

ship was built, or in the statement and description in the form A in the third schedule of this Act, furnished to the registrar of shipping by whom such ship was recorded under this Act, or in any mortgage on such ship under this Act, shall incur a penalty of two thousand dollars, which shall be recoverable, with costs, by the person who first sues for the same in any court of competent jurisdiction, in any province in Canada in which the offender is served with process. 36 V., c. 128, s. 48.

where ship is recorded.

44. No surveyor of shipping who is not also a registrar of shipping shall deliver up any certificate of survey of any ship which he has surveyed for measurement to any person except the registrar of shipping at the port at or for which he is surveyor, and at which such ship is recorded under this Act, until the registrar of shipping at such port has indorsed on the back of such certificate either a statement to the effect that there is no undischarged mortgage on such ship recorded in his office under this Act, or a statement of the amount and other particulars, and if more than one, the number of the undischarged mortgages, if any, on such ship recorded in his office under this Act; and every registrar of shipping shall indorse one of such statements, according to the facts of each case, on every certificate of measurement presented to him for that purpose by any surveyor of shipping. 36 V., c. 128, s. 49.

When certificate of survey may be delivered up by surveyor.

Indorsement by registrar.

45. If the registrar of shipping at any port at which any ship is recorded under this Act is also surveyor of shipping at or for such port, he shall indorse on every certificate of survey of every ship which he has surveyed for measurement, before he delivers the same to any person, either a statement to the effect that there is no undischarged mortgage on such ship recorded in his office under this Act, or a statement of the amount and other particulars, and, if more than one, the number of the undischarged mortgages, if any, on such ship recorded in his office under this Act. 36 V., c. 128, s. 50.

Registrar who is also surveyor or to indorse a statement on certificate of survey before delivering it to any person.

46. The Governor in Council may establish a scale of fees for recording ships and mortgages and other transactions, and for other services to be performed under this Act prior to the registry of any ship under "*The Merchant Shipping Act, 1854*," or any Acts amending or applying to the same. 36 V., c. 128, s. 51.

Scale of fees.

47. Nothing in this part of this Act shall take away the right of the owner to his action of account, or such other remedy as he has by law against the advancer. 36 V., c. 128, s. 52.

Saving of right of owner.

48. This part of this Act shall not be construed in such a way as to affect the mode of executing deeds in the province of Quebec, but deeds and documents executed in the said

Act not to affect mode of executing deeds in Quebec.