Canada. Laws, Statutes, etc.

4310

155

143

KE
72
C38
17-4
Bill A-

INDEX TO BILLS

Fourth Session, 17th Parliament,

23 George V, 1932-33.

PART I

Allen, Hilda Nice (An Act for the relief of) ..... N.
Bethune, Henry Norman (An Act for the relief of) ..... H.
Burdayron, Auguste (An Act for the relief of) ..... K.
Canada Shipping Act. (An Act to amend the) C-1
Canadian and British Insurance Companies. (An Act to amend an Act respecting) ..... B.
Canadian National Railways (An Act respecting the) and to provide for co-operation with the Canadian Pacific Railway System, and for other purposes ..... A.
Carr, Nora Tulloch (An Act for the relief of) ..... L.
Carroll, Joseph Claremont (An Act for the relief of) A-1
Carruthers, George Andrew (An Act for the relief of) ..... W.
Charity Sweepstakes. (An Act with respect to) ..... 1.
Desmarteau, Joseph Adrien (An Act for the relief of) ..... G.
Discount and Loan Corporation of Canada. (An Act to incorporate the) F-1
Dixon, Marjorie Elizabeth Rae (An Act for the relief of) ..... F.
Durham, Clarence Eldon (An Act for the relief of) ..... D.
Gilmour, Hilda Mary Falkenberg (An Act for the relief of) ..... Y.
House of Commons. (An Act to amend the Act respecting the Senate and) E-1
Jordan, Eva Amy Falle (An Act for the relief of) ..... Z.
Kendall, Venita Angeline Scotten (An Act for the relief of) B-1
Knight, Emily Florence Lawrence (An Act for the relief of) ..... U.
Lowrey, Olga Shidlowskaya (An Act for the relief of) ..... T.
Newton, Lilias Torrance (An Act for the relief of) ..... X.

Prupas, Harry (An Act for the relief of) ..... S.
Quebec, Montreal and Southern Railway Company. (An Act respecting the).. Q.
Reid, Mary Louise Robinson (An Act for the relief of) ..... O.
Schmerling, Elizabeth Bernstein (An Act for the relief of) ..... P.
Senate and House of Commons. (An Act to amend the Act respecting the) .. E-1
Shipping in Canada. (An Act respecting) J.
Simon, Maurice Pashlink (An Act for the relief of), otherwise known as Maurice Simon Pashlinski ..... E.
Stavrow, Angelo (An Act for the relief of) D-1
Steinberg, Birdie Glickman (An Act for the relief of) ..... R.
Sweepstakes. (An Act with respect to Charity) ..... 1.
Willcox, Marjorie Bertha (An Act for the relief of) ..... V.
Willson, Margaret Borham (An Act for the relief of) ..... C.
Wood, Alberta Grace (An Act for the relief of) ..... M.

Fourth Session, Seventeenth Parliament, 23 George V, 1932

THE SENATE OF CANADA

BILL A.

An Act respecting the Canadian National Railways and to provide for co-operation with the Canadian Pacific Railway System, and for other purposes.

Read a first time, Thursday, 27th October, 1932.

Right Honourable SENATOR MEIGHEN.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
53335 1932

4th Session, 17th Parliament, 23 George V, 1932.

THE SENATE OF CANADA

BILL A.

An Act respecting the Canadian National Railways and to provide for co-operation with the Canadian Pacific Railway System, and for other purposes.

Preamble.

WHEREAS the Royal Commission to enquire into railways and transportation in Canada has by its report dated the thirteenth day of September, 1932, made certain recommendations which it is expedient to carry into effect:

THEREFORE His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Canadian National—Canadian Pacific Act, 1932.*

PART I.

ORGANIZATION OF THE CANADIAN NATIONAL RAILWAY COMPANY.

Definitions.

"Company".

"The said Act".

"Allied enterprises".

2. (1) In this Part, unless the context otherwise requires,

(a) "Company" means the Canadian National Railway Company;

(b) "the said Act" means the *Canadian National Railways Act*, chapter one hundred and seventy-two of the Revised Statutes of Canada, 1927, and amendments thereto.

(2) "allied enterprises" as used in this Act, means and includes all companies and their respective works not engaged in actual transportation but controlled or operated by the Company in connection therewith.

Nominations to Board of Directors to be vacated and three Trustees substituted for original incorporators.

3. The Governor in Council may declare all nominations to the Board of Directors of the Company heretofore made under the provisions of section three of the said Act to be vacated, and may concurrently appoint three Trustees who shall be substituted for the original incorporators of the

Company and their successors, and may exercise (subject to the provisions of this Act) all the powers, rights and privileges and be entitled to all the immunities and subject to all the restrictions of the said Board of Directors, which Board shall thereupon cease to exist.

Persons disqualified to be trustees.

4. (1) No person who is a Senator or Member of the House of Commons, and no person holding or having within five years held any office or position to which any salary is attached payable directly or indirectly by His Majesty, in the right of the Dominion of Canada, or of any of the Provinces thereof, shall be eligible for appointment as Trustee.

Vacancies.

(2) Vacancies among the Trustees arising from any reason shall be filled from time to time by the Governor in Council from a list of eight persons then named by the remaining Trustees or Trustee. All Trustees shall be eligible for re-appointment if so listed.

Re-appointment.

Chairman.

Tenure of office.

5. (1) One of the Trustees shall be appointed by the Governor in Council to be Chairman of the Trustees. He shall hold office for seven years from the date of his appointment.

Trustees.

Tenure of office.

The remaining Trustees shall hold office for different periods of less than seven years, as may be specified by the Governor in Council, in order to prevent any period expiring on the same date, or nearly the same date, as that of any other Trustee.

Continuance in office until action taken.

(2) Should no action be taken upon the termination of any period of appointment to fill the vacancy then occurring the Trustee then retiring shall continue in office until such action is taken.

Removal from office.

(3) Any Trustee may be removed from office at any time by the Governor in Council, on address of the Senate and House of Commons.

Chairman to devote all his time.

6. The Chairman shall devote the whole of his time to the performance of the duties of his office.

Salaries.

7. The Trustees shall be paid by the Company such salaries as may from time to time be fixed by the Governor in Council.

Majority vote to be final.

8. (1) A majority vote of the Trustees, if it includes the vote of the Chairman as one of the majority, shall be final.

Meetings.

(2) Meetings of the Trustees may be held at such time and place as the Trustees may from time to time decide. When no meetings are held, decisions may be made or votes recorded by written minutes or concurrences in any form, signed by the Trustees or by such majority.

Minutes.

Trustees to act in lieu of any board of directors of companies in C.N.R. system.

9. The persons so appointed as the Trustees of the Company and from time to time acting as such, shall automatically become and shall act as Trustees in lieu of the respective Board of Directors of all companies in Canada comprised in the Canadian National Railways, as defined in the said Act, and allied enterprises, notwithstanding anything to the contrary in any statute or law, with and subject to the same powers, rights, privileges, immunities and restrictions as are mentioned in section three of this Act.

Approval of shareholders not required.

10. No decision, order or regulation, and no action or other proceeding of the Trustees of the Company shall require any approval of any shareholders of any company in Canada comprised in the Canadian National Railways, including His Majesty the King in the right of the Dominion or any Province thereof.

Direction and control vested in Trustees.

11. The direction and control of the Company, and of all other companies comprised in the Canadian National Railways and allied enterprises shall be vested in the Trustees, subject as aforesaid, and the Trustees may appoint, on terms to be fixed by them, a person other than a Trustee who shall perform the duties of Chief Operating Officer with the titular rank of President, but exercising only such powers or authorities as are from time to time given to him by by-law or resolution of the Trustees with respect to the detail workings of the railway and allied enterprises. The Trustees shall always consult with the President in respect of such detail workings and shall endeavour where reasonably possible to give effect to his recommendations. The President shall report and be responsible to the Trustees, alone, in respect of the performance of his duties.

Chief operating officer to be President.

Powers.

Responsible to trustees alone.

Annual budget.

Amounts required to be submitted to Minister of Finance prior to Parliament.

Income deficits to be voted.

Votes may not be diverted.

12. The annual budget of the Company, and its allied enterprises, shall be under the control of the Trustees. Amounts required for income deficits, for interest on obligations outstanding in the hands of the public, for capital expenditures and for refunding or retirement of maturing securities shall be submitted by the Trustees to the Minister of Finance for the consideration of the Governor in Council prior to presentation to Parliament. Income deficits shall not be funded but amounts necessary to meet them shall require to be be voted annually by Parliament. Amounts provided by Parliament to meet capital expenditures of any kind shall not be diverted by the Trustees to cover deficits in operation without the express authority of Parliament.

Annual report to Parliament.

13. The Trustees shall make an annual report which shall be submitted to Parliament, setting forth in a summary manner the results of operations and the amounts

expended on capital account in respect of the enterprises under their control; also such other information as appears to the Trustees to be of public interest or necessary for a reasonable understanding by Parliament of any situation then existing, or as may be required from time to time by the Governor in Council.

Continuous audit by independent auditors.

Report to Parliament.

Payment.

14. A continuous audit of the accounts of all the enterprises under the control of the Trustees pursuant to this Act shall be made by independent auditors appointed by Parliament in each year. The auditors shall make a report to Parliament in respect of their audit calling attention to any matters which in their opinion require consideration, or any remedial action. The auditors shall be paid by the Company such amounts as are from time to time approved by the Governor in Council.

PART II.

CO-OPERATION BETWEEN THE NATIONAL COMPANY AND THE PACIFIC COMPANY.

Definitions.

"National Company".

"Pacific Company".

15. In this Part, unless the context otherwise requires,

(a) "National Company" means the Canadian National Railway Company, and includes any company comprised in the Canadian National Railways, as defined in the said Act, or allied enterprises, and also the Company in its capacity as Manager of certain of the Canadian Government Railways entrusted to it by Order in Council;

(b) "Pacific Company" means the Canadian Pacific Railway Company and includes any company comprised in its system or controlled by or allied with it.

Co-operative measures, plans and arrangements by C.N.R. and C.P.R.

16. (1) Notwithstanding anything to the contrary in any statute, the National Company and the Pacific Company in the interests of economy shall adopt forthwith, or as soon as practicable, such co-operative measures, plans and arrangements as shall, consistently with the proper handling of traffic, be best adapted to the removal of unnecessary, wasteful or uneconomical services, to the avoidance of duplication in services or facilities, and to the joint use and operation of all such properties as may conveniently and without undue detriment to either party be so used, and to the meeting of competition in traffic in any form. The parties shall endeavour to make fair and reasonable adjustments and arrangements so that the burden and advantage of all such economies shall be shared as nearly as possible on an equitable basis between them.

May be effected by—

(2) Any such measures, plans or arrangements may, where deemed desirable, include or be effected by means of—

New companies.

(a) New companies controlled by stock ownership, equitably apportioned between the companies;

Leases, etc.

(b) Leases, entrusting agreements, or licences, or agreements for the pooling and division of earnings arising from the joint operation of any part or parts of freight or passenger traffic;

Joint trackage, etc.

(c) Joint trackage, running rights, joint ownership, or joint operating agreements, depending upon the nature of the property or services included in any co-operative plan;

Highway services.

(d) Joint or individual highway services, or highway and railway services combined, in any form;

No amalgamation.

but nothing herein shall be taken to authorize any amalgamation of any National Company with any Pacific Company.

Duration, terms and alteration of arrangements.

(3) All or any of such measures, plans and arrangements may, if agreed to by the parties, be made terminable at will, or on or after stated notice, or for a fixed period or periods, or any combination thereof, and may from time to time on similar agreement be changed, altered, varied, amended or renewed, as may be considered expedient in the best interest of the parties or in view of changing conditions.

Duty of trustees to meet directors of C.P.R. regarding arrangements.

(4) In order effectually to carry out the instructions to co-operate in this Part enacted, it shall be the duty of the Trustees by themselves and/or their officers to meet at regular intervals so far as possible with an equal number or any number of the Directors and/or their officers of the Pacific Company for the purpose of discussing, and, if possible, agreeing upon any matter referred to in this Part of this Act.

PART III.

ARBITRATION IN CASE OF DISAGREEMENT AND DISPUTE.

Arbitral Tribunal in case of disputes.

17. In the event of any failure to agree and for the purpose of settling disputes and in particular disputes concerning the desirability of any co-operative measures, plans or arrangements, referred to in the preceding Part, and for the settling of details of any scheme to give effect thereto and for determining the conditions, interpretation or enforcement thereof, either the National Company or the Pacific Company, as defined in the preceding Part, may submit the matter to an Arbitral Tribunal to be constituted in the following manner in respect of each dispute.

Chairman and members of Arbitral Tribunal.

18. (1) The Chief Commissioner of the Board of Railway Commissioners for Canada shall be the presiding officer of the Arbitral Tribunal. The National Company and the Pacific Company shall each appoint a representative, and

the representatives so appointed with the presiding officer shall constitute the Tribunal for dealing with the particular matter or thing to be settled or determined. At the request of either the National Company or the Pacific Company, or both, the President of the Exchequer Court of Canada may appoint two additional members for the occasion upon it being made to appear that the matter is one of major importance.

Two more members in cases of major importance.

(2) The powers of the Arbitral Tribunal may be invoked by either Company by written application to the Chief Commissioner setting forth in a concise and summary way the subject matter of the dispute. The name of the representative of the company making the application shall be notified to the Chief Commissioner concurrently with the making of the application. A copy of the application shall forthwith be sent to the other company with a request for the appointment of its representative, and such company shall nominate its representative within ten days from the date of receipt of the copy of said application.

Applications to Arbitral Tribunal.

Notice.

(3) In the event of failure of the other company to appoint a representative, the Tribunal may proceed to consider and determine the subject matter of the application, and the decision of the two members of the Tribunal shall be binding upon both companies. The presiding officer may, however, in his discretion, call upon the applicant company to make application to the President of the Exchequer Court of Canada for the appointment of a person to represent the company so failing to appoint its representative.

Procedure if one party fails to appoint representative.

Application to President of Exchequer Court.

(4) The President of the Exchequer Court of Canada on application to him to appoint a representative, made *ex parte* or upon notice as he may direct, may appoint such person as he shall deem suitable, and the person so appointed shall be a member of the Tribunal and shall represent the company so failing to appoint for the purpose of considering and determining the particular matter or thing before the Tribunal.

Appointment of representative by President of Exchequer Court.

(5) In the event that a representative of either company is unable or unwilling, or neglects or refuses to act or to continue to act, a successor may be appointed by the company he represents or by the President of the Exchequer Court in the event of a failure so to appoint, or the Tribunal may, by direction of the presiding officer, proceed to consider and determine the matter or thing in dispute, notwithstanding the inability, unwillingness, neglect, or refusal to act of such representative.

Procedure if representative fails to act.

(6) The National Company and the Pacific Company shall pay all reasonable fees and expenses of the members of the Arbitral Tribunal appointed by them or by the said President in equal shares or in such proportions as shall be directed by the presiding officer. The fees and

Fees and expenses of Arbitral Tribunal.

expenses of the hearing and of witnesses and experts appearing before the Tribunal shall be such as are allowed by the presiding officer, and shall be paid either by one Company or by the two Companies in such proportions as he shall direct.

Majority decision final.

(7) The decision of the majority of any Arbitral Tribunal shall be final.

Jurisdiction of Arbitral Tribunal.

19. Any Arbitral Tribunal shall have full jurisdiction in disputes between the companies in respect of all measures, plans and arrangements or proposals therefor, authorized in Part II of this Act, and without restricting the generality of the foregoing, measures, plans, and arrangements, or proposals therefor, relating to:—

(a) Joint use of terminals;

(b) Running rights and joint use of tracks where there are actual or functional duplications, or where such may be avoided;

(c) Control and prohibition in respect of the construction of new lines and provision of facilities and additional services where no essential need of the public is involved, or where the result would be in the main the division of traffic already adequately provided for;

(d) Joint use of facilities where this would promote economy or permit the elimination of duplicating or unremunerative services or facilities;

(e) Abandonment of lines, services or facilities;

(f) Pooling of any part or parts of freight traffic or of passenger traffic;

(g) Things necessarily incidental to the above enumerated matters.

Force and effect of orders of Arbitral Tribunal.

20. An order or decision of any Arbitral Tribunal shall be binding upon the National Company and the Pacific Company, and shall have like force and effect as an order of the Board of Railway Commissioners of Canada made in a matter falling within the Board's jurisdiction, and may be enforced as if it were an order of said Board, and all the provisions of the *Railway Act* in respect of orders of the Board and their enforcement shall apply *mutatis mutandis* to an order or decision of the Tribunal.

R.S., c. 170.

Certain orders of Tribunal require formal written consent of presiding officer.

21. Where the execution of an order, or the carrying out of a decision of the Tribunal, involves the doing of any act which by any statute requires the assent or approval of the Board of Railway Commissioners, or where in the opinion of the presiding officer himself the public interests involved are of sufficient importance to warrant it, no order made by a Tribunal shall be operative without the concurrence of the presiding officer and his formal written assent.

Tribunal orders prevail over orders of Railway Board.

22. In the event of any conflict between an order of the Board of Railway Commissioners and that of any Tribunal, the order or decision of the Tribunal shall prevail.

Hearings to be held in matters of substantial public concern.

23. If, in the opinion of the presiding officer of any Tribunal, any application made to him raises matters of substantial concern to the public or a section of the public, he may direct that notice of the sittings of the Tribunal shall be given either by advertisements in one or more newspapers, or otherwise as he may consider expedient, and may permit representations to be made at said sittings by such person or bodies, including the Government of Canada or of any of the Provinces of Canada, as in his opinion should reasonably be heard.

