

inspect the said vessel; the Port Warden in such case shall ascertain whether such vessel is in a fit state to receive and carry the cargo intended for her to its destination; he shall record in his books the condition of the vessel; if he finds she is not fit to carry the cargo in safety, he shall state what repairs are necessary to render her seaworthy; before beginning to load each chamber he shall be careful to see that such chamber is in a fit and proper state and condition to receive grain, and should he deem it necessary, he may order that such chamber be properly dunnaged and lined, and provided with shifting boards, or that the same be dunnaged, or lined, or provided with shifting boards; and he shall see that the boards and plank used for these purposes are properly seasoned; he shall examine the pumps and see that they are properly lined and dunnaged; he shall enter in the books in his office all particulars connected with these surveys and grant the necessary certificates.

*His Duties as to Dunnage.*

13. It shall be the duty of the Port Warden when required, to decide if any and what amount of dunnage is necessary below cargo, and also between wheat or other grain and the cargo to be stowed over it, and his certificate shall be *prima facie* evidence of the good stowage of the cargo so far as these points are concerned.

*As to Seaworthiness of Vessels.*

36 Vict. c. 11, s. 5.

14. The master of any vessel wholly or partly laden with grain for any port not within the limits of inland navigation shall, before proceeding on his voyage or clearing the Custom House for the same, notify the Port Warden, whose duty it shall then be to proceed on board such vessel and examine whether she is in a fit state to proceed to sea or not; if she is found unfit, the Port Warden shall state in what particulars and on what conditions only she will be deemed in a fit state to leave, and shall notify the master not to leave the port until the required conditions have been fulfilled, and in case of the master refusing or neglecting to fulfil the same, the Port Warden shall notify the collector of customs in order that no clearance may be granted for the vessel until such required conditions have been fulfilled, and a certificate thereof granted by the Port Warden or his deputy. *See Amendment of 1873, Section 5.*

36 Vict. c. 11, s. 1.

No officer of customs shall grant a clearance to any vessel wholly or partly laden with grain, for the purpose of enabling her to leave the Port of Montreal for any port not within the limits of inland navigation, unless nor until the master of such vessel produces to him a certificate from the Port Warden or his deputy, to the effect that all the requirements of the 12th Section of this Act have been fully complied with, if such grain be laden in bulk; nor unless nor until such master produces to him a certificate from the Port Warden or his deputy, that all the requirements of the 14th Section of this Act have been fully complied with, if such vessel be wholly or partly laden with grain, otherwise than wholly or partly in bulk; and if any vessel wholly or partly loaded with grain attempts to leave the Port of Montreal without a clearance, for any port not within the limits of inland navigation, any officer of customs or any person acting under the direction of the Minister of Marine and Fisheries, or the chief officer of the river police, may detain such vessel until such certificate is produced to him. *See Amendment of 1873, Section 1.*

26 Vict. c. 52.

*Value or Measurement of Vessels.*

15. The Port Warden shall, when required, estimate the value and measurement of an vessel when the same is in dispute or otherwise needed, and shall record the same in the books of his office.

26 Vict. c. 52. Amended by 29 Vict. c. 59, s. 5.

*Auctioneers Selling Damaged Vessels or Goods to report to Port Warden.*

16. It shall be the duty of every auctioneer making a sale of any vessel condemned, or ship's materials, or goods damaged on board a ship or vessel, whether seagoing or of inland navigation, sold for benefit of underwriters or others concerned, in the city of Montreal, to file a statement of the same at the office of the Port Warden within ten days after such sale; no underwriter's sale shall take place until after at least two days' public advertisement in not less than two English and one French newspaper in the city of Montreal, and such sales shall not be at an hour earlier than 12 nor later than three o'clock in the day. (The penalty for any and every infraction or breach of this section is 20 dollars. *See Amendment, 29 Vict. c. 59, s. 5.*)

26 Vict. c. 52.

*Disputes between Masters and Consignees, &c.*

17. It shall be the duty of the Port Warden, when required in writing, by all parties in interest, to hear and arbitrate upon any difficulty or matter in dispute between the master or consignee of any ship or vessel, and any proprietor, shipper or consignee of the cargo, and keep a record thereof.