

all his acts as Port Warden, and those of his deputies, with their fees of office, shall be recorded in such manner as the Board of Examiners shall direct.

Duty of Port Warden as to stowage of cargo, &c.

7. It shall be the duty of the Port Warden or his deputy, on being notified and requested by any of the parties interested, to proceed in person on board of any vessel for the purpose of examining the condition and stowage of cargo; and if there be any goods damaged on board such vessel, he shall inquire, examine, and ascertain the cause or causes of such damage, and make a memorandum thereof, and enter the same in full upon the books of his office. 5 10

Duty of masters of vessels as to vessels which have broken bulk before arrival; as to vessels which have not so broken bulk.

8. The master of any vessel which has broken bulk for the purpose of lightening or other necessary purpose, previous to her arrival in the Harbour of Montreal, shall immediately, on the discovery of any damaged cargo, proceed to hold a survey on the same in the manner herein prescribed, before the same shall be moved out of the place in which it was originally stowed; And if, after the arrival in port of any vessel, from beyond the seas, which has had not occasion to lighten, break bulk, or otherwise discharge any portion of her cargo before coming into the Harbour, the hatches of such vessel shall be first opened by any person not a Port Warden, and the cargo or any part thereof, shall come from on board such ship in a damaged condition, these facts shall be *prima facie* evidence that such damage occurred in consequence of improper stowage or negligence on the part of the persons in charge of the vessel, and such default shall, until the contrary be shewn, be chargeable to the owner, master, or other person interested, as part owner or master of the said vessel. 15 20 25

Inspecting goods damaged, &c.

9. The Port Warden shall, when required, proceed to any ship, warehouse, dwelling, or wharf, and examine any merchandize, vessel, material, produce or other property, said to have been damaged on board of any vessel, and inquire, examine, and ascertain the cause of such damage, make a memorandum thereof, and of such property, and record in the books of his office, a full and complete statement thereof. 30

Inspecting vessels wrecked or damaged.

10. The Port Warden shall, when required, be surveyor on any vessel which may have suffered wreck or damage, or which shall be deemed unfit to proceed on her voyage: he shall examine the hull, spars, rigging, and all appurtenances thereof, shall specify what damage has occurred, record in the books of the office, a full and particular account of all surveys held on such vessel: he shall call to his assistance, if necessary, in such survey, one or more carpenters, sail-makers, riggers, shipwrights, or other persons skilled in their profession, who shall each be entitled to a fee not exceeding *two dollars* for the first survey, and *one dollar* for each subsequent one on which their services may be required to aid him in the examination and survey, but no such surveyor must be interested in the case; the Port Warden shall also, if required, be surveyor of the repairs necessary to render such vessel seaworthy, and his certificates that these repairs have been properly made shall be evidence that the vessel is seaworthy. 35 40 45

Surveys of vessels and cargoes

11. The Warden shall have cognizance of all matters relating to the surveys of vessels and their cargoes, arriving in port damaged, and when requested shall, on payment of the regular fee, give certificates of such surveys. 50