Limitations upon jurisdiction.

24. No Arbitral Tribunal shall have jurisdiction to order the construction of extensions and additions to existing lines, terminals or facilities except in such minor matters as connections to give access to existing lines, terminals or facilities which, by order of any Arbitral Tribunal or otherwise, are used or are intended to be used in common.

Appeals.

25. There shall be no appeal from any order or decision of any Arbitral Tribunal on any question of law or fact, except upon a question of jurisdiction, in which case there shall be an appeal to the Supreme Court of Canada by leave of a judge of that Court.

Rules and regulations.

26. (1) For the carrying out of the provisions of this Part, the Chief Commissioner of the Board of Railway Commissioners may make rules or regulations governing all matters of procedure, including the care and custody of the proceedings before and the orders and decisions of Tribunals.

Application of rules and regulations of Railway Board.

(2) Rules or regulations of the Board of Railway Commissioners in respect of the procedure for hearing applications and the conduct of its sittings shall, so far as practicable, apply to proceedings before the Arbitral Tribunal, except in so far as they may be inconsistent with the provisions of this Part, or with rules or regulations expressly made for the purposes of this Part.

Evidence.

27. The Chief Commissioner of the Board of Railway Commissioners, as presiding officer of any Arbitral Tribunal, shall have and exercise all the powers of the Board of Railway Commissioners to examine witnesses upon oath and for securing the attendance of witnesses, and for the production of documents and generally in respect of witnesses and evidence as provided in the *Railway Act.*

PART IV.

GENERAL CLAUSE.

Inconsistent Acts.

28. The provisions of this Act shall prevail over those of all other Acts inconsistent herewith.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL B.

An Act to amend an Act respecting Canadian and British Insurance Companies.

Read a first time, Thursday, 9th February, 1933.

Honourable SENATOR BEAUBIEN.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
59288 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL B.

An Act to amend an Act respecting Canadian and British Insurance Companies.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sub-paragraph (i) of paragraph *(b)* of section sixty-three, chapter forty-six of the statutes of 1932, is repealed and the following is substituted therefor:—

"(i) the bonds of any corporation which bonds are fully secured by a mortgage or hypothec, to a trustee upon real estate or upon the plant and equipment of such corporation used in the transaction of its business; or upon bonds, debentures or other evidences of indebtedness or stocks owned by such corporation of a class or classes authorized by this section as investments of any company, and the inclusion as additional security in such mortgage or hypothec of any other assets not of a class authorized by this Act as investments of any company shall not be deemed to render ineligible such bonds as an investment, or the bonds and debentures issued by charitable, educational and philanthropic institutions, and upon which annual subsidies equal to the interest and sinking fund accruing thereon are payable to a trust company, as trustee for the holders thereof, under the authority of the Government of any province of Canada, or"

NOTE.

The amendment proposed will render eligible for investment by insurance companies, bonds and debentures of charitable etc., institutions, secured in capital and interest by the payment of subsidies from provincial governments, and which are now denied this eligibility solely by the fact that when the law sought to be amended was enacted provincial governments did not then secure such bonds and stocks by subsidies.

The words underlined are new.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL C.

An Act for the relief of Margaret Borham Willson.

Read a first time, Wednesday, 15th February, 1933.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
54163 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL C.

An Act for the relief of Margaret Borham Willson.

Preamble.

WHEREAS Margaret Borham Willson, residing at the city of Montreal, in the province of Quebec, wife of Wellington Colman Willson, superintendent, who is domiciled in Canada and residing at the city of Outremont, in the said province, has by her petition alleged that they were married on the fifth day of February, A.D. 1902, at the city of Sharon, in the state of Pennsylvania, one of the United States of America, she then being Margaret Borham, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Borham and Wellington Colman Willson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Borham may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Wellington Colman Willson had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL D.

An Act for the relief of Clarence Eldon Durham.

Read a first time, Wednesday, 15th February, 1933.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
54358 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL D.

An Act for the relief of Clarence Eldon Durham.

Preamble.

WHEREAS Clarence Eldon Durham, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, automobile mechanic, has by his petition alleged that on the ninth day of April, A.D. 1920, at the said city, he and Uena Ethel Makin, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Clarence Eldon Durham and Uena Ethel Makin, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Clarence Eldon Durham may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Uena Ethel Makin had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL E.

An Act for the relief of Maurice Pashlink Simon, otherwise known as Maurice Simon Pashlinski.

Read a first time, Wednesday, 15th February, 1933.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1933

54359

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL E.

An Act for the relief of Maurice Pashlink Simon, otherwise known as Maurice Simon Pashlinski.

Preamble.

WHEREAS Maurice Pashlink Simon, otherwise known as Maurice Simon Pashlinski, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, manager, has by his petition alleged that on the twenty-ninth day of January, A.D. 1921, at the said city of Montreal, he and Margaret Louise Shackleton, who was then of the city of Waltham, in the state of Massachusetts, one of the United States of America, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Maurice Pashlink Simon, otherwise known as Maurice Simon Pashlinski, and Margaret Louise Shackleton, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Maurice Pashlink Simon, otherwise known as Maurice Simon Pashlinski, may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Margaret Louise Shackleton had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL F.

An Act for the relief of Marjorie Elizabeth Rae Dixon.

Read a first time, Wednesday, 15th February, 1933.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
54175 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL F.

An Act for the relief of Marjorie Elizabeth Rae Dixon.

Preamble.

WHEREAS Marjorie Elizabeth Rae Dixon, residing at the city of Montreal, in the province of Quebec, wife of Cecil Dixon, assistant editor, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the sixteenth day of September, A.D. 1929, at the said city, she then being Marjorie Elizabeth Rae, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marjorie Elizabeth Rae and Cecil Dixon, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marjorie Elizabeth Rae may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Cecil Dixon had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL G.

An Act for the relief of Joseph Adrien Desmarteau.

Read a first time, Wednesday, 15th February, 1933.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
54179 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL G.

An Act for the relief of Joseph Adrien Desmarteau.

Preamble.

WHEREAS Joseph Adrien Desmarteau, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, butcher, has by his petition alleged that on the first day of February, A.D. 1921, at the said city, he and Marie Léona Lachapelle, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joseph Adrien Desmarteau and Marie Léona Lachapelle, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Adrien Desmarteau may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Léona Lachapelle had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL H.

An Act for the relief of Henry Norman Bethune.

Read a first time, Wednesday, 15th February, 1933.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
54774 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL H.

An Act for the relief of Henry Norman Bethune.

Preamble.

WHEREAS Henry Norman Bethune, residing at the village of Rawdon, in the province of Quebec, physician, has by his petition alleged that on the thirteenth day of August, A.D. 1923, at the city of London, England, he and Frances Eleanor Campbell Penney, who was then of the said city of London, a spinster, were married; that his legal domicile was then and is now in Canada; that in the year A.D. 1927, she obtained in the Wayne County Circuit Court in Chancery, in the state of Michigan, one of the United States of America, a decree of divorce from him; that on the eleventh day of November, A.D. 1929, at the city of Montreal, in the province of Quebec, he went through a ceremony purporting to be the solemnization of matrimony between him and the said Frances Eleanor Campbell Penney; that during the year A.D. 1932, the said Frances Eleanor Campbell Penney committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage with the said Frances Eleanor Campbell Penney and to declare null and void the ceremony purporting to be a solemnization of matrimony between him and the said Frances Eleanor Campbell Penney; and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Henry Norman Bethune and Frances Eleanor Campbell Penney, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Marriage annulled.

2. It is hereby declared and enacted that the ceremony purporting to be a solemnization of matrimony between the said Henry Norman Bethune and the said Frances Eleanor Campbell Penney was null and of no effect to create the bond of marriage between them.

Right to marry again.

3. The said Henry Norman Bethune may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Frances Eleanor Campbell Penney had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL I.

An Act with respect to Charity Sweepstakes.

Read a first time, Tuesday March 7th, 1933.

Honourable Senator McRae.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
60674 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL I.

An Act with respect to Charity Sweepstakes.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as the *"Charities Sweepstakes Act."*

Attorney-General of any province may authorize sweepstakes for charity within that province.

2. Notwithstanding any law to the contrary and notwithstanding anything to the contrary contained in any other Act, it shall be lawful from time to time for the Attorney-General of any province in which the same is to be conducted to authorize by a certificate under his hand the conduct within such province by any person or persons therein named (hereinafter referred to as "the Committee") of a sweepstakes for the purpose of raising money for the welfare of the sick, destitute and mained within such province.

Attorney-General may make regulations.

Powers defined.

3. (1) By such certificate the Attorney-General may make such regulations, not inconsistent with the spirit of this Act, as he considers necessary or advisable; and, without limiting the generality of the foregoing, the power of the Attorney-General to make regulations under this section shall extend to:—

(a) Specifying the charity or charities to be benefited by the sweepstakes and specifying in what amount or in what proportion each such charity shall be benefited;

(b) Specifying the person or persons to whom the moneys to be applied for the benefit of such charity or charities, shall be paid and in what way they shall be applied;

(c) Specifying the event or events upon which the winner or winners of the sweepstakes shall be determined and when and where and in what manner the winner or winners shall be determined;

(*d*) Specifying when the sale of tickets may commence and when it must cease;

(*e*) Specifying the price at which each ticket shall or may be sold;

(*f*) Specifying the form and contents of the tickets to be sold;

(*g*) Specifying what proportion of or what amount out of the proceeds of the sale of tickets shall be applied

(i) for the benefit of the charity or charities;

(ii) in defraying the expenses of the conduct of the sweepstakes;

(iii) in prizes;

(*g*) Specyfying what may be allowable as expenses of the conduct of the sweepstakes;

(*i*) Specifying how many prizes there shall be and what proportion or amount of the moneys available for prizes shall be allocated to each prize; and providing for the division of the moneys available for prizes into equal or unequal units; and specifying when and where and in what manner the prizes shall be paid to the winners;

(*j*) Providing for the supervision of the conduct of the sweepstakes and the sale of tickets therein and for the custody of the moneys received in respect thereof and for the auditing of the accounts thereof and for the payment of the expenses occasioned by such supervision and auditing out of the moneys to be applied in defraying the expenses of the conduct of the sweepstakes;

(*k*) Specifying by what member or members or by what employee or employees the Committee may act in carrying out any of its powers in relation to the conduct of the sweepstakes;

(*l*) Specifying the places, terms and conditions which the Committee shall specify in exercising its powers under section four hereof.

Official gazette.

(2) Every certificate given under this Act shall forthwith after being issued be published by the Committee in one issue of the official gazette for the province and evidence of such certificate may be given in any court in Canada by a production of a copy of such official gazette purporting to contain a copy of such certificate.

Evidence. Authority to sell tickets for sweepstakes.

4. It shall be lawful within the province wherein the Attorney-General has authorized by certificate the conduct of a sweepstakes in accordance with this Act, for any person thereunto authorized in writing by the Committee:—

(*a*) to sell anywhere in such province tickets in such sweepstakes;

Agents.

(*b*) to act as the agent of the Committee for the distribution of tickets, the receipt of moneys and the authorization of persons to sell tickets as aforesaid;

and by any such writing the Committee may specify the places and manner in which and the terms and conditions upon which the person named in the writing may sell tickets or act as the agent of the Committee as the case may be.

Advertising.

5. Notices for the sale of tickets for a sweepstakes authorized to be conducted in accordance with the provisions of this Act may be advertised in newspapers, magazines and periodicals published only in the province within which the sweepstakes is authorized.

Agents appointed only in province where sweepstakes authorized.

(2) Agents or solicitors for the sale or promotion of sweepstakes tickets shall not be authorized or appointed in any province in Canada other than the province within which the sweepstakes is authorized.

Agent outside of Canada.

6. Nothing in this Act shall prevent the sale outside of Canada by the Committee or its agents authorized in writing so to do, of tickets for sweepstakes as authorized to be conducted in accordance with the provisions of this Act.

Conducting sweepstakes contrary to regulations.

7. Every person conducting an authorized sweepstakes otherwise than in accordance with the regulations prescribed in the certificate and every authorized person acting as the Committee's agent or selling tickets otherwise than in accordance with the provisions of this Act and/or with such regulations and/or with the provisions of the Committee's authorization shall be guilty of an indictable offence and liable to two years' imprisonment and to a fine not exceeding two thousand dollars; but no commission of such an offence and no other irregularity in the conduct of a sweepstakes for the conduct of which a certificate has been granted or in the sale of tickets for such sweepstakes shall render such sweepstakes or the purchase of tickets therein illegal or void.

Penalty.

Criminal Code not to apply.

8. The provisions of the *Criminal Code* respecting betting, pool-selling, book-making and lotteries, shall not apply to any charity sweepstakes authorized under the provisions of this Act.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL J.

An Act respecting Shipping in Canada.

Read a first time, Wednesday, 8th March, 1933.

The Right Honourable Senator Meighen, P.C.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
60843 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL J.

An Act respecting Shipping in Canada.

R.S., c. 186; 1931, c. 21.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Canada Shipping Act, 1933*. R.S., c. 186, s. 1.

Division into Parts.

2. This Act is divided into the following parts, that is to say:—

PART I —Recording.
(Sections 5 to 17);
PART II —Registry.
(Sections 18 to 126);
PART III —Masters and Mates, and Engineers.
(Sections 127 to 165);
PART IV —Seamen.
(Sections 166 to 343);
PART V —Provisions as to Relief and Repatriation of Distressed Seamen, and Seamen left behind abroad.
(Sections 344 to 365);
PART VI —Sick Mariners and Marine Hospitals.
(Sections 366 to 373);
PART VII —Pilotage Districts and Authorities.
(Sections 374 to 452);
PART VIII—Steamship Inspection Service.
(Sections 453 to 583);
PART IX —Wrecks, Salvage and Investigations into Shipping Casualties.
(Sections 584 to 685);
PART X —Lighthouses, Buoys and Beacons and Sable Island.
(Sections 686 to 695);
PART XI —Public Harbours and Harbour Masters.
(Sections 696 to 710);

Up to the time the Statute of Westminster was adopted, the legislative autonomy of Canada, in matters relating to merchant shipping, was circumscribed by the provisions of the Colonial Laws Validity Act and by sections 735 and 736 of the Merchant Shipping Act, 1894, by the fact that the Dominion might not give extra-territorial effect to its legislation.

The B. N. A. Act gave the legislature of the Dominion express power to legislate in matters relating to shipping but subject to the British Merchant Shipping Act, 1854, which was later revised and consolidated in 1894.

Section two of the Statute of Westminster having declared that the Colonial Laws Validity Act shall not in future apply to any law made by the Parliament of a Dominion; and section three having given the Parliaments of the Dominions full power to make laws having extra-territorial operation; and the Statute of Westminster having further stated that sections 735 and 736 of the Merchant Shipping Act, 1894, should be construed as though reference therein to the Legislature of a British possession did not include reference to the Parliament of a Dominion, the Dominion of Canada is now empowered to legislate as it deems fit, in matters relating to merchant shipping.

The Canada Shipping Act was formerly divided as follows:—

PART I —Registration and Classification of Ships, 3–72.
PART II —Masters and Mates, 73–123.
PART III —Seamen, 124–326.
PART IV —Shipping of Seamen on Inland Waters, 327–381.
PART V —Sick and Distressed Mariners, 382–390.
PART VI —Pilotage, 391–544.
PART VII —Steamboat Inspection—Examination and Licensing of Engineers, 545–667.
PART VIII—Inspection of Ships, 668–682.
PART IX —Safety of Ships and Prevention of Accidents on Board thereof, 683–712.
PART X —Wrecks, Salvage and Investigations into Shipping Casualties, 713–813.
PART XI —Lighthouses, Buoys and Beacons and Sable Island, 814–829.
PART XII —Public Harbours and Harbour Masters, 830-850
PART XIII—Port Wardens, 851-893.
PART XIV—Navigation of Canadian Waters, 894-911.
PART XV —Deck and Load Lines, 912-931.
PART XVI—Coasting Trade of Canada, 932-940.
PART XVII—Liabilities of Carriers by Water, 941-946.
PART XVIII—Supplement, 947-950.

PART XII —Port Wardens.
(Sections 711 to 744);
PART XIII—Navigation, Collisions, Limitation of Liability.
(Sections 745 to 769);
PART XIV—Coasting Trade in Canada.
(Sections 770 to 775);
PART XV —Delivery of Goods.
(Sections 776 to 784);
PART XVI—Legal Proceedings.
(Sections 785 to 807);
PART XVII—Supplemental.
(Sections 808 to 821);

INTERPRETATION.

Definitions.

3. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, (that is to say):

"The Admiralty."

(1) "The Admiralty" means the Lord High Admiral of the United Kingdom for the time being, or the Commissioners for the time being for executing the office of Lord High Admiral of the United Kingdom.

"Board."

(2) "Board" means the Board of Steamship Inspection created pursuant to Part VIII of this Act.

"Board of Trade."

(3) "Board of Trade" means the Lords of the Committee of His Majesty's Privy Council in the United Kingdom of Great Britain and Northern Ireland for trade and foreign plantations.

"Board of Trade or Chamber of Commerce."

(4) "Board of Trade or Chamber of Commerce" means that board of trade or chamber of commerce for any city or town or place in Canada which is nearest to any harbour or anchorage of ships.

"British Ship."

(5) "British Ship" means and includes any ship belonging wholly to persons qualified or entitled to be owners of British ships under the provisions of this Act or of the Merchant Shipping Acts or under the law of any part of His Majesty's dominions, in that behalf, in force for the time being.

