

8. Where a claim of compensation under the Merchant Shipping Act, 1873 is made against the Board of Trade, and liability to pay compensation, or the amount thereof is in dispute, proceedings may be taken against the Board of Trade by action against the principal secretary thereof as nominal defendant.

9. In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the part of the owner of the ship to the master, seaman, or apprentice, that the owner of the ship, his agents and servants, shall use all reasonable efforts to insure the seaworthiness of the ship for the voyage at the commencement thereof, and to keep her in a seaworthy condition during the voyage.

Provided that nothing in this section shall make the owner of a ship liable for the death of or any injury to a master, seaman, or apprentice belonging to any ship when caused by the wrongful act, neglect, or default of a seaman or apprentice belonging to the same ship, in any case where he would not otherwise be so liable.

10. This Act may be cited as the Merchant Shipping Act, 1875, and shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same, and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1875.

11. This Act shall continue in force until the first day of October one thousand eight hundred and seventy-six.

(4.)

OTTAWA, 8th February, 1876.

The undersigned has the honor to report to Council that he has had under consideration despatch from the Earl of Carnarvon of the 22nd October last, transmitting a copy of a letter from the Board of Trade, enclosing a copy of "The Merchant Shipping Act, 1875," and requesting to be furnished with an immediate report of any case in which grain, &c., was shipped in British vessels in contravention of the Act referred to, and in such manner as to endanger human life.

The undersigned begs to state that in all cases where grain is shipped in sea-going vessels at Montreal and Quebec, the principal grain-loading ports in the Dominion for countries abroad, it is loaded under the superintendence of the Port Wardens, as required by the Port Wardens' Acts, copies of which are herewith accompanying. The Acts referred to contain the necessary provisions for the inspection of vessels and cargoes while loading, and have been found to work well, and are much more stringent and exact in details than the Merchant Shipping Act of 1875. Consequently vessels loaded at Montreal and Quebec under these Acts are loaded, not only in accordance with the provisions of the Merchant Shipping Act of 1875, but with many more precautions as regards safety.

The undersigned also observes that the Acts in question have been found satisfactory, and have tended in their operation to the safety of life and property, as since they took effect no loss has been reported of grain-laden vessels from the ports in question on account of unseaworthiness or improper loading; while in 1872, prior to their coming into operation, six steamships laden with grain were wrecked or foundered at sea on their passage from the St. Lawrence to Europe, it is believed on account of their being overloaded or improperly stowed.

There is a class of vessels, however, which carry large quantities of grain in the inland Canadian waters, but as no officers have been appointed to inspect such vessels the undersigned is not aware whether they have carried grain since the 1st October last in contravention of the Act. No such cases have been reported to his Department.

With reference to the request of Lord Carnarvon to be favoured with any observations in regard to the application of the several provisions of the Merchant