

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 165

An Act more effectually to prevent the Desertion of Seamen. Assented to 14th June, 1853.

Whereas it is expedient to provide more effectually for the prevention of the desertion of Seamen at the Port of Quebec: 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 any person who shall directly or indirectly persuade, procure, aid or solicit any Seaman or Apprentice to desert or leave his Ship, shall incur a penalty of not more than Ten Pounds nor less than Five Pounds currency, for every Seaman or Apprentice who shall desert or whom he shall persuade, procure, aid or solicit to desert.

II. Any person who shall knowingly harbour or secrete any Seaman or Apprentice who shall have deserted from his Ship, shall for every such offence incur a penalty not exceeding Ten Pounds nor less than Two Pounds currency.

III. Any person found loitering near any Vessel in a Boat or other Water Craft, and not giving a satisfactory account of the business he may have there, or who shall take or receive any clothing or other articles from on board any Vessel without the permission of the Master or person in charge thereof, shall incur a penalty not exceeding Five Pounds and not less than Two Pounds currency, and shall be imprisoned during a period not exceeding three months nor less than one month.

IV. The Inspector and Superintendent of Police may order any Boat or other Water Craft in or on which any such person or clothing or other articles mentioned in the next preceding section, and unlawfully taken from any vessel, shall be found or may have been conveyed, to be detained until the full payment of the fine which such person shall be condemned to pay, and in case such fine shall not be paid before the expiration of the term of imprisonment to which such person shall have been condemned, such Boat so detained, shall be sold by Public Auction, and the proceeds of the sale thereof shall be appropriated to the payment of such fine.

V. Any person other than such persons as are duly authorized by law, who shall go on board any Vessel arriving at or being in the Port of Quebec, for any other purpose than that of passing from such Vessel to another lying alongside, without the permission of the Master or person in charge thereof, shall incur a penalty not exceeding Twenty Pounds nor less than Two Pounds currency; and every such Master or person in charge of such Vessel, is hereby authorized to take into custody any person so offending, and deliver him forthwith to the custody of any Peace Officer, to be by him taken before any Justice of the Peace, provided that if any such offender be arrested

after the hour of five in the evening and before the hour of eight in the morning, or at any time during Sunday or a Holiday, he shall be detained at the nearest Police Station until the hour of ten in the forenoon, next following such arrest or Sunday or Holiday, then to be brought, before any Justice of the Peace.

VI. The Owner, Master or person in charge of any Vessel who shall pay in advance in any manner whatsoever other than in money, or make or deliver any note, bill, order, promise, undertaking or otherwise for the payment of any part of the wages of any Seaman hired or engaged to be entered on board the said Vessel, before the Ship's Articles shall have been duly signed by such Seaman and by the Owner, Master or person in charge of such Vessel, or shall make an advance in money to any Seaman of any sum larger than One Pound currency, shall incur a penalty not exceeding Five Pounds and not less than Two Pounds currency, and all payments and promises of payment, bills, notes or orders, made contrary to the above provisions, shall be to all intents and purposes null and void, whether in the hands of the person to whom they were made or delivered or of any third party: and any person paying any such bill, note, order or undertaking, knowing it to be void under this Act, shall thereby incur the penalty aforesaid.

VII. No debt exceeding the sum of Five Shillings currency, incurred by any Seaman or Apprentice, shall be recoverable in any Court or pleadable by way of set-off by any Keeper of a Tavern or House of Public Entertainment, or Lodging-House.

VIII. The wearing apparel of any Seaman or Apprentice shall not be kept by any Keeper of a Tavern, House of Public Entertainment or Lodging-House, in pledge for any debt or expenses inclined to any greater amount than Five Shillings currency, and on the payment or tender of such sum or of any less sum due, such wearing apparel shall be immediately given up, whatever be the amount due by such Seaman or Apprentice.

IX. And be it enacted, That all penalties imposed by this Act may be recovered with costs before any Justice of the Peace, upon the oath of any one credible Witness other than the Informer, and shall be paid over, one moiety to the Receiver General of the Province, and the other half to the Informer.