"British ship registered in Canada."

(6) "British ship registered in Canada" means a ship registered in Canada,

(a) under the provisions of this Act, or

(b) before the coming into force of this Act under the provisions of the Merchant Shipping Acts.

"Cargo Ship."

(7) "Cargo Ship" means a ship carrying cargo but not passengers.

"Chairman."

(8) "Chairman" means the Chairman of the Board of Steamship Inspection.

"Chief Officer of Customs."

(9) "Chief Officer of Customs" means the Collector or other chief or only officer of Customs at any port.

"Child."

(10) "Child" means a person who is under the age of fourteen years.

"Claim, the amount of."

(11) "Claim, the amount of" in respect of jurisdiction in matters of salvage, means the amount claimed in the proceeding or suit before the receiver, or in the court in which the suit or proceeding is taken.

"Coasting Trade of Canada."

(12) "Coasting trade of Canada" means the transportation by water or by land and water of goods or passengers from one place in Canada to the same or another place in Canada, whether or not such transportation is direct or via a foreign port outside of Canada and includes any part of such transportation.

"Coast of Canada."

(13) "Coast of Canada" means the sea coast of Canada and the salt water bays, gulfs and harbours on the sea coast of Canada.

"Collision Regulations."

(14) "Collision Regulations" means the International Regulations for preventing collisions at sea and the Rules of the Road for navigating the Great Lakes as the context may require.

"Conditions of Assignment."

(15) "Conditions of Assignment" means so much of the Load Line Rules made by the Governor in Council as are made to give effect to Part II of Annex I to the Load Line Convention.

"Construction Regulations."

(16) "Construction Regulations" means such of the regulations made under section four hundred and eighty-five of this Act as prescribe the matters with respect to which a steamship inspector must be satisfied before he states in a report of inspection that a passenger steamship registered in Canada is fit to ply on any particular voyage or class of voyages specified in the regulations.

"Consular Officer."

(17) "Consular Officer" includes British consul-general, consul and vice-consul, and any person for the time being discharging the duties of British consul-general, consul or vice-consul; when used in relation to a foreign country, it means the officer recognized by His Majesty as a consular officer of that country.

"Contravention."

(18) "Contravention" includes in relation to any provision failure to comply with that provision and the expression "contravenes" shall be construed accordingly.

"Country to which the Load Line Convention applies."

(19) "Country to which the Load Line Convention applies" means

(a) A country the Government of which has been declared by the Governor in Council under section sixty-five of this Act to have ratified, or acceded to, the Load Line Convention, and has not been so declared to have denounced that Convention;

(b) A country to which it has been so declared that the Load Line Convention has been applied under the provisions of Article twenty-one thereof, not being a country to which it has been so declared that the Convention has ceased to apply under the provisions of that Article.

"Country to which the Safety Convention applies."

(20) "Country to which the Safety Convention applies" means,

(a) A country the Government of which has been declared under section five hundred and four of this Act to have ratified, or acceded to, the Safety Convention, and has not been so declared to have denounced that Convention;

(b) A country to which it has been so declared that the Safety Convention has been applied under the provisions of Article sixty-two thereof, not being a country to which it has been so declared that the Convention has ceased to apply under the provisions of that Article.

"Dangerous Goods," or "Goods of a Dangerous Nature."

(21) "Dangerous Goods" or "Goods of a dangerous nature" means goods which by reason of their nature, quantity or mode of stowage, are either singly or collectively liable to endanger the lives of the passengers or imperil the ship, and includes all substances determined by the Minister, in regulations made by him, to be dangerous goods.

"Deck Line."

(22) "Deck Line" means the line indicating the uppermost complete deck of a ship as defined by the Load Line Rules.

"Department."

(23) "Department" means the Department of Marine of Canada.

"Equipment."

(24) "Equipment" includes life-boats, life-saving equipment, fire extinguishing equipment, anchors, cables, apparatus for the detection and extinguishing of fire, compasses, lights, signals, navigating appliances and all other apparatus designed or required for the safety of a ship or the protection of passengers and crew.

"Exemption Certificate."

(25) "Exemption Certificate" means a certificate issued to a ship stating that exemption is granted to her from any or all of the provisions of Chapters II, III and IV of the Safety Convention.

"Foreign Voyage."

(26) "Foreign voyage" means either a voyage between a place in Canada and a place not in Canada other than a place within the limits of a home-trade voyage or a voyage between places not in Canada and not all within the limits of a home-trade voyage.

"Foreign-going."

(27) "Foreign-going" when used with reference to a ship means employed on foreign voyages.

"General Safety Certificate."

(28) "General Safety Certificate" means a certificate that a passenger steamer carrying more than twelve passengers on an international voyage complies with all the construction regulations, rules for life-saving appliances and radiotelegraphy regulations applicable under the Safety Convention to such steamers.

"Goods."

(29) "Goods" includes every description of wares and merchandise.

'Government Ship."

(30) "Government Ship" means a ship not forming part of His Majesty's Canadian Navy which belongs to His Majesty in right of the Dominion of Canada or of any Province thereof or is held by any person on behalf of or for the benefit of the Crown.

"Grain."

(31) "Grain" includes corn, wheat, rye, barley, oats, peas and all other grain.

"Grain Cargo."

(32) "Grain Cargo" means a cargo of which the portion consisting of grain is more than one-quarter dead weight carrying capacity of the ship carrying it.

"Great Lakes."

(33) "Great Lakes" means Lakes Ontario, Erie, Huron, (including Georgian bay) Michigan and Superior, and their connecting waters.

"Gross Tonnage."

(34) "Gross Tonnage" is the gross tonnage stated in the certificate of registry of a ship, or, where a ship is not registered, the figure found in accordance with the rules for the time being in force for the measurement of ships in respect of tonnage.

"Harbour" or "Port."

(35) "Harbour" or "Port" means and includes harbours and places properly so called whether proclaimed public harbours or not and whether natural or artificial to which ships may resort for shelter or to ship or unship goods or passengers. The word "Port" does not include the port of Montreal as defined in the Montreal Harbour Commissioners Act, 1894, (57-58 Victoria, Chapter 48) or the port of Quebec as defined in the Quebec Harbour Commissioners Act, 1899, (62-63 Victoria, Chapter 34).

"Harbour Master."

(36) "Harbour Master" means a harbour master appointed pursuant to Part XI of this Act.

"Home-Trade Ships."

(37) "Home-trade ships" are ships engaged in home-trade voyages.

"Home-Trade Voyage."

(38) "Home-trade Voyage" means a voyage not being an inland or minor waters voyage between places within the area following, to wit:—Canada, the United States of America, the Territory of Alaska not west of Cape Spencer, Newfoundland, Labrador, St. Pierre and Miquelon, in the course of which a ship does not go north of the 60th parallel of north latitude or south of the 36th parallel of north latitude.

"Hull."

(39) "Hull" means the body of a vessel including the masts and rigging and all parts of its structure.

"Inland Voyage."

(40) "Inland Voyage" means a voyage not being a minor waters voyage, on the inland waters of Canada together with such part of any lake or river forming part of any such water as lies within the United States of America.

"Inland Waters of Canada."

(41) "Inland waters of Canada" means all the rivers, lakes and other navigable fresh waters within Canada, and includes the river St. Lawrence as far seaward as a line drawn from Father Point to Point Orient.

"Inland waters ship."

(42) "Inland waters ship" means a ship employed on an inland voyage.

"International Voyage."

(43) "International Voyage" when used with reference to Load Line Convention ships means a voyage (not being an inland voyage as herein defined) from a port in one country to a port in another country either of those countries being a country to which the Load Line Convention applies and when used with reference to Safety Convention ships means a voyage (not being an inland voyage as herein defined) from a port in one country to a port in another country either of those countries being a country to which the Safety Convention applies; "short international voyage" when used with reference to Safety Convention ships means an international voyage in the course of which a ship does not go more than two hundred miles from land; and "international coasting voyage" when used with reference to Safety Convention ships means an international voyage in the course of which a ship does not go more than twenty miles from land, so however, that for the purpose of this provision—

"Short International Voyage."

"International Coasting Voyage."

(a) No account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled; and

(b) every colony, overseas territory, protectorate or territory under suzerainty, and every territory in respect of which a mandate has been accepted on behalf of the League of Nations, shall be deemed to be a separate country.

"Licensed pilot."

(44) "Licensed pilot" means a person who holds a valid licence as pilot issued by a Pilotage Authority.

"Load Lines."

(45) "Load Lines" means the marks indicating the several maximum depths to which a ship can be safely loaded in various circumstances prescribed by the Load Line Rules.

"Load Line Convention."

(46) "Load Line Convention" means the International Convention respecting Load Lines together with the Final Protocol signed at London on the fifth day of July, 1930, and set out in the Fourth Schedule to this Act.

"Load Line Convention Certificate."

(47) "Load Line Convention Certificate" means certificate indicating that a ship has been surveyed and marked with Load Lines in accordance with Part VIII of this Act and complies with the conditions of assignment to the extent required in her case.

"Load Line Convention Ship."

(48) "Load Line Convention Ship" means a load line ship belonging to a country to which the Load Line Convention applies.

"Load Line Ship."

(49) "Load Line Ship" means a ship of the kind described in section five hundred and five which is not exempt under the provisions of subsections two and three of that section from the provisions of this Part relating to Load Lines.

"Load Line Rules." (50) "Load Lines Rules" means the rules to be made by the Governor in Council for the purpose of giving effect to Articles six to ten of the Load Line Convention and Annex I and Annex II thereto.

"Machinery." (51) "Machinery" includes the propelling engines, boilers, pumps, steering engines, windlasses, and all similar apparatus required for the safety and operation of a ship.

"Master." (52) "Master" includes every person having command or charge of any ship, but does not include a pilot.

"Merchant Shipping Acts." (53) "Merchant Shipping Acts" means the Merchant Shipping Act of the Parliament of the United Kingdom, 57 & 58 Victoria, chapter 60, and all Acts adding to or amending the said Act.

"Minister." (54) "Minister" means the Minister of Marine save in Part VI (Sick Mariners and Marine Hospitals) where it means the Minister named by the Governor in Council to administer that part.

"Minor Waters of Canada." (55) "Minor Waters of Canada" means all inland waters of Canada other than Lakes Ontario, Erie, Huron (including Georgian bay), Superior and Winnipeg, and includes all bays, inlets and harbours of or on the said lakes and said Georgian bay.

"Minor waters ship." (56) "Minor waters ship" means a ship employed on a minor waters voyage.

"Minor waters voyage." (57) "Minor waters voyage" means a voyage within the following limits, to wit—the minor waters of Canada together with such part of any lake or river forming part of any such water as lies within the United States of America.

Night or night-time. (58) "Night" or "Night-time" includes all that portion of the day extending from one-half hour after sunset till one-half hour before sunrise.

Nominal Horse-power. (59) "Nominal Horse-power" means the measure of the size of marine engines, ascertained in accordance with regulations made from time to time by the Governor in Council.

"Ordinary Practice of Seamen." (60) "Ordinary Practice of Seamen" as applied to any case, means and includes the ordinary practice of skilful and careful persons engaged in navigation in like cases.

"Owner." (61) "Owner" as applied to unregistered ships, means the actual owner and as applied to registered ships, means the registered owner only. For the purposes specified in section ninety it includes beneficial owner and for the purpose of Part XIII it shall also include the lessee or charterer of any vessel responsible for the navigation thereof. When used in relation to goods, it means every person who is for the time entitled, either as owner or agent for the owner, to the possession of the goods, subject in the case of a lien to that lien.

"Passenger." (62) "Passenger" means any person carried on a ship other than the master and crew, the owner, his family and the servants connected with his household, and other than

the guests of the owner of any ship used exclusively for pleasure, if those guests are carried on that ship without remuneration or any object of profit; and other than persons on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons or by reason of any circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

"Passenger Ship."

(63) "Passenger Ship" means a ship carrying passengers; and "passenger steamship" means a steamship carrying passengers.

"Passenger steamer's exemption certificate."

(64) "Passenger steamer's exemption certificate" means a certificate issued to a steamship stating that so long as the steamship plies on the voyages and is engaged in the trades and complies with the conditions (if any) specified in the certificate, the steamship is exempt in other respects from the requirements of the Safety Convention.

"Pilot."

(65) "Pilot" means any person not belonging to a ship who has the conduct thereof.

"Pilot Vessel."

(66) "Pilot Vessel" means any ship or boat employed in the pilotage service of any pilotage district.

"Pilot Flag."

(67) "Pilot Flag" means a flag of large dimensions compared with the size of the pilot vessel, and of two colours, the upper horizontal half, white, and the lower horizontal half, red, or such other flag as may hereafter at any time be adopted as and for a pilot flag.

"Pilot Light."

(68) "Pilot Light" means the light denoting the pilotage service as provided for in regulations.

"Pilots' Fund."

(69) "Pilots' Fund" means any fund heretofore or hereafter established by a pilotage authority for the relief of retired or superannuated or infirm licensed pilots or their wives, widows or children.

"Pilotage Authority."

(70) "Pilotage Authority" means any existing pilotage authority and any persons authorized by the Governor in Council to appoint or license pilots or fix or alter rates of pilotage; if the pilotage authority is the Minister of Marine, it includes the Deputy Minister of Marine.

"Pilotage Dues."

(71) "Pilotage Dues" means the remuneration payable in respect to pilotage.

"Port."

(72) "Port." *See* Harbour

"Proper Authority."

(73) "Proper Authority" when used in Part V (Distressed Seamen) means—

(a) As respects a place out of His Majesty's dominions, the British consular officer, or, if there is no such officer in the place, any two British merchants resident at or near the place, or, if there is only one British merchant so resident, that British merchant; and

(b) as respects a place in His Majesty's dominions,

(i) in relation to the discharge or leaving behind of seamen, or the payment of fines, a superintendent

as defined in the Merchant Shipping Act, or, in the absence of any such superintendent, the chief officer of customs at or near the place; and

(ii) in relation to distressed seamen, the governor of any part of His Majesty's dominions, or any person acting under his authority.

"Proper Officer." (74) "Proper Officer" when used in Part V of this Act means:—

(i) In Canada a shipping master;

(ii) at a port in the United Kingdom, a superintendent;

(iii) at a port in any other part of His Majesty's dominions, a superintendent or shipping master, or in the absence of any such superintendent, or shipping master, the chief officer of customs at or near the port;

(iv) at a port elsewhere, the British consular officer at the port.

"Public Harbour." (75) "Public Harbour" means any public harbour lawfully created and existing at the date of the passing of this Act and any harbour proclaimed a public harbour pursuant to this Act.

"Qualified Safety Certificate." (76) "Qualified Safety Certificate" means a certificate issued to a ship not entitled to receive a general safety certificate, and which is qualified by shewing in what respects the steamship complies with chapters two, three and four of the Safety Convention.

"Radiotelegraphy." (77) "Radiotelegraph" includes any radio system used for the transmission, reception or the conveying of writing, signs, signals, pictures and sounds of all kinds, and includes radiotelephones.

"Radiotelegraph regulations." (78) "Radiotelegraph Regulations" means the Regulations as to Radiotelegraphy made by the Governor in Council and the Minister under sections 489 and 490 of this Act.

"Register tonnage." (79) "Register tonnage" means the register tonnage shewn on the ships certificate of Registry.

"Registrar." (80) "Registrar" means a registrar of British ships.

"Remuneration." (81) "Remuneration" includes fuel and ships' stores of any kind, or any other kind of payment or compensation.

"Representation." (82) "Representation" means probate, administration, confirmation, or other instrument constituting a person the executor, administrator, or other representative of a deceased person.

"Rules for Life-Saving Appliances." (83) "Rules for Life-Saving Appliances" means the regulations respecting life-boats, buoyant apparatus, and other life-saving equipment made under section four hundred and eighty-five.

"Safety Convention." (84) "Safety Convention" means the International Convention for the safety of life at sea signed at London on the 31st day of May 1929 and set out in the Fourth Schedule hereto.

"Safety Convention Certificate."

(85) "Safety Convention Certificate" means a general safety certificate, or a short voyage safety certificate, or a qualified safety certificate, or an exemption certificate.

"Safety Convention Ship."

(86) "Safety Convention Ship" means a ship belonging to a country to which the Safety Convention applies, and "Safety Convention passenger steamer" shall be construed accordingly.

'Safety Radiotelegraph Certificate."

(87) "Safety Radiotelegraph Certificate" means a certificate that a ship (other than a passenger ship) is equipped with a radiotelegraph installation which complies with Chapter IV of the Safety Convention.

"Sailing Ship."

(88) "Sailing ship" (except as may be provided under the Load Line Rules) means a ship propelled wholly by sails, and includes a ship in excess of five tons, gross tonnage, provided with masts, sails and rigging sufficient to allow her to make voyages under sail alone, and which, in addition, is provided with mechanical means of propulsion, the power of which does not exceed three nominal horse power.

"Sea-going ship."

(89) "Sea-going ship" means any ship employed on a voyage any part of which is on the sea.

"Seaman."

(90) "Seaman" includes every person (except masters, pilots and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship for the purposes of the Seaman's Repatriation Convention, it includes every person employed or engaged in any capacity on board any vessel and entered on the ship's articles, but does not include pilots, cadets and pupils on training ships and naval ratings, and other persons in the permanent service of a Government: when used in Part V (Distressed Seamen), it includes an apprentice to the sea service.

"Seamens' Articles Convention."

