wages or advance of wages be paid in money, in which case the payment thereof may be made to the said Seaman himself, at any period most convenient after the signing of the said Ship's Articles as aforesaid; and all payments of wages contrary to the provisions of this Act shall be and are hereby declared to be null and void, and the amount thereof shall be recoverable by the said Seaman as if they had not been paid or advanced.

Owner not to pay the wages of seaman in advance until six hours after he has signed the Ship's Articles.

And then only to himself unless it be in money.

Other payments to be void.

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 the Ship's Husband requiring Seamen, any remuneration whatever, either directly or indirectly, for and on account of the hiring, supplying or providing any such Seaman, he shall forfeit for every such offence a sum not exceeding five pounds currency.

Penalty on persons demanding remuneration for hiring seamen, from them or from any party except those herein mentioned.

XIII. And be it enacted, That it shall not be lawful for any person (other than any officer or person in Her Majesty's service or employment, Harbour Master, Deputy Harbour Master, Health Officers and Custom House Officers) to go and be on board of any Merchant Vessel arriving, or about to arrive at the place 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 quay 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 twenty 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

No person (except as herein provided) to go on board merchant-men before their arrival in dock without permission of master or person in charge thereof.

Penalty.

Offender may be taken into custody.

him up forthwith to any constable or peace officer, to be by him taken before a Justice or Justices, to be dealt with according to the provisions of this Act.

Penalty on persons soliciting seamen to become lodgers, or taking their chests, &c.

XIV. And be it enacted, That if any person shall, on board any Merchant Ship, within twenty-four hours of her arrival at any port as aforesaid, 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 Seaman, 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 the sum of five pounds currency.

Penalty on persons charging a seaman for more board than they are entitled to or detaining their effects unlawfully.

XV. And be it enacted, That if any person shall demand and receive of and from any Seamen payment in respect of his board or lodging in the house of such person, for a longer period than such Seamen 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, 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 offence shall be heard and determined.

Penalties how recovered.

How levied.

And how applied.

Proviso: evidence of the seaman to be received.

Proviso: seaman examined not to have part of the penalty.

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 residing at or near to the place where the offence shall be committed, or where the offender shall be; and if the sum imposed as a penalty, or adjudged to be paid as aforesaid by any such Justices, shall not be paid, either immediately after the conviction, or within such reasonable time as such Justices shall at the time of the conviction appoint, it shall be lawful for the Justices to commit the offender or offenders to the Common Jail of the District of Quebec, there to be imprisoned only or to be imprisoned and kept to hard labour, according to the discretion of such Justices, for any term not exceeding three calendar months, the commitment to be determinable upon payment of the amount and 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 or person upon whose discovery or information the same shall be recovered, and the residue thereof shall be paid to the Commissioners or others entrusted with the principal superintendence or conduct of the Marine Hospital at Quebec, and be applied and accounted for as are the monies by law appropriated towards the support of the said Marine Hospital: Provided always, that in all cases of complaint made by or on the behalf of any Seaman under this Act, the evidence of such Seaman shall be received and taken, notwithstanding he may be interested in the matter: Provided also, that such Seaman shall not in any such case where he shall have been so examined receive any part of any penalty to be imposed, but only such sum as the magistrate before whom the case shall be heard shall adjudge him to receive for any monies or effects which shall appear to have been deposited by him with any such person as aforesaid.

Form of conviction appointed.

XVII. And be it enacted, that the Justices before whom any person shall be summarily convicted of any offence against this Act, may cause the conviction to be drawn up

up in the following form of words, or in any other form of words to the same effect, as the case shall require, (that is to say) :

“ Be it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_ The Form.  
 “ \_\_\_\_\_ in the year of Our Lord \_\_\_\_\_ at the  
 “ City of Quebec, in the District of Quebec, A. O. is convicted before us, (naming the  
 “ Justices) two of Her Majesty’s Justices of the Peace for the said District, for that he  
 “ the said A. O. did (specify the offence, and the time and place when and where the  
 “ same was committed, as the case may be,) and we the said Justices adjudge the said  
 “ A. O. for his said offence to forfeit and pay the sum of (here state the amount of the  
 “ fine imposed, and when necessary, add the words ‘ over and above the sum of  
 “ \_\_\_\_\_ which we the said Justices do hereby adjudge to be forthwith paid to the  
 “ said E. F. the Seaman, the same being the value of monies, documents or effects of the  
 “ said E. F., received by or taken into the possession or under the control of the said  
 “ A. O.’) and we the said Justices do also adjudge the said A. O. to pay the sum of  
 “ \_\_\_\_\_ for costs, and in default of immediate payment  
 “ of the said sums of \_\_\_\_\_ to be imprisoned in the Common  
 “ Jail of the District of Quebec for the space of \_\_\_\_\_ unless the said sums  
 “ shall be sooner paid, (or, and we order that the said sums of \_\_\_\_\_ shall  
 “ be paid by the said A. O. on or before the \_\_\_\_\_ day of \_\_\_\_\_),  
 “ and we direct that the sum of \_\_\_\_\_ part of the said penalty, together with  
 “ the said sum of \_\_\_\_\_ for costs, shall be paid to C. D. (the party informing,)  
 “ and the residue of the said penalty shall be paid to the Commissioners or others en-  
 “ trusted with the principal superintendence or conduct of the Marine Hospital at  
 “ Quebec.

“ Given under our hands, the day and year first above mentioned.”

XVIII. And be it enacted, That no such conviction shall be quashed for want of form, or be removed by *certiorari* or otherwise into any of Her Majesty’s Superior Courts of Record ; 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. No conviction to be quashed for want of form, or to be removed.

XIX. And be it enacted, That the words “ Merchant Ships,” inserted in this Act, shall be understood to include any description of sea going, trading or passage vessel, lying and being within the said Port of Quebec and in the River St. Lawrence between the said Port of Quebec and the Port of Montreal, in the said Province. Interpretation of words “ merchant ships.”

XX. And be it enacted, That all Acts now in force which shall interfere with this Act shall be and are hereby repealed. Acts interfering with this Act, repealed.

XXI. And be it enacted, That this Act shall take effect upon from and after the first day of January next, and not before. When this Act shall have effect.

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