

Money so paid to be considered as paid without consideration.

No Seaman to be bound by shipping himself, unless the agreement be in writing.

Enticing or aiding Seamen to desert.

Penalty.

Proceedings to recover clothes, chest, hammock, &c. of Seaman, when detained by any person.

Prosecutions for penalties may be brought in the name of Master, &c. of the Vessel to which the Seaman belonged.

and after the passing of this Act, it shall not be lawful for any Owner, Master or Agent of any Ship or Vessel registered in or belonging to this Province, or other person, either directly or indirectly, to pay or give any money, hire, or reward, to any Inn Holder, Tavern Keeper, Shop Keeper, or other person or persons, for the procuring of any Seaman or Seamen for any Ship or Vessel; and that it shall not be lawful for any Inn Holder, Tavern Keeper, Shop Keeper, or other person or persons, to receive any money, hire, or reward, either directly or indirectly, for the procuring such Seaman or Seamen; and that any money so to be paid shall be considered as paid without consideration, and may be recovered back by action or suit in any Court having competent jurisdiction; and that all bonds, notes, bills, agreements, promises, or engagements, for paying or giving any money, hire, or reward, for the above mentioned purposes, shall be absolutely null and void to all intents and purposes whatsoever.

VII. Provided always, and be it enacted, That no Mariner or Seaman shall be bound by entering or shipping himself on board of any Ship or Vessel belonging to and registered in this Province, while such Ship or Vessel shall be within the precincts thereof, unless the agreement shall be in writing, and declare what wages such Mariner or Seaman is to have for so long a time as he shall ship himself for, and also shall express the voyage for which such Mariner or Seaman was shipped, any thing hereinbefore contained to the contrary notwithstanding.

VIII. And be it enacted, That if any person or persons shall aid, entice or assist any Seaman to desert from any such Ship or Vessel, or shall provide or procure, or cause to be provided or procured, for any Seaman, the means of assistance to desert from any such Ship or Vessel, or shall aid or assist any Seamen in the removal of their hammocks, clothing, or apparel, from on board of any such Ship or Vessel, or shall convey any Seaman from any such Ship or Vessel, without the sanction of the Master or Commander of such Ship or Vessel, such person or persons so offending for either of the said causes, shall, upon conviction thereof, be liable to the same penalties and forfeitures as contained in the second section of this Act, to be recovered and applied as hereinbefore provided.

IX. And be it enacted, That if any person shall detain any Seaman or Mariner's clothes, chest, hammock, or other property, it shall and may be lawful for any two of Her Majesty's Justices of the Peace, upon complaint made to them by any such Seaman or Mariner on oath, or affirmation (in the case of persons allowed by Law to affirm), to issue their Warrant directed to any Constable of the County in which such Justices shall have jurisdiction, requiring the said Constable to bring such clothes, chest, hammock, or other property before them, and to summon the person so detaining the same to appear before them to answer for such detainer; and upon a full hearing of the case, on the oath or affirmation (in the case of persons allowed by Law to affirm), of the parties and their witnesses, taken *vivâ voce*, or on proof that the person required to be summoned could not be found, and that a copy of such Warrant was left at his last place of abode, the said Justices shall and may make such order touching the articles mentioned in the said Warrant, and so brought before them, and the delivery thereof to the party complaining, or the restoration thereof to the party charged with detaining the same, as may be reasonable and just; and in case the articles cannot be found, on proof thereof, and on the appearance of the party charged, and hearing all parties as aforesaid, or proof of the service of a copy of the said Warrant as aforesaid, then the said Justices shall and may order payment of the value thereof, together with the costs of prosecution, if the same shall to them appear reasonable and just, to be levied by Warrant of distress and sale of the goods and chattels of the party upon whom such order shall be made, to the use of the said Seaman or Mariner; and in default thereof, the said person so detaining the same to be committed to Gaol, there to remain until the payment of the sum so ordered, and costs aforesaid: Provided always, that no proceedings shall be had unless the value of the articles alleged to be detained shall not exceed ten pounds; and provided also, that no Inn Holder or Tavern Keeper, or other such person, shall be allowed to make any claim before the said Justices for any lien on the said articles mentioned in the said Warrant, or any debt due from the said Seaman or Mariner, if it shall appear that the said Seaman or Mariner was at the time of such application a deserter from or belonging to any Ship or Vessel.

X. And be it enacted, That all prosecutions instituted for the recovery of any of the penalties imposed for the breach or breaches of any of the provisions of this Act, may be brought in the name of the Owner or Owners, Master, Agent, or Consignee, of the Ship or Vessel to which such Mariner or Mariners at the time