(91) "Seamens' Articles Convention" means the International Convention respecting Seamens' Articles of Agreement adopted by the International Labour Conference at Geneva on the 24th day of June, 1926, set forth in the eleventh schedule to this Act.

"Seamans' Repatriation Convention."

(92) "Seamans' Repatriation Convention" means the International Convention concerning the repatriation of seamen adopted by the International Labour Conference at Geneva on the 25th day of June, 1926, as modified by the further convention of the same date as to Masters and Apprentices. The said Convention is set forth in the twelfth schedule hereto.

"Ship."

(93) "Ship" includes every description of vessel used in navigation not propelled by oars. For the purpose of Part II (Registry) and sections 759 to 763 inclusive (Limitation of Liability) it shall include every description of lighter barge or like vessel used in navigation in Canada however propelled.

'Ship belonging to His Majesty."

(94) "Ship belonging to His Majesty" includes any ship the cost of which has been defrayed out of the Consolidated Revenue Fund of Canada, and any ship described as the property of Canada by the one hundred and eighth

section of *The British North America Act, 1867*, and ships belonging to His Majesty in the right of any Province of Canada.

"Ship Station." (95) "Ship Station" means any radiotelegraphy station established on board a ship which is not permanently moored.

"Ship-wrecked Persons." (96) "Ship-Wrecked Persons" includes persons belonging to or on board any British or foreign vessel, wrecked, stranded or in distress, at any place within Canada.

"Short Voyage Certificates." (97) "Short Voyage Certificate" means a certificate to the effect that a ship complies with all the construction regulations, rules for life-saving appliances and radio telegraphy rules applicable under this Act to passenger steamers plying on short international voyages.

"Sick Mariner." (98) "Sick Mariner" includes any person employed on board any ship in respect of which the duty has been paid as provided by Part VI of this Act, who from sickness, accident or any other cause is in need of medical or surgical assistance or treatment.

"Special Passenger Trade." (99) "Special Passenger Trade" means a trade in relation to which the Governor in Council has modified the construction regulations or the rules for life-saving appliances in pursuance of this Act.

"Steamship or Steamer." (100) "Steamship" or "steamer" (except as may be provided under the Load Line Rules) means any ship propelled by machinery, and not coming within the definition of sailing ship.

"Survey Regulations." (101) "Survey Regulations" means such of the regulations made under this Act as prescribe the manner in which surveys of ships are to be made.

"Tackle." (102) "Tackle" used in relation to a vessel means the tackle, machinery, gear, apparatus and appliances used for the loading and unloading of ships, and includes all such articles whether on the ship or ashore.

"Timber Cargo Regulations." (103) "Timber cargo regulations" means the regulations of the Governor in Council as to the conditions on which timber may be carried as cargo (otherwise than on inland waters) in any uncovered place on the deck of any ship from a place in Canada to a place out of Canada.

"Tonnage Regulations." (104) "Tonnage Regulations" means the provisions of this Act relating to tonnage together with the rules made hereunder for the time being in force.

"Tug." (105) "Tug" means a steamship used exclusively for towing purposes.

"Valuable securities." (106) "Valuable securities" includes every document forming the title or evidence of the title to any property of any kind whatsoever.

"Value of the Property Liable." (107) "Value of the Property Liable" in respect to jurisdiction in matters of salvage, means the value of the property when first brought into safety by the salvors.

"Vessel." (108) "Vessel" includes any ship or boat or any other description of vessel used in navigation.

"Voyage." (109) "Voyage" includes passage or trip and any movement of a ship from one place to another or from one place and returning; for the purposes of Part VI (Sick Mariners and Marine Hospitals) it means a transit from one terminus to another, even if visiting an intermediate port.

"Wages." (110) "Wages" includes emoluments.

"West Indies." (111) "West Indies" includes the West Indies, the Bahama and the Bermuda Islands.

"Wharf." (112) "Wharf" includes all wharves, quays, docks and premises in or upon which any goods, when landed from ships may be lawfully placed.

"Wreck." (113) "Wreck" includes jetsam, flotsam, lagan and derelict found in or on the shores of the sea or of any tidal water, or of any of the inland waters of Canada, and also includes cargo, stores and tackle of any vessel and of all parts of the vessel separated therefrom, and also the property of shipwrecked persons, and also any aircraft or any part thereof and cargo thereof.

"Year." (114) "Year" means the calendar year, but for the purpose of the inspection of steamships by this Act rendered imperative, it means twelve calendar months from the date of the certificate of inspection.

"Young Person." (115) "Young Person" means a person who has ceased to be a child and who is under the age of eighteen years.

KING'S SHIPS.

His Majesty's ships of war excepted.

4. This Act shall not apply to His Majesty's ships of war.

PART I.

RECORDING.

Ship being or to be built may be registered.

5. A ship about to be built or being built may be recorded under a number and a temporary name by the registrar at or nearest to the port at which she is about to be built or is being built. R.S., c. 186, s. 38.

Registration of such ship.

6. In order to obtain the recording of said ship the owner shall furnish to the registrar, at the port at or nearest to which she is about to be built, or is being built, a full description of such ship and a statement of the port at which she is intended to be registered according to Form D in the eleventh schedule to this Act. R.S., c. 186, s. 39.

Such ship may be security for a loan.

7. (1) A ship about to be built or being built and recorded may be made a security for a loan or other valuable consideration;

Form of mortgage.

(2) The instrument creating the security (in this Part called a mortgage) shall be in the Form E in the eleventh schedule to this Act or as near thereto as circumstances permit;

Record of mortgage.

(3) On the production of such instrument the registrar at the port at which the ship is recorded shall enter the same in a record book to be kept by him for that purpose;

Mortgages recorded in order received.

(4) Mortgages shall be recorded by the registrar in the order in time in which they are produced to him for that purpose and the registrar shall by memorandum under his hand notify on each mortgage that it has been recorded by him, stating the date and hour of the record. R.S., c. 186, s. 40 and 41.

Identification of ship by notice near place of building.

8. The owner of any such ship recorded as aforesaid shall identify the ship to be built or being built, by painting on a board near the place of such building in the shipyard of the builder on a dark ground in white or yellow figures and letters of a length of not less than four inches the number given to him by the proper registrar for that purpose, the temporary name of the ship and the name of the port at which she is intended to be registered. R.S., c. 186, s. 39.

Proceedings when mortgage discharged.

9. (1) Whenever any recorded mortgage has been discharged the registrar shall, upon the production of the mortgage deed, with a receipt for the mortgage money endorsed thereon, duly signed and attested, make an entry in the record book to the effect that such mortgage has been discharged.

In whom interest of mortgagee to vest.

(2) Upon such entry being made, the estate, if any, which passed to the mortgagee shall vest in the person in whom (having regard to intervening acts and circumstances, if any) it would have vested if the mortgage had not been made. R.S., c. 186, s. 42.

Priority of mortgages.

10. If there are more mortgages than one recorded in respect of the same ship, the mortgagees shall, notwithstanding any express, implied or constructive notice, have priority, one over the other, according to the date at which each instrument is recorded in the record book and not according to the date of each instrument. R.S., c. 186, s. 43.

Mortgagee not to be deemed owner.

11. Except in so far as is necessary for making such ship available as a security for the mortgage debt, the mortgagee shall not, by reason of his mortgage, be deemed the owner of the ship, nor shall the mortgagor be deemed to have ceased to be owner thereof. R.S., c. 186, s. 44.

Power of sale.

12. Every recorded mortgagee shall have power absolutely to dispose of the ship in respect of which he is recorded as such mortgagee and give effectual receipts for the purchase money, but where there are more persons than one recorded as mortgagees of the same ship a subsequent

mortgagee shall not, except under the order of a court of competent jurisdiction, sell the ship without the concurrence of every prior mortgagee. R.S., c. 186, s. 45 and 46.

Production of bill of sale to registrar.

13. Every bill of sale of a recorded ship when duly executed, shall be produced to the proper registrar, who shall enter the particulars thereof in the record book, and shall endorse on the bill of sale the fact of such entry having been made, with the date and hour thereof. R.S., c. 186, s. 47.

Registration.

14. All bills of sale shall be entered in the record book in the order of their production to the registrar. R.S., c. 186, s. 48.

Transfer of Mortgage of Recorded Ship.

Transfer of mortgages.

15. (1) A recorded mortgage of any ship may be transferred to any person.

Form.

(2) The instrument effecting the transfer shall be made by endorsement on the mortgage deed in Form F in the eleventh schedule hereto, or as near thereto as circumstances permit, and, on the production of such instrument, the registrar shall record it by entering in the record book the name of the transferee as mortgagee of the ship therein mentioned, and shall by memorandum under his hand, notify on the instrument of transfer the fact that the same has been recorded by him, stating the date and hour of such record. R.S., c. 186, s. 49.

Transmission of Mortgage of Recorded Ship.

Transmission of interest of mortgagee by death, insolvency or marriage

16. (1) Where the interest of a mortgagee in any ship recorded under this Part is transmitted on marriage, death, bankruptcy, or insolvency, or by any lawful means other than by a transfer according to the provisions of this Part, the transmission shall be authenticated by a declaration of the person to whom the interest is transmitted. R.S., c. 186, s. 50.

Form and contents of declaration.

(2) Such declaration shall be in Form G in the eleventh schedule hereto and shall describe the manner in which and the party to whom such property has been transmitted, and shall be made and subscribed,

(a) in the presence of the registrar at the port at which such ship has been recorded under this Part, if the declarant resides at or within five miles of the custom house of the port; or

(b) if beyond that distance, in the presence of any registrar, chief officer of customs or justice of the peace. R.S., c. 186, s. 51.

Proof of such transmission.

(3) Such declaration shall be accompanied, if such transmission has taken place by virtue of,

(a) the bankruptcy or insolvency of any registered mortgagee, by such evidence as is, for the time being, receivable in courts of justice as proof of the title of persons claiming under any bankruptcy or insolvency; or

(b) the marriage of a female mortgagee, by a copy of the register of such marriage or other legal evidence of the celebration thereof, and shall declare the identity of the said female mortgagee; or

(c) any testamentary instrument or intestacy by such evidence as is, by the law of the Province, required to establish it. R.S., c. 186, s. 50, 51, 52.

Entry of transmitted mortgage.

17. The registrar shall, upon the receipt of such declaration and the production of such evidence as aforesaid, enter the name of the person or persons entitled under such transmission in the record book as mortgagee of the ship in respect of which such transmission has taken place. R.S., c. 186, s. 53.

PART II—SECTIONS 18-126

REGISTRY

Qualification for owning British Ships

Qualification for owning British ships.

18. (1) A ship shall not be deemed to be a British ship unless owned wholly by persons of the following description (in this Act referred to as persons qualified to be owners of British ships); namely—

(a) Natural born British subjects and persons recognized by law in any part of His Majesty's dominions as having the status of natural born British subjects;

(b) Persons naturalized by or in pursuance of the law of some part of His Majesty's dominions;

(c) Persons made denizens by letters of denization; and

(d) Bodies corporate established under and subject to the laws of some part of His Majesty's dominions and having their principal place of business in those dominions;

Provided that any person who either

(i) being a natural born British subject has taken the oath of allegiance to a foreign sovereign or state or has otherwise become a citizen or subject of a foreign state; or

(ii) has been naturalized or made a denizen as aforesaid;

shall not be qualified to be owner of a British ship unless, after taking the said oath, or becoming a citizen or subject of a foreign state, or on or after being naturalized or made denizen as aforesaid, he has taken the oath of allegiance to His Majesty the King, and is during the time he is owner of the ship either resident in some part of His Majesty's dominions or partner in a firm actually carrying on business in His Majesty's dominions.

Ship entitled to privileges of British ship.

(2) A ship so owned, and, if required by this Act to be registered, duly registered in Canada, shall be entitled to all the rights and privileges heretofore or hereafter accorded to British ships or to any ship registered in pursuance of the law of any part of His Majesty's dominions.

OBLIGATION TO REGISTER BRITISH SHIPS.

Obligation to register British ships.

19. (1) Every British ship not registered in some other part of His Majesty's dominions shall, unless exempted from registry, be registered under this Act.

Otherwise not recognized.

(2) If a ship required by this Act to be registered is not registered as provided by this Act she shall not be recognized as a British ship.

(3) A ship required by this Act to be registered may be detained until the master of the ship, if so required, produces the certificate of the registry of the ship.

Exemption from registry.

20. Ships not exceeding ten tons register tonnage employed solely in navigation on the lakes, rivers or coasts of Canada are exempted from registry under this Act.

Canadian Registration of British Ships.

Registration of Government ships.

21. The Governor in Council may make regulations with respect to the manner in which Government ships may be registered in Canada as British ships for the purpose of this Act, and thereupon this Act, subject to any exceptions and modifications which may be made by Order in Council, either generally or as respects any special class of Government ships, shall apply to Government ships registered in accordance with those regulations as if they were registered in manner provided by this Act.

Registrars of ships.

22. (1) The chief officer of Customs at any port in the Dominion of Canada approved by the Governor in Council for the registry of ships shall be a registrar of British ships.

Not liable for damages.

(2) A registrar shall not be liable to damages or otherwise for any loss accruing to any person by reason of any act done or default made by him in his character of registrar, unless the same has happened through his neglect or wilful act.

Surveyor of ships.

23. (1) The Minister may appoint in any ports in Canada an officer hereinafter called a surveyor of ships to superintend the survey and measurement of ships in conformity with the provisions of this Act.

Steamship inspectors to be surveyors.

(2) Every steamship inspector appointed under the provisions of Part VIII of this Act, shall while holding that appointment be a surveyor of ships.

Fees and travelling expenses.

24. (1) Such fees and travelling expenses as the Minister from time to time sees fit to establish shall be paid in respect of the survey and measurement of a ship.

By whom paid. Withholding certificate.

(2) Those fees and travelling expenses shall be paid to the surveyor by the person requiring his services, and any surveyor may, in any case, withold his certificate or any other documents required of him until his fees and travelling expenses are paid.

No salary.

(3) Those fees shall be retained by the surveyor in lieu of salary or other remuneration for his services; except in the case of a surveyor who is an inspector appointed under

Part VIII of this Act, whose fees shall be accounted for to the Minister and shall be paid to the Receiver General, to form part of the Consolidated Revenue Fund of Canada.

Register book.

25. Every registrar of British ships shall keep a book to be called the register book, and entries in that book shall be made in accordance with the following provisions:—

(i) The property in a ship shall be divided into sixty-four shares;

(ii) Subject to the provisions of this Act with respect to joint owners or owners by transmission, not more than sixty-four individuals shall be entitled to be registered at the same time as owners of any one ship; but this rule shall not affect the beneficial title of any number of persons or of any company represented by or claiming under or through any registered owner or joint owner;

(iii) A person shall not be entitled to be registered as owner of a fractional part of a share in a ship; but any number of persons not exceeding five may be registered as joint owners of a ship or of any share or shares therein;

(iv) Joint owners shall be considered as constituting one person only as regards the persons entitled to be registered, and shall not be entitled to dispose in severalty of any interest in a ship, or in any share therein in respect of which they are registered;

(v) A corporation may be registered as owner by its corporate name.

Survey and measurement of ship.

26. Every British ship shall before registry in Canada be surveyed by a surveyor of ships and her tonnage ascertained in accordance with the tonnage regulations of this Act, and the surveyor shall grant his certificate specifying the ship's tonnage and build, and such other particulars descriptive of the identity of the ship as may for the time being be required by the Minister and such certificate shall be delivered to the registrar before registry.

Marking of ship.

27. (1) Every British ship shall before registry in Canada be marked permanently and conspicuously to the satisfaction of the Minister as follows:—

(a) Her name shall be marked on each of her bows, and her name and the name of her port of registry shall be marked on her stern, on a dark ground in white or yellow letters, or on a light ground in black letters, such letters to be of a length not less than four inches, and of proportionate breadth;

(b) Her official number and the number denoting her register tonnage shall be cut in on her main beam;

(c) A scale of feet denoting her draught of water shall be marked on each side of her stem and of her stern post in Roman capital letters or in figures, not less than six inches in length, the lower line of such letters or figures to coincide with the draught line denoted thereby, and those letters or figures must be marked by being cut in and painted white or yellow on a dark ground, or in such other way as the Minister approves.

Exemptions.

(2) The Governor in Council may exempt any class of ships from all or any of the requirements of this section.

If scale inaccurate.

(3) If the scale of feet showing the ship's draught of water is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall be guilty of an offence. Penalty: five hundred dollars.

Marks to be continued.

(4) The marks required by this section shall be permanently continued, and no alteration shall be made therein, except in the event of any of the particulars thereby denoted being altered in the manner provided by this Act.

(5) If—

Offences and penalties.

(a) An owner or master of a British ship registered in Canada fails to cause his ship to be marked as required by this section, or to keep her so marked; or

(b) Any person conceals, removes, alters, defaces or obliterates, or attempts to conceal, remove, alter, deface or obliterate, or suffers any person under his control to conceal, remove, alter, deface or obliterate or to attempt to conceal, remove, alter, deface or obliterate, any of the said marks;

that owner, master or person shall be guilty of an offence. Penalty: five hundred dollars:

Exceptions.

Provided that no liability under this subsection shall be incurred either—

(i) where an alteration is made in manner provided by this Part of this Act; or

(ii) where the concealment, removal, alteration, defacement or obliteration is for the purpose of escaping capture by an enemy.

Ship may be detained.

(6) On a certificate from a surveyor of ships or a steamship inspector that a ship is insufficiently or inaccurately marked the ship may be detained until the insufficiency or inaccuracy has been remedied to the satisfaction of the Minister.

