

(b.) Any more than five spare spars, or store spars made, dressed and finally prepared for use, or not so dressed and prepared.

(c.) Any cargo of any description, to any height exceeding three feet above the deck:

3. Every ship shall be subject to the provisions of this Act,—

(1.) When sailing after the fifteenth day of November, or before the sixteenth day of March in any year, on a voyage from any port in Canada, to any port in the West Indies, and during the voyage while within Canadian jurisdiction; and

(2.) No master of any such ship, if she be a single decked vessel, shall place or cause or permit any cargo whatever to be placed or remain upon or above the deck to a height exceeding by more than six inches that of the main rail, nor in any case greater than four feet six inches above the deck,—nor if she has a spar deck shall he place or cause or permit to be placed or remain, any cargo on or above any part of such spar deck; except that this provision shall not be understood to prevent such master from carrying two spare spars or store spars, made, dressed and finally prepared for use, on the deck or on the spar deck of such vessel.

4. Provided always, that if the master of any ship subject to the provisions of this Act, under the second section thereof, considers that it is necessary, in consequence of the springing of a leak, or of other damage received or apprehended during the voyage, to remove any portion of the cargo thereof, and to place upon any part of the upper deck thereof, not included as mentioned in the said second section, any other or greater portion of such cargo than is by the said second section permitted to be placed upon such part of the upper deck of such ship,—or if the master of any ship subject to the provisions of this Act, under the third section thereof, considers that it is necessary from any such cause as aforesaid, to remove any part of the cargo, and to place it on the deck or on the spar deck of such vessel (as the case may be) he may remove or cause to be removed to, and placed upon such part of the upper deck or on the deck or spar deck of such ship, so much of the cargo thereof, and may permit the same to remain there for such time as he considers expedient.

5. Before any officer of the Customs permits any ship, subject to the provisions of the second section of this Act, to clear out from any port in Canada, he shall ascertain that no square, round, waney or other timber, nor more than five spare spars, or store spars, nor any cargo of any description, to any height exceeding three feet above the deck, is, or are piled, or stored, or placed upon any part of the upper deck of such ship, not included within the limits of any break or poop, or any other permanently closed-in space thereon, available for cargo and the tonnage of which forms part of the register tonnage of such ship, and shall give the master of such ship a certificate to that effect.

6. Before any officer of the Customs permits any ship subject to the provisions of this Act, under the third section thereof, to clear out from any port in Canada, he shall ascertain that no provision of the said third section is contravened in respect of such ship and the cargo thereof, and shall give the master of such ship a certificate to that effect.

7. No master of any ship shall sail in such ship, when subject to the provisions of this Act, from any port in Canada, until he has obtained the certificate required in the case of such ships from the proper officer of the Customs.

8. Every master of a ship subject to the provisions of this Act, who contravenes any provision of this Act, shall for each such contravention incur a penalty not exceeding, except as hereinafter provided, eight hundred dollars.

9. Every master of a ship, subject to the provisions of this Act, who after having complied with the provisions of this Act, requiring him to obtain a certificate as aforesaid from the proper officer of the Customs, contravenes any other provision of this Act, shall incur a penalty not exceeding 800 dollars.

10. Whosoever, being the master of any ship, with intent to evade any provision of this Act, sails in such ship after the 1st day of October, or before the 16th day of March in any year from any port in Canada to any port in Europe without such certificate as last aforesaid, and with any cargo on any part of the upper deck of such ship, not included within the limits of any break or poop, or any other closed-in space thereon available for cargo, and the tonnage of which forms part of the register tonnage of such ship, or sails in such ship after the 15th day of November, or before the 16th day of March in any year, from any port in Canada to any port