Application for registry.

28. An application for registry of a ship shall be made in the case of individuals by the person requiring to be registered as owner, or by some one or more of the persons so requiring if more than one, or by his or their agent,

and in the case of corporations by their agent, and the authority of the agent shall be testified by writing, if appointed by individuals, under the hands of the appointers, and, if appointed by a corporation, under the common seal of that corporation.

Declaration of ownership on registry.

29. A person shall not be entitled to be registered as owner of a ship or of a share therein until he, or in the case of a corporation the person authorized by this Act to make declarations on behalf of the corporation has made and signed a declaration of ownership, referring to the ship as described in the certificate of the surveyor, and containing the following particulars:—

(i) A statement of his qualifications to own a British ship, or in the case of a corporation, of such circumstances of the constitution and business thereof as prove it to be qualified to own a British ship;

(ii) A statement of the time when and the place where the ship was built, or, if the ship is foreign built, and the time and place of building unknown, a statement that she is foreign built, and that the declarant does not know the time or place of her building; and, in addition thereto, in the case of a foreign ship, a statement of her foreign name, or, in the case of a ship condemned, a statement of the time, place and court at and by which she was condemned;

(iii) A statement of the name of the master;

(iv) A statement of the number of shares in the ship of which he or the corporation, as the case may be, is entitled to be registered as owner;

(v) A declaration that, to the best of his knowledge and belief, no unqualified person or body of persons is entitled as owner to any legal or beneficial interest in the ship or any share therein.

Evidence of first registry.

30. (1) On the first registry of a ship the following evidence shall be produced in addition to the declaration of ownership:—

(a) In the case of a British-built ship, a builder's certificate, that is to say, a certificate signed by the builder of the ship, and containing a true account of the proper denomination and of the tonnage of the ship, as estimated by him, and of the time when and the place where she was built, and of the name of the person (if any) on whose account the ship was built, and if there has been any sale, the bill of sale under which the ship, or a share therein, has become vested in the applicant for registry;

(b) In the case of a foreign-built ship, the same evidence as in the case of a British-built ship, unless the declarant who makes the declaration of ownership declares that the time and place of her building are unknown to him, or that the builder's certificate cannot be procured, in which case there shall be required only the bill of sale under which the ship, or a share therein, became vested in the applicant for registry;

(c) In the case of a ship condemned by any competent court, an official copy of the condemnation.

Builder to grant certificate.

(2) The builder shall grant the certificate required by this section, and such person as the Minister recognizes as carrying on the business of the builder of a ship, shall be included, for the purposes of this section, in the expression "builder of the ship."

False statement.

(3) If the person granting a builder's certificate under this section willfully makes a false statement in that certificate he shall for each offence be liable to a fine not exceeding five hundred dollars.

Certificates of Registry and Survey.

Registration prohibited if ship purchased from foreign subject or corporation and subject to control of foreign government.

31. No registrar shall register any ship purchased or otherwise acquired from a foreign subject or corporation where any bill of sale or other document under or by virtue of which the ship became vested in the applicant for registry contains any provision express, implied or constructive, restricting the use of the vessel or imputing any measure of continued control thereof by the Government of a foreign country. R.S., c. 186, s. 64.

Security to be given by applicant if assets in Canada not sufficient.

32. Where in the opinion of the Minister any person who applies to be registered as owner of a ship has not sufficient assets in Canada, other than the ship itself, to reimburse His Majesty for any expenses His Majesty may subsequently incur in connection with such ship, her master or a member of her crew, the Minister may prohibit a registrar from registering such person as owner until security for such expenses, in such form and such amount as the Minister may decide, shall have been furnished. R.S., c. 186, s. 65.

Certificate of registry of ship when built.

33. Whenever the building of a ship which has been recorded under this Part is duly completed the first mortgagee whose claim is unsatisfied may furnish the builder's certificate for such ship. R.S., c. 186, s. 54.

All recorded mortgages then undischarged to be registered in register book.

34. All undischarged mortgages recorded under Part I shall be, by the proper registrar, transferred to and registered in the register book, in the order and according to the priority in which the same were entered of record

under Part I, and the temporary name used under and for the purposes of Part I may be changed at the time of granting a certificate of registry. R.S., c. 186, s. 55.

Order of registry.

35. The registry of all such mortgages shall appear according to their priority in the record book, as if the same had been made or granted after the registry of the ship. R.S., c. 186, s. 56.

Entry of particulars in register book.

36. As soon as the requirements of this Act preliminary to registry have been complied with, the registrar shall enter in the register book the following particulars respecting the ship:—

(a) The name of the ship and the name of the port to which she belongs;

(b) The details comprised in the surveyor's certificate;

(c) The particulars respecting her origin stated in the declaration of ownership; and

(d) The name and description of her registered owner or owners, and if there are more owners than one, the proportions in which they are interested in her;

(e) All undischarged recorded mortgages.

Documents to be retained by registrar.

37. On the registry of a ship the registrar shall retain in his possession the following documents, namely, the surveyor's certificate, the builder's certificate, any bill of sale of the ship previously made, the copy of the condemnation (if any), and all declarations of ownership.

Port of registry.

38. The port at which a British ship is registered for the time being shall be deemed her port of registry and the port to which she belongs.

Certificate of Registry.

Certificate of registry.

39. (1) On completion of the registry of a ship, the registrar shall grant a certificate of registry comprising the particulars respecting her entered in the register book, with the name of her master.

Ships previously registered.

(2) Every ship registered in Canada at the date of the coming into effect of this Act shall be deemed to be registered under the provisions of this Act.

Custody of certificate.

40. (1) The certificate of registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge, or interest whatever had or claimed by any owner, mortgagee, or other person to, on, or in the ship.

Refusal to deliver certificate.

(2) If any person whether interested in the ship or not, refuses to request to deliver up the certificate of registry when in his possession or under his control to the person

entitled to the custody thereof for the purposes of the lawful navigation of the ship, or to any registrar, officer of Customs, or other person entitled by law to require such delivery, any justice by warrant under his hand and seal, or any court capable of taking cognizance of the matter, may summon the person so refusing to appear before such justice or court, and to be examined touching such refusal, and unless it is proved to the satisfaction of such justice or court that there was reasonable cause for such refusal, the offender shall be liable to a fine not exceeding fine hundred dollars, but if it is shown to such justice or court that the certificate is lost, the person summoned shall be discharged and the justice or court shall certify that the certificate of registry is lost.

If warrant cannot be served.

(3) If the person so refusing is proved to have absconded so that the warrant of a justice or process of a court cannot be served on him, or if he persists in not delivering up the certificate, the justice or court shall certify the fact, and the same proceedings may then be taken as in the case of a certificate mislaid, lost, or destroyed, or as near thereto as circumstances permit.

Penalty for use of improper certificate.

41. If the master or owner of a ship uses or attempts to use for her navigation a certificate of registry not legally granted in respect of the ship, he shall, in respect of each offence, be guilty of an indictable offence, and the ship shall be subject to forfeiture under this Act.

Power to grant new certificate.

42. The registrar of the port of registry of a ship may, with the approval of the Minister, and on the delivery up to him of the certificate of registry of a ship, grant a new certificate in lieu thereof.

Provision for loss of certificate.

43. (1) In the event of the certificate of registry of a ship being mislaid, lost, or destroyed, the registrar of her port of registry shall grant a new certificate of registry in lieu of her original certificate.

Provisional certificate.

(2) If the port at which the ship is at the time of the event, or first arrives after the event is not in Canada but has a British registrar or British consular officer then the master of the ship, or some other person having knowledge of the facts of the case, shall make a declaration stating the facts of the case, and the names and descriptions of the registered owners of such ship to the best of the declarant's knowledge and belief, and the British registrar or consular officer, as the case may be, may thereupon grant a provisional certificate, containing a statement of the circumstances under which it is granted.

Surrender of provisional certificate.

(3) The provisional certificate shall within ten days after the first subsequent arrival of the ship at her port of discharge in Canada be delivered up to the registrar of her

port of registry, and the registrar shall thereupon grant the new certificate of the registry; and if the master without reasonable cause fails to deliver up the provisional certificate within the ten days aforesaid, he shall be liable to a fine not exceeding two hundred and fifty dollars.

Endorsement of change of master on certificate.

44. Where the master of a British ship registered in Canada is changed, each of the following persons: (that is to say)

(a) If the change is made in consequence of the sentence of a naval court, the presiding officer of that court; and

(b) If the change is made in consequence of the removal of the master by a court under Part IX of this Act, the proper officer of that court; and

(c) If the change occurs from any other cause, the Registrar, or if there is none the British consular officer, at the port where the change occurs,

shall endorse and sign on the certificate of registry a memorandum of the change, and shall forthwith report the change to the Minister; and any officer of Customs at any port in His Majesty's dominions may refuse to admit any person to do any act there as master of a British ship registered in Canada unless his name is inserted in or endorsed on her certificate of registry as her last appointed master.

Power to inquire into the title of a registered ship to be registered.

45. (1) Where it appears to the Minister that there is any doubt as to the title of any ship registered as a British ship in Canada to be so registered, he may direct the registrar of the port of registry of the ship to require evidence to be given to his satisfaction that the ship is entitled to be registered as a British ship.

Forfeiture.

(2) If within such time, not less than thirty days, as the Minister fixes, satisfactory evidence of the title of the ship to be registered is not so given, the ship shall be subject to forfeiture under this Part of this Act.

Change of Master.

Endorsement of change of master on certificate of registry.

46. If any registrar or chief officer of the Customs at any port or place in Canada receives conflicting directions from owners of any ship as to a change of the master of such a ship, such registrar or chief officer may refuse to endorse a memorandum of the change of master on the certificate of registry of such ship, until he receives a declaration from the registered owners representing a majority of shares in such ship, or from their duly appointed agents.

Changes of master to be endorsed on certificates.

47. Subject to the provisions of this Part, chief officers of Customs in Canada, not being registrars, shall have the

same power and be under the same obligation as registrars of ships to endorse, from time to time, on the certificate of registry of any ship at any port in Canada where the said ship is, any change of master which takes place at that port.

Declaration how made.

48. (1) Such declaration shall be made according to Form A in the eleventh schedule or as near thereto as circumstances permit, and shall set forth the name of the person appointed in lieu of the former master, who shall be therein named, and shall be made and subscribed,

(a) in the presence of the registrar if the declarant or declarants reside within five miles of the custom house of the port of registry;

(b) if beyond that distance, in the presence of any registrar or collector of customs in His Majesty's dominions, or of any justice of the peace.

Further evidence may be required.

(2) In addition to such declaration, the registrar or collector of customs at the port where the change is requested to be endorsed, may require to be produced a certified copy of the register, or such other evidence as he deems necessary, as proof of the ownership of the ship.

Further provision if the ship is at or near port of registry.

(3) If the ship is at or near such port, the registrar or collector of Customs shall, on demand of a majority of the owners thereof, require the master or any other person in possession of the certificate of registry to produce and deliver the same to him; and, in default of the same being forthwith produced and delivered up to him, he may detain the ship, and not allow her to proceed to sea until the same has been produced and delivered up to him. R.S., c. 186, s. 22.

Registrars, etc., to keep records of changes of masters.

49. Every registrar and every collector of customs shall keep a record of every endorsement of a change of master made by him on the certificate of registry of a ship, and shall specify in such record:—

(a) the date of such endorsement;

(b) the name, the official number and port of registry of the ship;

(c) the name of the former master; and

(d) the name of the new master, and whether or not he has a certificate of competency or a certificate of service and, if he has either of such certificates, the number and description thereof. R.S., c. 186, s. 23.

Record in office of registrar or collector.

50. Every such record shall be kept in the office of the registrar or collector of customs making the same, or his successor as such, and shall, at all times during the usual office hours, be open to all persons for inspection, without fee or reward. R.S. c. 186, s. 24.

Change of Owner.

Endorsement of change of ownership on certificate.

51. (1) Whenever a change occurs in the registered ownership of a ship, the change of ownership shall be endorsed on her certificate of registry, either by the registrar of the ship's port of registry, or by the registrar of British ships at any port at which the ship arrives who has been advised of the change by the registrar of the ship's port of registry.

Certificate to be delivered to registrar.

(2) The master shall, for the purpose of such endorsement by the registrar of the ship's port of registry, deliver the certificate of registry to the registrar forthwith after the change, if the change occurs when the ship is at her port of registry, and if it occurs during her absence from that port and the endorsement under this section is not made before her return then upon her first return to that port.

Master to deliver certificate of registry.

(3) The registrar of any port, not being the ship's port of registry or any registrar of British ships who is required to make an endorsement under this section may for that purpose require the master of the ship to deliver to him the ship's certificate of registry, so that the ship be not thereby detained, and the master shall deliver the same accordingly.

(4) Penalty for failure to deliver to the registrar the certificate of registry: five hundred dollars.

Delivery up of certificate if ship lost or ceasing to be British owned.

52. (1) In the event of a ship registered in Canada being either actually or constructively lost, taken by the enemy, burnt or broken up, or ceasing by reason of a transfer to persons not qualified to be owners of British ships, or otherwise, to be a British ship, every owner of the ship or any share in the ship shall, immediately on obtaining knowledge of the event, if no notice thereof has already been given to the registrar, give notice thereof to the registrar at her port of registry, and that registrar shall make an entry thereof in the register book, and the registry of the ship in that book shall be considered as closed except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein.

Certificate delivered to Registrar.

(2) In any such case, except where the ship's certificate of registry is lost or destroyed, the master of the ship shall, if the event occurs in port immediately, but if it occurs elsewhere then within ten days after his arrival in port, deliver the certificate to the registrar, or registrar of British ships, or, if there is none, to the British consular officer there, and the registrar, if he is not himself the registrar of her port of registry, or the British consular officer, shall forthwith forward the certificate delivered to him to the registrar of her port of registry.

Penalty.

(3) Penalty for failure without reasonable cause, to comply with this section: five hundred dollars.

Provisional certificate for ships becoming British owned abroad.

53. (1) If at a port not within His Majesty's dominions and not being a port of registry established by Order in Council under the Merchant Shipping Acts, a ship becomes the property of persons qualified to own a British ship and if such persons intend to apply to have her registered in Canada, the British consular officer there may grant to her master, on his application, a provisional certificate stating—

(a) The name of the ship;

(b) The time and place of her purchase, and the names of her purchasers;

(c) The name of her master; and

(d) The best particulars respecting her tonnage, build, and description which he is able to obtain;

and shall forward a copy of the certificate at the first convenient opportunity to the Minister.

Effect of provisional certificate.

(2) Such a provisional certificate shall have the effect of a certificate of registry until the expiration of six months from its date, or until the ship's arrival at a port in Canada where there is a registrar (whichever first happens), and on either of those events happening shall cease to have effect.

Temporary passes in lieu of certificates of registry.

54. Where it appears to the Minister that by reason of special circumstances it would be desirable that permission should be granted to any British ship to pass, without being previously registered, from any port in Canada to any other port within His Majesty's dominions, the Minister may grant a pass accordingly, and that pass shall, for the time and within the limits therein mentioned, have the same effect as a certificate of registry.

Transfers and Transmissions.

Transfer of ships or shares.

55. (1) A registered ship or a share therein (when disposed of to a person qualified to own a British ship) shall be transferred by bill of sale.

Bill of sale to contain description.

(2) The bill of sale shall contain such description of the ship as is contained in the surveyor's certificate, or some other description sufficient to identify the ship to the satisfaction of the registrar, and shall be in the Form A in the first part of the sixth schedule to this Act or as near thereto as circumstances permit, and shall be executed by the transferor in the presence of, and be attested by, a witness or witnesses.

56. Where a registered ship or a share therein is transferred, the transferee shall not be entitled to be registered as owner thereof until he, or, in the case of a corporation, the person authorized by this Act to make declarations on behalf of the corporation, has made and signed a declaration (in this Act called a declaration of transfer) referring to the ship and containing—

(*a*) A statement of the qualification of the transferee to own a British ship, or if the transferee is a corporation, of such circumstances of the constitution and business thereof as prove it to be qualified to own a British ship; and

(*b*) A declaration that, to the best of his knowledge and belief, no unqualified person or body of persons is entitled as owner to any legal or beneficial interest in the ship or any share therein.

Registry of transfer.

57. (1) Every bill of sale for the transfer of a registered ship or of a share therein, when duly executed, shall be produced to the registrar of her port of registry, with the declaration of transfer, and the registrar shall thereupon enter in the register book the name of the transferee as owner of the ship or share, and shall endorse on the bill of sale the fact of that entry having been made, with the day and hour thereof.

In order of production.

(2) Bills of sale of a ship or of a share therein shall be entered in the register book in the order of their production to the registrar.

Transmission of property in ship on death, bankruptcy, marriage, etc.

58. (1) Where the property in a registered ship or share therein is transmitted to a person qualified to own a British ship on the marriage, death, bankruptcy or insolvency of any registered owner, or by any lawful means other than by a transfer under this Act:—

(*a*) That person shall authenticate the transmission by making and signing a declaration (in this Act called a declaration of transmission) identifying the ship and containing the several statements hereinbefore required to be contained in a declaration of transfer, or as near thereto as circumstances admit, and also a statement of the manner in which and the person to whom the property has been transmitted.

(*b*) If the transmission takes place by virtue of marriage, the declaration shall be accompanied by a copy of the register of the marriage or other legal evidence of the celebration thereof, and shall declare the identity of the female owner.

(*c*) If the transmission is consequent on bankruptcy or insolvency the declaration of transmission shall be accompanied by such evidence as is for the time being receivable in courts of justice as proof of the title of persons claiming under a bankruptcy.

(*d*) If the transmission is consequent on death, the declaration of transmission shall be accompanied by the instrument of representation, or an official extract therefrom.

Names of persons entitled to be entered in register book.

(2) The registrar, on receipt of the declaration of transmission so accompanied, shall enter in the register book the name of the person entitled under the transmission to be registered as owner of the ship or share the property in which has been transmitted, and, where there is more than one such person, shall enter the names of all those persons, but those persons, however numerous, shall, for the purpose of the provision of this Act with respect to the number of persons entitled to be registered as owners be considered as one person.

Order for sale on transmission to unqualified person.

59. (1) Where the property in a registered ship or share therein is transmitted on marriage, death, bankruptcy, insolvency or otherwise to a person not qualified to own a British ship any Judge of the Exchequer Court of Canada on its Admiralty side may, on application by or on behalf of the unqualified person, order a sale of the property so transmitted, and direct that the proceeds of the sale, after deducting the expenses thereof, be paid to the person entitled under such transmission or otherwise as the court direct.

Court may require evidence

(2) The court may require any evidence in support of the application they think requisite, and may make the order on any terms and conditions they think just, or may refuse to make the order, and generally may act in the case as the justice of the case requires.

Application to be made within four weeks.

(3) Every such application for sale must be made within four weeks after the occurrence of the event on which the transmission has taken place, or within such further time (not exceeding in the whole one year from the date of the occurrence) as the court allow.

Share subject to forfeiture.

(4) If such an application is not made within the time aforesaid, or if the court refuse an order for sale, the ship or share transmitted shall thereupon be subject to forfeiture under this Act.

Transfer of ship or sale by order of in court.

60. Where any court, whether under the preceding sections of this Act or otherwise, order the sale of any ship or share therein, the order of the court shall contain a declaration vesting in some person named by the court the right to transfer that ship or share, and that person shall thereupon be entitled to transfer the ship or share in the same manner and to the same extent as if he were the registered owner thereof; and every registrar shall obey the requisition of the person so named in respect of any such transfer to the same extent as if such person were the registered owner.

Power of court to prohibit transfer.

61. Any judge of the Exchequer Court of Canada on its Admiralty side may, if he thinks fit (without prejudice to the exercise of any other power of the court), on the

application of any interested person make an order prohibiting for a time specified any dealing with a ship or any share therein, and the court may make the order on any terms or conditions they think just, or may refuse to make the order, or may discharge the order when made, with or without costs, and generally may act in the case as the justice of the case requires; and every registrar, without being made a party to the proceeding, shall on being served with an order or an official copy thereof obey the same.

Mortgages.

Mortgage of ship or share.

62. (1) A registered ship or a share therein may be made a security for a loan or other valuable consideration, and the instrument creating the security (in this Act called a mortgage) shall be in the Form B in the sixth schedule to this Act, or as near thereto as circumstances permit, and on the production of such instrument the registrar of the ship's port of registry shall record it in the register book.

Order of recording.

(2) Mortgages shall be recorded by the registrar in the order in time in which they are produced to him for that purpose, and the registrar shall by memorandum under his hand notify on each mortgage that it has been recorded by him, stating the date and hour of that record.

Entry of discharge of mortgage.

63. Where a registered mortgage is discharged, the registrar shall, on the production of the mortgage deed, with a receipt for the mortgage money endorsed thereon, duly signed and attested, make an entry in the register book to the effect that the mortgage has been discharged, and on that entry being made the estate (if any) which passed to the mortgagee shall vest in the person in whom (having regard to intervening acts and circumstances, if any), it would have vested if the mortgage had not been made.

Priority of mortgages.

64. If there are more mortgages than one registered in respect of the same ship or share, the mortgagees shall, notwithstanding any express, implied or constructive notice, be entitled in priority, one over the other, according to the date at which each mortgage is recorded in the register book, and not according to the date of each mortgage itself.

Mortgagee not treated as owner.

65. Except as far as may be necessary for making a mortgaged ship or share available as a security for the mortgage debt, the mortgagee shall not by reason of the mortgage be deemed the owner of the ship or share, nor shall the mortgagor be deemed to have ceased to be owner thereof.

Mortgagee to have power of sale.

66. Every registered mortgagee shall have power absolutely to dispose of the ship or share in respect of which he is registered, and to give effectual receipts for the purchase money; but where there are more persons than one registered as mortgagees of the same ship or share, a subsequent mortgagee shall not, except under the order of the court of competent jurisdiction, sell the ship or share without the concurrence of every prior mortgagee.

Mortgage not affected by bankruptcy.

67. A registered mortgage of a ship or share shall not be affected by any act of bankruptcy committed by the mortgagor after the date of the record of the mortgage, notwithstanding that the mortgagor at the commencement of his bankruptcy had the ship or share in his possession, or disposition, or was reputed owner thereof, and the mortgage shall be preferred to any right, claim, or interest therein of the other creditors of the bankrupt or any trustee or assignee on their behalf.

Transfer of mortgages.

68. A registered mortgage of a ship or share may be transferred to any person, and the instrument effecting the transfer shall be in the Form C in the sixth schedule or as near thereto as circumstances permit, and on the production of such instrument the registrar shall record it by entering in the register book the name of the transferee as mortgagee of the ship or share, and shall by memorandum under his hand notify on the instrument of transfer that it has been recorded by him, stating the date and hour of the record.

Transmission of interest in mortgage by death, bankruptcy, marriage, etc.

69. (1) Where the interest of a mortgagee in a ship or share is transmitted on marriage, death, bankruptcy or insolvency, or by any lawful means, other than by a transfer under this Act, the transmission shall be authenticated by a declaration of the person to whom the interest is transmitted, containing a statement of the manner in which and the person to whom the property has been transmitted, and shall be accompanied by the like evidence as is by this Act required in case of a corresponding transmission of the ownership of a ship or share.

Name to be entered in registry book.

(2) The registrar on the receipt of the declaration, and the production of the evidence aforesaid, shall enter the name of the person entitled under the transmission in the registry book as mortgagee of the ship or share.

Certificates of Mortgage and Sale.

Powers of mortgage and sale may be conferred by certificate.

70. A registered owner, if desirous of disposing by way of mortgage or sale of the ship or share in respect of which he is registered at any place out of Canada, may apply to

the registrar, and the registrar shall thereupon enable him to do so by granting a certificate of mortgage or a certificate of sale.

Requisites for certificates of mortgage and sale.

71. Before a certificate of mortgage or sale is granted, the applicant shall state to the registrar, and the registrar shall enter in the registry book the following particulars; (that is to say)

(i) the name of the person by whom the power mentioned in the certificate is to be exercised, and in the case of a mortgage the maximum amount of charge to be created, if it is intended to fix any such maximum, and in the case of a sale the minimum price at which a sale is to be made, if it is intended to fix any such minimum;

(ii) the place where the power is to be exercised, or if no place is specified, a declaration that it may be exercised anywhere, subject to the provisions of this Act;

(iii) the limit of time within which the power may be exercised.

Restrictions on certificates of mortgage and sale.

72. A certificate of mortgage or sale shall not be granted so as to authorize any mortgage or sale to be made in the Province in which the port of registry of the ship is situate or a sale by any person not named in the certificate.

Contents of certificates of mortgage and sale.

73. A certificate of mortgage and a certificate of sale shall contain a statement of the several particulars by this Act directed to be entered in the register book on the application for the certificate, and in addition thereto an enumeration of any registered mortgages or certificates of mortgage or sale affecting the ship or share in respect of which the certificate is given.

Rules as to certificates of mortgage.

74. The following rules shall be observed as to certificates of mortgage:

(i) The power shall be exercised on conformity with the directions contained in the certificate;

(ii) Every mortgage made thereunder shall be registered by the endorsement of a record thereof on the certificate by a registrar or British registrar or British Consular Officer;

(iii) A mortgage made in good faith thereunder shall not be impeached by reason of the person by whom the power was given dying before the making of the mortgage;

(iv) Whenever the certificate contains a specification of the place at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, a mortgage made in good faith to a mortgagee

without notice shall not be impeached by reason of the bankruptcy of the person by whom the power was given;

(v) Every mortgage which is so registered as aforesaid on the certificate shall have priority over all mortgages of the same ship or share created subsequently to the date of the entry of the certificate in the register book; and, if there are more mortgages than one so registered, the respective mortgagees claiming thereunder shall, notwithstanding any express, implied, or constructive notice, be entitled one before the other according to the date at which each mortgage is registered on the certificate, and not according to the date of the mortgage;

(vi) Subject to the foregoing rules, every mortgagee whose mortgage is registered on the certificate shall have the same rights and powers and be subject to the same liabilities as he would have had and been subject to if his mortgage had been registered in the register book instead of on the certificate;

(vii) The discharge of any mortgage so registered on the certificate may be endorsed on the certificate by any registrar or British registrar or British Consular Officer, on the production of such evidence as is by this Act required to be produced to the registrar on the entry of the discharge of a mortgage in the register book, and on that endorsement being made, the interest, if any, which passed to the mortgagee shall vest in the same person or persons in whom it would (having regard to intervening acts and circumstances, if any) have vested, if the mortgage had not been made;

(viii) On the delivery of any certificate of mortgage to the registrar by whom it was granted he shall, after recording in the register book, in such manner as to preserve its priority, any unsatisfied mortgage registered thereon, cancel the certificate, and enter the fact of the cancellation in the register book; and every certificate so cancelled shall be void to all intents.

Rules as to certificates of sale.

75. The following rules shall be observed as to certificates of sale:—

(i) A certificate of sale shall not be granted except for the sale of an entire ship;

(ii) The power shall be exercised in conformity with the directions contained in the certificate;

(iii) A sale made in good faith thereunder to a purchaser for valuable consideration shall not be impeached by reason of the person by whom the power was given dying before the making of such sale;

(iv) Whenever the certificate contains a specification of the place at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, a sale made in good faith to a purchaser for valuable consideration without notice shall not be impeached by reason of the bankruptcy of the person by whom the power was given;

(v) A transfer made to a person qualified to be the owner of a British ship shall be by a bill of sale in accordance with this Act;

(vi) If the ship is sold to a person qualified to be the owner of a British ship, the ship shall be registered anew; but notice of all mortgages enumerated on the certificate of sale shall be entered in the register book;

(vii) Before registry anew there shall be produced to the registrar or British registrar required to make the same the bill of sale by which the ship is transferred, the certificate of sale, and the certificate of registry of such ship;

(viii) The last mentioned registrar shall retain the certificates of sale and registry, and after having endorsed on both of those instruments an entry of the fact of a sale having taken place, shall forward them to the registrar of the port appearing thereon to be the former port of registry of the ship, and the last mentioned registrar shall thereupon make a memorandum of the sale in his register book, and the registry of the ship in that book shall be considered as closed, except as far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein;

(ix) On such registry anew the description of the ship contained in her original certificate of registry may be transferred to the new register book, without her being resurveyed, and the declaration to be made by the purchaser shall be the same as would be required to be made by an ordinary transferee;

(x) If the ship is sold to a person not qualified to be the owner of a British ship, the bill of sale by which the ship is transferred, the certificate of sale, and the certificate of registry shall be produced to a registrar or British registrar or British consular officer, and that registrar or officer shall retain the certificates of sale and registry, and, having endorsed thereon the fact of that ship having been sold to a person not qualified to be the owner of a British ship, shall forward the certificates to the registrar of the port appearing on the certificate of registry to be the port of registry of that ship; and that registrar shall thereupon make a memorandum of the sale in his register book and the registry of the ship in that book shall be considered as closed, except so far as relates to any unsatisfied

mortgages or existing certificates of mortgages entered therein;

(xi) If, on a sale being made to a person not qualified to be the owner of a British ship, default is made in the production of such certificates as are mentioned in the last rule, that person shall be considered by the law of the Province in which the ship is registered as having acquired no title to or interest in the ship; and further, the person upon whose application the certificate of sale was granted, and the person exercising the power, shall each be guilty of an offence.

Penalty: five hundred dollars;

(xii) If no sale is made in conformity with the certificate of sale, that certificate shall be delivered to the registrar by whom the same was granted; and he shall thereupon cancel it and enter the fact of the cancellation in the register book; and every certificate so cancelled shall be void for all intents and purposes.

Power of Minister in case of loss of certificate of mortgage and sale.

76. On proof at any time to the satisfaction of the Minister that a certificate of mortage or sale is lost or destroyed, or so obliterated as to be useless, and that the powers thereby given have never been exercised, or if they have been exercised, then on proof of the several matters and things that have been done thereunder, the registrar may, with the sanction of the Minister, as circumstances require, either issue a new certificate, or direct such entries to be made in the register book, or such other thing to be done, as might have been made or done if the loss, destruction or obligation had not taken place.

Revocation of certificates of mortgage and sale.

77. (1) The registered owner of any ship or share therein in respect of which a certificate of mortgage or sale has been granted, specifying the places where the power thereby given is to be exercised, may, by an instrument under his hand, authorise the registrar by whom the certificate was granted to give notice to the registrar, or British Registrar, or British consular officer at every such place that the certificate is revoked.

Notice to be given and recorded.

(2) Notice shall thereupon be given accordingly and shall be recorded by the registrar or British Registrar or British consular officer receiving it, and after it is recorded the certificate shall be deemed to be revoked and of no effect so far as respects any mortgage or sale to be thereafter made at that place.

Notice to be exhibited.

(3) The notice after it has been recorded shall be exhibited to every person applying for the purpose of effecting or obtaining a mortgage or transfer under the certificate.

Statement to the Registrar.

(4) A registrar or British Registrar or British consular officer on recording any such notice shall state to the registrar by whom the certificate was granted whether any

previous exercise of the power to which such certificate refers has taken place.

Miscellaneous.

Ships' names.

78. (1) The Governor in Council may make regulations enabling registrars of ships to refuse the registry of any ship by the name by which it is proposed to register that ship if it is already the name of a registered British ship or a name so similar as to be calculated to deceive, and may by those regulations require notice to be given in such manner as may be directed by the regulations before the name of the ship is marked on the ship, or before the name of the ship is entered in the register.

If name refused.

(2) If the registry of a ship by the name by which it is proposed to register that ship is refused by a registrar, or if any requirements of the regulations are not complied with in the case of any ship which it is proposed to register, that ship shall not be registered under the name proposed or until the regulations are complied with, as the case may be. M.S.A., 1906, s. 50.

Name of Ship.

Rules as to name of ship.

79. (1) A ship shall not be described by any name other than that by which she is for the time being registered;

(2) A change shall not be made in the name of a ship without the previous written permission of the Minister;

(3) Application for that permission shall be in writing, and if the Minister is of opinion that the application is reasonable he may entertain it, and thereupon require notice thereof to be published in such form and manner as he thinks fit;

(4) On permission being granted to change the name, the ship's name shall forthwith be altered in the register book, in the ship's certificate of registry, and on her bows and stern;

(5) If it is shown to the satisfaction of the Minister that the name of any ship has been changed without his permission he shall direct that her name be altered into that which she bore before the change, and the name shall be altered in the register book, in the ship's certificate of registry, and on her bows and stern accordingly;

(6) Where a ship having once been registered has ceased to be so registered no person unless ignorant of the previous registry (proof whereof shall lie on him) shall apply to register, and no registrar shall knowingly register, the ship, except by the name by which she was previously registered, unless with the previous written permission of the Minister;

(7) Where a foreign ship, not having at any previous time been registered as a British ship, becomes a British ship, no person shall apply to register, and no registrar shall knowingly register, the ship, except by the name which she bore as a foreign ship immediately before becoming a British ship, unless with the previous written permission of the Minister.

(8) If any person acts, or suffers any person under his control to act, in contravention of this section, or omits to do, or suffers any person under his control to omit to do, anything required by this section, he shall for each offence be liable to a fine not exceeding five hundred dollars, and (except in the case of an application being made under the section with respect to a foreign ship which not having at any previous time been registered as a British ship has become a British ship) the ship may be detained until this section is complied with.

Registry of Alterations, Registry anew, and Transfer of Registry.

Registry of alterations.

80. (1) When a registered ship is so altered as not to correspond with the particulars relating to her tonnage or description contained in the register book, then, if the alteration is made at any port having a registrar, that registrar, or, if it is made elsewhere, the registrar of the first port having a registrar at which the ship arrives after the alteration, shall, on application being made to him, and on receipt of a certificate from the proper surveyor stating the particulars of the alteration, either cause the alteration to be registered, or direct that the ship be registered anew.

Offence and penalty.

(2) If default is made in registering anew a ship, or in registering an alteration of a ship so altered as aforesaid, the owner of the ship shall be guilty of an offence.

Penalty: five hundred dollars and twenty-five dollars per day during which the offence continues after conviction. M.S.A. 48 and 1906, s. 53.

Regulations for registry of alteration.

81. (1) For the purpose of the registry of an alteration in a ship, the ship's certificate of registry shall be produced to the registrar, and the registrar shall, in his discretion, either retain the certificate of registry and grant a new certificate of registry containing a description of the ship as altered, or endorse and sign on the existing certificate a memorandum of the alteration.

Particulars to be entered in register book.

(2) The particulars of the alteration so made, and the fact of the new certificate having been granted, or endorsement having been made, shall be entered by the registrar of the ship's port of registry in his register book; and for that purpose the registrar to whom the application for

the registry of the alteration has been made (if he is not the registrar of the ship's port of registry), shall forthwith report to the last mentioned registrar the particulars and facts as aforesaid, accompanied, where a new certificate of registry has been granted, by the old certificate of registry.

Provisional certificate and endorsement where ship is to be registered anew.

82. (1) Where any registrar, not being the registrar of the ship's port of registry, on an application as to an alteration in a ship directs the ship to be registered anew, he shall either grant a provisional certificate, describing the ship as altered, or provisionally endorse the particulars of the alteration on the existing certificate.

Provisional certificate to be delivered to registrar.

(2) Every such provisional certificate, or certificate provisionally endorsed, shall, if the ship is registered in Canada, within ten days after the first subsequent arrival of the ship at her port of discharge, in Canada, be delivered up to the registrar thereof, and that registrar shall cause the ship to be registered anew.

Registrar's statement.

(3) The registrar granting a provisional certificate under this section, or provisionally endorsing a certificate, shall add to the certificate or endorsement a statement that the same is made provisionally, and shall send a report of the particulars of the case to the registrar of the ship's port of registry, containing a similar statement as the certificate or endorsement.

Registry anew on change of ownership.

83. Where the ownership of any ship is changed, the registrar of the port at which the ship is registered may, on the application of the owners of the ship, register the ship anew, although registration anew is not required under this Act.

Procedure for registry anew.

84. (1) Where a ship is to be registered anew, the registrar shall proceed as in the case of first registry, and on the delivery up to him of the existing certificate of registry, and on the other requisites to registry, or in the case of a change of ownership such of them as he thinks material, being duly complied with, shall make such registry anew, and grant a certificate thereof.

Registry of alterations.

(2) When a ship is registered anew, her former register shall be considered as closed, except so far as relates to any unsatisfied mortgage or existing certificates of sale or mortgage entered thereon, but the names of all persons appearing on the former register to be interested in the ship as owners or mortgagees shall be entered on the new register, and the registry anew shall not in any way affect the rights of any of those persons.

Transfer registry.

85. (1) The registry of any ship may be transferred from one port in Canada to another or to or from any port

in Canada to or from any other part of His Majesty's dominions on the application to the registrar of the existing port of registry of the ship made by declaration in writing of all persons appearing on the register to be interested therein as owners or mortgagees, but that transfer shall not in any way affect the rights of those persons or any of them, and those rights shall in all respects continue in the same manner as if no such transfer had been effected.

Transmission of notice.

(2) On any such application the registrar shall transmit notice thereof to the registrar of the intended port of registry with a copy of all particulars relating to the ship and the names of all persons appearing on the register to be interested therein as owners or mortgagees.

Certificate delivered up to registrar.

(3) The ship's certificate of registry shall be delivered up to the registrar either of the existing or intended port of registry, and, if delivered up to the former, shall be transmitted to the registrar of the intended port of registry.

Entries in register book.

(4) On the receipt of the above documents the registrar of the intended port of registry shall enter in his register book all the particulars and names so transmitted as aforesaid, and grant a fresh certificate of registry, and thenceforth such ship shall be considered as registered at the new port of registry, and the name of the ship's new port of registry shall be substituted for the name of her former port of registry on the ship's stern.

Wrecked ships may be registered.

86. (1) If any British or foreign registered ship is either wrecked, and the register thereof is closed and the certificate of registry is delivered up to the proper officer and cancelled, or, if any ship, sailing under a pass from the Minister is either actually or constructively wrecked on the voyage and during the time and within the limits mentioned in such pass, the Minister may direct that such ship may be registered as a British ship in any port in Canada at and for which there is a registrar, on proof being adduced to the satisfaction of the Minister, that

Conditions.

(a) such ship has been thoroughly repaired and made seaworthy;

(b) all the transactions connected with the wreck, condemnation and sale of such ship were in good faith; and

(c) all the requirements of the law have been complied with.

Authority of Minister.

(2) No registrar shall register any such ship without the authority of the Minister. R.S., c. 186, s. 17.

Incapacitated Persons.

Provision for cases of infancy or other incapacity.

87. Where by reason of infancy, lunacy, or any other cause any person interested in any ship, or any share therein, is incapable of making any declaration or doing anything required or permitted by this Act to be made or

done in connection with the registry of the ship or share, the guardian or committee, if any, of that person, or, if there is none, any person appointed on application made on behalf of the incapable person, or of any other person interested, by any court or judge having jurisdiction in respect of the property of incapable persons, may make such declaration, or a declaration as nearly corresponding thereto as circumstances permit, and do such act or thing in the name and on behalf of the incapable person; and all acts done by the substitute shall be as effectual as if done by the person for whom he is substituted.

Trusts and Equitable Rights.

Notice of trusts not received.

88. No notice of any trust, express, implied, or constructive shall be entered in the register book or be receivable by the registrar, and, subject to any rights and powers appearing by the register book to be vested in any other person, the registered owner of a ship or of a share therein shall have power absolutely to dispose in manner in this Act provided of the ship or share, and to give effectual receipts for any money paid or advanced by way of consideration.

Equities not excluded by Act.

89. The expression "beneficial interest", where used in this Part of this Act, includes interests arising under contract and other equitable interests; and the intention of this Act is, that without prejudice to the provisions of this Act for preventing notice of trusts from being entered in the register book or received by the registrar, and without prejudice to the powers of disposition and of giving receipts conferred by this Act on registered owners and mortgagees, and without prejudice to the provisions of this Act relating to the exclusion of unqualified persons from the ownership of British ships, interests arising under contract or other equitable interests may be enforced by or against owners and mortgagees of ships in respect of their interest therein in the same manner as in respect of any other personal property.

Liability of Beneficial Owner.

Liability owners.

90. Where any person is beneficially interested, otherwise than by way of mortgage, in any ship or share in a ship registered in the name of some other person as owner, the person so interested shall, as well as the registered owner, be subject to all pecuniary penalties imposed by this or any other Act on the owners of ships or shares therein, so nevertheless that proceedings may be taken for the enforcement of any such penalties against both

or either of the aforesaid parties, with or without joining the other of them.

Managing Owner.

Ship's managing owner or manager to be registered.

91. (1) The name and address of the managing owner for the time being of every ship registered at a port in Canada shall be registered at the custom house of that port.

Ship's husband.

(2) Where there is not a managing owner there shall be so registered the name of the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner; and any person whose name is so registered shall, for the purposes of this Act, be under the same obligations, and subject to the same liabilities, as if he were the managing owner.

Offence and penalty.

Penalty for non-compliance payable by the owners in proportion to their interest in the ship each time she leaves Canada: five hundred dollars.

Declarations, Inspection of Register, and Fees.

Power of registrar to dispense with declarations and other evidence.

92. When, under this Part of this Act, any person is required to make a declaration on behalf of himself or of any corporation, or any evidence is required to be produced to the registrar, and it is shown to the satisfaction of the registrar that from any reasonable cause that person is unable to make the declaration, or that the evidence cannot be produced, the registrar may, with the approval of the Minister, and on the production of such other evidence, and subject to such terms as he may think fit, dispense with the declaration or evidence.

Mode of making declarations.

93. (1) Declarations required by this Part of this Act shall be made before a registrar, or a justice of the peace, or a commissioner for oaths, or a British consular officer.

Declarations, inspection of register and fees.

(2) Declarations required by this Part of this Act may be made on behalf of a corporation by the secretary or any other officer of the corporation authorized by them for the purpose.

Application of fees.

94. All fees authorized to be taken under this Part of this Act, shall, except where otherwise in this Act provided, if taken in any part of Canada form part of the Consolidated Revenue Fund of Canada; if taken in any other part of His Majesty's dominions be disposed of in such way as the Executive Government of that Part direct; and if taken at any port of registry established by Order in Council under the Merchant Shipping Acts of the United Kingdom be disposed of as His Majesty in Council directs.

Returns, Evidence and Forms.

Returns to be made by registrars.

95. (1) Every registrar in Canada shall transmit to the Minister a return, in such form, and at such dates, as the said Minister may direct, of all registries, transfers, transmissions, mortgages, and other dealings with ships which have been registered by or communicated to him in his character of registrar, and of the names of the persons concerned in the same, and of such other particulars as may be directed by the said Minister.

List of ships registered to be transmitted to Minister.

(2) Every registrar in Canada shall on or before the first day of February in every year transmit to the Minister a list of all ships registered at that port, and also of all ships whose registers have been transferred or cancelled at that port since the last preceding return.

Evidence of register book, certificate of registry, and other documents.

96. (1) A person, on payment of a fee not exceeding twenty-five cents, to be fixed by the Governor in Council, may on application to the registrar at a reasonable time during the hours of his official attendance, inspect any register book.

Documents admissible in evidence.

(2) The following documents shall be admissible in evidence in any court in Canada, in manner provided by this Act, namely,—

(a) Any register book under this Part of this Act on its production from the custody of the registrar or other person having the lawful custody thereof;

(b) A certificate of registry under this Act purporting to be signed by the registrar or other proper officer;

(c) An endorsement on a certificate of registry purporting to be signed by the registrar or other proper officer;

(d) Every declaration made in pursuance of this Part of this Act in respect of a British ship.

Copy admissible.

(3) A copy or transcript of the register of British ships kept by the Registrar General of Shipping and Seamen under the direction of the Board of Trade of the United Kingdom shall be admissible in evidence in any Court in Canada and have the same effect to all intents as the original register of which it is a copy or transcript.

Forms of documents and instructions as to registry.

97. (1) The several instruments and documents specified in the second part of the sixth schedule to this Act shall be in the form prescribed by the Governor in Council, or as near thereto as circumstances permit; and the Governor in Council may from time to time make such alterations in the forms so prescribed, and also in the forms set out in the first part of the said schedule, as he may deem requisite.

Forms to be followed.

(2) A registrar shall not be required without the special direction of the Minister to receive and enter in the register book any bill of sale, mortgage, or other instrument for the disposal or transfer of any ship or share, or any interest

therein, which is made in any form other than that for the time being required under this Part of this Act, or which contains any particulars other than those contained in such form; but the said Governor in Council shall, before altering the forms, give such public notice thereof as may be necessary in order to prevent inconvenience.

Forms supplied to all registrars.

(3) The Minister shall cause the said forms to be supplied to all registrars under this Act for distribution to persons requiring to use the same, either free of charge, or at such moderate prices as he may direct.

Instructions to registrars and surveyors.

(4) The Minister may also, for carrying into effect this Part of this Act, give such instructions to registrars and surveyors of ships as to the manner of making entries in the register book, as to the execution and attestation of powers of attorney, as to any evidence required for identifying any person, as to the referring to him of any question involving doubt or difficulty, and generally as to any act or thing to be done in pursuance of this Part of this Act, as he thinks fit.

Forgery and False Declarations.

Forgery of documents.

98. If any person forges, or fraudulently alters or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any of the following documents, namely, any register book, builder's certificate, surveyor's certificate, certificate of registry, declaration, bill of sale, instrument of mortgage, or certificate of mortgage or sale under this Part of this Act, or any entry or endorsement required by this Part of this Act to be made in or on any of those documents, that person shall in respect of each occasion be guilty of an indictable offence.

False declarations.

99. (1) If any person in the case of any declaration made in the presence of or produced to a registrar under this Part of this Act, or in any document or other evidence produced to such registrar—

(i) wilfully makes, or assists in making, or procures to be made, any false statement concerning the title to or ownership of, or the interest existing in any ship, or any share in a ship; or

(ii) utters, produces, or makes use of any declaration, or document containing any such false statement knowing the same to be false,

he shall in respect of each occasion be guilty of an offence.

Offence and penalty.

(2) If any person wilfully makes a false declaration touching the qualification of himself or of any other person or of any corporation to own a British ship or any share therein, he shall be guilty of an offence and that ship or share shall be subject to forfeiture under this Act, to the extent of the interest therein of the declarant, and also,

unless it is proved that the declaration was made without authority, of any person or corporation on behalf of whom the declaration is made.

National Character and Flag.

National character and flag. National character of ship to be declared before clearance.

100. (1) An officer of customs shall not grant a clearance for any ship until the master of such ship has declared to that officer the name of the nation to which he claims that she belongs, and that officer shall thereupon inscribe that name on the clearance.

Ship may be detained.

(2) If a ship attempts to proceed to sea without such clearance, she may be detained until the declaration is made.

Penalty for unduly assuming British character.

101. (1) If a person uses the British flag and assumes the British national character on board a ship owned in whole or in part by any persons not qualified to own a British ship, for the purpose of making the ship appear to be a British ship, the ship shall be subject to forfeiture under this Act, unless the assumption has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in the exercise of some belligerent right.

Burden of proof.

(2) In any proceeding for enforcing any such forfeiture the burden of proving a title to use the British flag and assume the British national character shall lie upon the person using and assuming the same.

Penalty for concealment of British or assumption of foreign character.

102. If the master or owner of a British ship registered in Canada does anything or permits anything to be done, or carries or permits to be carried any papers or documents, with intent to conceal the British character of the ship from any person entitled by the law of Canada or of any other part of His Majesty's dominions to inquire into the same, or with intent to assume a foreign character, or with intent to deceive any person so entitled as aforesaid, the ship shall be subject to forfeiture under this Act; and the master, if he commits or is privy to the commission of the offence, shall in each case be guilty of an offence.

Penalty for acquiring ownership if unqualified.

103. If an unqualified person acquires as owner, otherwise than by such transmission as hereinbefore provided for, any interest either legal or beneficial, in a ship using a British flag and assuming the British character, that interest shall be subject to forfeiture under this Act.

Liabilities of ships not recognized as British.

104. Where it is declared by this Act that a British ship shall not be recognized as a British ship, that ship shall not be entitled to any benefits, privileges, advantages, or protection usually enjoyed by British ships nor to use the British flag or assume the British national character,

but so far as regards the payment of dues, the liability to fines and forfeiture, and the punishment of offences committed on board such ship, or by any persons belonging to her, such ship shall be dealt with in the same manner in all respects as if she were a recognized British ship.

National colours for ships, and penalty on carrying improper colours.

105. (1) The red ensign usually worn by merchant ships, with the shield of Canada in the fly is hereby declared to be the proper national colours for all ships and boats belonging to any British subject resident in Canada except in the case of His Majesty's ships or boats, or ships or boats belonging to the Royal Canadian Navy, or in the case of any other ship or boat for the time being allowed to wear any other national colours in pursuance of a warrant from His Majesty or from the Admiralty.

Offence and penalty.

(2) If any distinctive national colours, except such red ensign or except the Union Jack with a white border, or if any colours usually worn by His Majesty's ships or resembling those of His Majesty, or if the pendant usually carried by His Majesty's ships or any pendant resembling that pendant, are or is hoisted on board any ship or boat belonging to any British subject resident in Canada without warrant from His Majesty or from the Admiralty, the master of the ship or boat, or the owner thereof, if on board the same, and every other person hoisting the colours or pendant, shall for each offence incur a fine not exceeding twenty-five hundred dollars.

Boarding ship.

(3) Any commissioned officer on full pay in the military or naval service of Canada or in the military or naval service of His Majesty or any officer of Customs in His Majesty's dominions, or any British consular officer, may board any ship or boat owned by any resident of Canada on which any colours or pendant are hoisted contrary to this Act, and seize and take away the colours or pendant, and the colours or pendant shall be forfeited to His Majesty.

Fine may be recovered.

(4) A fine under this section may be recovered with costs in the Exchequer Court of Canada on its Admiralty side or in the High Court of England or Northern Ireland, or in the Court of Session in Scotland, or in any Colonial Court of Admiralty or Vice-Admiralty Court within any other part of His Majesty's dominions.

Summary prosecution.

(5) Any offence mentioned in this section may also be prosecuted, and the fine for it recovered, summarily, provided that—

(a) where any such offence is prosecuted summarily, the court imposing the fine shall not impose a higher fine than five hundred dollars; and

(b) nothing in this section shall authorize the imposition of more than one fine in respect of the same offence.

Penalty on ship not showing colours.

106. A ship belonging to a British subject resident in Canada shall hoist the proper national colours—

(a) on a signal being made to her by one of His Majesty's ships or any ship belonging to or in the service of the Government of Canada;

(b) on entering or leaving any foreign port, and

(c) if of fifty tons gross tonnage or upwards, on entering or leaving any British port.

Penalty.

Penalty: five hundred dollars.

Forfeiture of Ship.

Proceedings on forfeiture of ship.

107. (1) Where any ship has either wholly or as to any share therein become subject to forfeiture under this Part of this Act,

(a) any commissioned officer on full pay in the military or naval service of His Majesty; or in the Canadian military or naval service; or

(b) any officer of customs in His Majesty's dominions; or

(c) any British consular officer,

may seize and detain the ship, and bring her for adjudication before the Exchequer Court of Canada on its Admiralty side or before any court having requisite jurisdiction in any part of His Majesty's dominions or any British court having jurisdiction out of His Majesty's dominions in pursuance of an Order of His Majesty in Council, and the court may thereupon adjudge the ship with her tackle, apparel, and furniture to be forfeited to His Majesty, and make such order in the case as to the court seems just, and may award to the officer bringing in the ship for adjudication such portion of the proceeds of the sale of the ship, or any share therein, as the Court think fit.

Responsibility of officers.

(2) Any such officer as in this section mentioned shall not be responsible either civilly or criminally to any person whomsoever in respect of any such seizure or detention as aforesaid, notwithstanding that the ship has not been brought in for adjudication, or if so brought in is declared not liable to forfeiture, if it is shown to the satisfaction of the court before whom trial relating to such ship or such seizure or detention is held that there were reasonable grounds for such seizure or detention; but if no such grounds are shown the court may award costs and damages to any party aggrieved, and make such other order in the premises as the court thinks just.

Measurement of Ship and Tonnage.

Rules for ascertaining register tonnage.

108. (1) The tonnage of every ship to be registered, with the exceptions hereinafter mentioned, shall, previously to her being registered, be ascertained by Rule I in the

Seventh Schedule to this Act, and the tonnage of every ship to which that Rule I can be applied, whether she is about to be registered or not, shall be ascertained by the same rule.

How ships measured.

(2) Ships which, requiring to be measured for any purpose other than registry, have cargo on board, and ships which, requiring to be measured for the purpose of registry, cannot be measured by Rule I, shall be measured by Rule II, in the said schedule, and the owner of any ship measured under Rule II may at any subsequent period apply to the Minister to have the ship re-measured under Rule I, and the Minister may thereupon upon payment of such fee as he may authorize, direct the ship to be re-measured accordingly, and the number denoting the register tonnage shall be altered accordingly.

Allowance and deductions.

(3) For the purpose of ascertaining the register tonnage of a ship the allowance and deductions hereinafter mentioned shall be made from the tonnage of the ship ascertained as aforesaid.

No deductions for space in certain cases.

(4) In the measurement of a ship for the purpose of ascertaining her register tonnage, no deduction shall be allowed in respect of any space which has not been first included in the measurement of her tonnage.

Rule IV to be observed.

(5) In ascertaining the tonnage of open ships Rule IV in the said schedule shall be observed.

Tonnage deck.

(6) Throughout the rules in the seventh schedule to this Act the tonnage deck shall be taken to be the upper deck in ships which have less than three decks, and to be the second deck from below in all other ships, and in carrying those rules into effect all measurements shall be taken in feet, and fractions of feet shall be expressed in decimals.

Minister may make alterations.

(7) The Minister may make such modifications and alterations as from time to time become necessary in the rules in the seventh schedule to this Act for the purpose of the more accurate and uniform application thereof, and the effectual carrying out of the principle of measurement therein adopted.

Tonnage regulations.

(8) The provisions of this Act relating to tonnage, together with the rules for the time being in force, are in this Act referred to as the tonnage regulations of this Act.

Allowance for engine-room space in steamships.

109. (1) In the case of any ship propelled by steam or other power requiring engine room, an allowance shall be made for the space occupied by the propelling power, and the amount so allowed shall be deducted from the gross tonnage of the ship ascertained as in the last preceding section mentioned, and the remainder shall (subject to any deductions hereinafter mentioned) be deemed to be the register tonnage of the ship, and that deduction shall be estimated as follows (that is to say),

(*a*) As regards ships propelled by paddle wheels in which the tonnage of the space solely occupied by and necessary for the proper working of the boilers and machinery is above twenty per cent and under thirty per cent of the gross tonnage of the ship, the deduction shall be thirty-seven one-hundreths of the gross tonnage; and in ships propelled by screws, in which the tonnage of such space is above thirteen per cent and under twenty per cent of the gross tonnage, the deduction shall be thirty-two one-hundreths of the gross tonnage;

Measurement of ship and tonnage.

(*b*) As regards all other ships, the deduction shall, if the Minister and the owner both agree thereto, be estimated in the same manner; but either they or he may, in their or his discretion, require the space to be measured and the deduction estimated accordingly; and whenever the measurement is so required, the deduction shall consist of the tonnage of the space actually occupied by or required to be enclosed for the proper working of the boilers and machinery, with the addition in the case of ships propelled by paddle wheels of one half, and in the case of ships propelled by screws of three-fourths of the tonnage of the space; and in the case of ships propelled by screws, the contents of the shaft trunk shall be added to and deemed to form part of the space; and the measurement of the space shall be governed by Rule III in the Schedule to this Act.

The deduction for the space occupied by the propelling power of a ship shall not in any case exceed fifty-five per cent of that portion of the tonnage of the ship which remains after deducting from the gross tonnage any deductions allowed under section one hundred and seven of this Act: Provided that—

This section shall not apply to steam ships constructed for the purpose of towing vessels so long as they are exclusively employed as tugs, but if and when employed for the carriage of passengers, cargoes, or stores, or using graving docks or dry docks or places provided for the repairing of vessels the register tonnage on which dues based on register tonnage may be levied by any harbour or dock authority shall be ascertained in manner otherwise provided by this Act.

Certain space not to be included.

(2) Such portion of the space above the crown of the engine room and above the upper deck as is framed in for the machinery or for the admission of light and air shall not be included in the measurement of the space occupied by the propelling power, except in pursuance of a request in writing to the Minister by the owner of the ship, but shall not be included in pursuance of that request unless—

(*a*) that portion is first included in the measurement of the gross tonnage; and

(b) a surveyor of ships certifies that the portion so framed in is reasonable in extent and is so constructed as to be safe and seaworthy, and that it cannot be used for any purpose other than the machinery or for the admission of light and air to the machinery or boilers of the ship.

Goods not to be stowed in space for propelling power.

(3) Goods or stores shall not be stowed or carried in any space measured for propelling power, and if the same are so carried in any ship, the master and owner of the ship shall each be liable to a fine not exceeding five hundred dollars.

Deductions for ascertaining tonnage.

110. (1) In measuring or re-measuring a ship for the purpose of ascertaining her register tonnage, the following deductions shall be made from the space included in the measurement of the tonnage, namely:—

(a) In the case of any ship—

(i) any space used exclusively for the accommodation of the master; and any space occupied by seamen or apprentices and appropriated to their use, which is certified under the regulations set out in the eighth schedule to this Act with regard thereto.

(ii) any space used exclusively for the working of the helm, the capstan, and the anchor gear, or for keeping the chart, signals, and other instruments of navigation, and boatswains stores; and

(iii) the space occupied by the donkey engine and boiler, if connected with the main pumps of the ship; and

(iv) any space (other than a double bottom) adapted only for water ballast; and

(b) In the case of a ship wholly propelled by sails, any space set apart and used exclusively for the storage of sails.

Deductions subject to certain provisions.

(2) The deductions allowed under this section, other than a deduction for a space occupied by seamen or apprentices, and certified as aforesaid, shall be subject to the following provisions; namely,—

(a) the space deducted must be certified by a surveyor of ships as reasonable in extent and properly and efficiently constructed for the purpose for which it is intended;

(b) there must be permanently marked in or over every such space a notice stating the purpose to which it is to be applied, and that whilst so applied it is to be deducted from the tonnage of the ship;

(c) the deduction on account of space for storage of sails must not exceed two and a half per cent of the tonnage of the ship.

Provisions as to deductions in case of certain steamships.

111. In the case of a screw steamship which, on the twenty-sixth day of August, one thousand eight hundred and eighty-nine, had an engine room allowance of thirty-two per cent of the gross tonnage of the ship, and in which any crew space on deck has not been included in the gross tonnage, whether its contents have been deducted therefrom or not, the crew space shall, on the application of the owner of the ship, or by direction of the Minister, be measured and its contents ascertained and added to the register tonnage of the ship; and if it appears that with that addition to the tonnage the engine room does not occupy more than thirteen per cent of the tonnage of the ship, the existing allowance for engine room of thirty-two per cent of the tonnage shall be continued.

Measurement of ships with double bottoms for water ballast.

112. In the case of a ship constructed with a double bottom for water ballast, if the space between the inner and outer plating thereof is certified by a surveyor of ships to be not available for the carriage of cargo, stores, or fuel, then the depth required by the provisions of Rule I relating to the measurement of transverse areas shall be taken to be the upper side of the inner plating of the double bottom and that upper side shall, for the purposes of measurement, be deemed to represent the floor timber referred to in that Rule.

Tonnage once ascertained to be tonnage of ships.

113. Whenever the tonnage of any ship has been ascertained and registered in accordance with the tonnage regulations of this Act, the same shall henceforth be deemed to be the tonnage of the ship, and shall be repeated in every subsequent registry thereof, unless any alteration is made in the form or capacity of the ship, or unless it is discovered that the tonnage of the ship has been erroneously computed; and in either of those cases the ship shall be re-measured, and her tonnage determined and registered according to the tonnage regulations of this Act.

Fees for measurement.

114. Such fees as the Governor in Council shall determine shall be paid in respect of the measurement of a ship's tonnage and those fees shall be paid into the Consolidated Revenue Fund.

Tonnage of ships of foreign countries adopting tonnage regulations.

115. (1) Whenever it appears to the Governor in Council that the tonnage regulations of this Act have been adopted by any foreign country, and are in force there, the Governor in Council may order that the ships of that country shall, without being re-measured in His Majesty's dominions, be deemed to be of the tonnage denoted in their certificates of registry or other national papers, in the same manner, to the same extent, and for the same purposes as the tonnage denoted in the Canadian certificate

of registry of a British ship is deemed to be the tonnage of that ship, and any space shown by the certificate of registry or other national papers of any such ship as deducted from tonnage on account of being occupied by seamen or apprentices, and appropriated to their use, shall be deemed to have been certified under this Act, and to comply with the provisions of this Act which apply to such a space in the case of British ships registered in Canada unless a surveyor of ships certifies to the Minister that the construction and the equipment of the ship as respects that space do not come up to the standard required under this Act in the case of a British ship registered in Canada and if any question arises whether the construction and the equipment of the ship do come up to the required standard a surveyor of ships may inspect the ship for purpose of determining whether such a certificate should be given by him or not.

Time may be limited.

(2) The Governor in Council may limit the time during which the Order is to remain in operation, and make the Order subject to such conditions and qualifications (if any) as the Governor may deem expedient, and the operation of the Order shall be limited and modified accordingly.

Ships may be re-measured.

(3) If it is made to appear to the Minister that the tonnage of any foreign ship, as measured by the rules of the country to which she belongs, materially differs from that which would be her tonnage if measured under this Act, the Minister may order that, notwithstanding any Order in Council for the time being in force under this section, any of the ships of that country may, for all or any of the purposes of this Act, be re-measured in accordance with this Act.

Deck cargo.

116. (1) If any ship, British or foreign, other than a home trade ship as defined by this Act, carries as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's register tonnage, timber, stores, or other goods, all dues payable on the ship's tonnage shall be payable as if there were added to the ship's register tonnage the tonnage of the space occupied by those goods at the time which the dues become payable.

Measurement of ship and tonnage.

(2) The space so occupied shall be deemed to be the space limited by the area occupied by the goods and by straight lines enclosing a rectangular space sufficient to include the goods.

How tonnage ascertained.

(3) The tonnage of the space shall be ascertained by an officer of the Department of Marine or of Customs in manner directed as to the measurement of poops or other closed-in-spaces by Rule I in the seventh schedule to this Act, and when so ascertained shall be entered by him in the ship's official log book, and also in a memorandum which

he shall deliver to the master, and the master shall, when the said dues are demanded, produce that memorandum in like manner as if it were the certificate of registry, or, in the case of a foreign ship, the document equivalent to a certificate of registry, and in default shall be liable to the same penalty as if he had failed to produce the said certificate or document.

Trading in inland waters and coasting trade.

(4) Nothing in this section shall apply to any ship employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in Canada or to deck cargo carried by a ship while engaged in the coasting trade of Canada.

Surveyors and regulations for measurement of ships.

117. All duties in relation to the survey and measurement of ships shall be performed by surveyors of ships under this Act in accordance with regulations made by the Minister.

Levy of tonnage rates under local Acts on the registered tonnage.

118. Any persons having power to levy tonnage rates on ships may, if they think fit, with the consent of the Minister, levy those tonnage rates upon the register tonnage of the ships as determined by the tonnage regulations of this Act, notwithstanding that any local Act or regulations under which those rates are levied provides for levying the same upon some different system of tonnage measurement.

Minister to forward particulars.

119. The Minister shall at convenient intervals forward to the Registrar General of Shipping and Seamen of the United Kingdom, for statistical purposes, particulars of all ships registered in Canada, which particulars shall include: the name of the ship, the registered number, the port to which she belongs, her tonnage, and the name of her registered owner.

Licensing of Small Vessels.

Licenses to ships not required to be registered.

120. The master, owner or managing owner, or one of the managing owners, if there are more than one, of every vessel not a ship within the meaning of this Part, which is employed in or owned for the purpose of fishing, trading or carrying loads of any kind in any of the waters of Canada, shall, within one month from the date of her being so employed or owned for such purpose by him, or of her being built or acquired for such purpose, take from the collector or other principal officer of the Customs at some port or place in Canada the licence provided for by this Part. R.S., c. 186, s. 31.

From whom such licence issues.

121. The master, owner, managing owner, or one of the managing owners, if there are more than one, of every ship exempted from the provisions of this Part relating

to measurement and registration shall also take a licence from the chief officer of Customs at some port or place in Canada. R.S., c. 186, s. 32.

Collector, etc., to furnish licence.

122. (1) It shall be the duty of the chief officer of Customs at every port or place in Canada to furnish such licence, without fee or reward, to every person complying with the provisions of this Part, who shall apply for the same at the custom-house or office of such collector or officer of Customs in office hours.

Form of licence.

(2) Such licence shall be according to Form C in the eleventh schedule and contain the particulars therein provided for. R.S., c. 186, s. 33.

Proceedings for obtaining such licence.

123. Upon any such application being made to a chief officer of Customs,

(a) the collector or principal officer of Customs shall furnish the applicant gratis with a printed blank for a declaration, in Form B in the eleventh schedule;

(b) the applicant shall fill up the said form with true statements, in their proper places, of the length, breadth, depth and approximate tonnage of the ship or vessel, the names of the owners thereof, and, if the property in the ship or vessel is divided into shares, the number of shares held by each owner, and shall subscribe the same and return it to the officer;

Licence, particulars in.

(c) the officer shall then fill up a licence with the particulars stated in the declaration, adding thereto the name of the port and the number of the licence, which shall be consecutive, for each port, and he shall sign such licence and hand the same to the applicant;

Record to be kept.

(d) the officer shall record the particulars contained in the licence in a book to be kept by him for that purpose. R.S., c. 186, s. 34.

Port and number of licence to be painted on vessel.

124. Every ship or vessel so required to be licensed shall, at all times, have the name of the port or place at which she was last licensed, and the number of her last licence, painted on her bow or stern in letters not less than three inches long, of light colour, on a dark ground, and such port or place shall be considered, for the time being, her port of licence. R.S., c. 186, s. 35.

New licence on change of owner.

125. Whenever the property in a ship or vessel so required to be licensed passes wholly into new hands, the master or the new owner or managing owner, or one of the new managing owners, if there are more than one, shall, within one month after such change of ownership as aforesaid, take out a new licence at some port or place in Canada, and, upon receiving the same, shall deliver up the former licence, if in his possession, to the chief officer of Customs at such port or place. R.S., c. 186, s. 36.

Annual return of licences to be sent to Minister.

126. Every officer of Customs authorized by this Part to license ships and vessels, shall, on or before the twentieth day of January in each year, make and forward to the Minister a return in such form, and containing such particulars as the Minister, from time to time, directs, of all ships and vessels licensed by him during the year ending on the thirty-first day of December then last. R.S., c. 186, s. 37.

PART III—SECTIONS 127-165

MASTERS AND MATES AND ENGINEERS

Ships to have Certificated Officers.

Ships to have certificated officers, except certain smaller vessels.

127. (1) Every British ship except pleasure yachts and ships solely employed in fishing, passenger steamships not exceeding five tons gross tonnage, steamships not carrying passengers and not exceeding ten tons gross tonnage, barges or other vessels having neither masts, sails nor rigging and not being steamships, home-trade, inland waters or minor waters sailing ships not exceeding one hundred and fifty tons register tonnage, shall when going from any place in Canada be provided with masters and mates duly certificated according to the following scale:—

(a) in any case, with a master holding a certificate of the proper grade and class;

(b) if the ship is a passenger ship, and certificated to carry more than forty passengers, or is a foreign-going ship of over one hundred tons, register tonnage, with at least one officer besides the master, holding a certificate of the proper grade and class not lower than that of first mate;

(c) if the ship is of over four hundred tons register tonnage and is engaged on home-trade or inland waters or minor waters voyages with at least one officer besides the master holding a certificate of the proper grade and class not lower than that of first mate;

(d) if the ship carries more than one mate, with at least the first and second mate duly certificated.

Application to British ships registered in Canada.

(2) This section shall also apply to British ships registered in Canada when going between places whether in Canada or elsewhere. R.S., c. 186, s. 93, 94, 95.

Grades of certificates of competency.

128. (1) Certificates of competency shall be granted to masters and mates in accordance with this Act for each of the following grades:—

(a) Foreign-going;

(b) Home-trade;

(c) Inland waters;

(d) Minor waters.

Rank.

(2) Those grades shall rank according to the order above stated, so that the holder of a certificate of any grade shall be entitled to all the rights and privileges of holders of certificates of lower grades.

Certificates in first grade.

(3) In the first grade, certificates may be granted as follows:—

(a) Certificate for steamships endorsed for sailing ships;

(b) Certificate for steamships endorsed for fore-and-aft rigged sailing ships;

(c) Certificate for steamships.

Other grades.

(4) In the other grades certificates may be granted for the following classes:—

(a) Steamship;

(b) Cargo steamship;

(c) Tug;

(d) Sailing ship;

(e) Fore-and-aft rigged sailing ship.

Rank of classes.

(5) Those classes shall rank according to the order above stated for steamships and sailing ships respectively, so that the lawful holder of a steamship certificate shall be entitled to all the rights and privileges of a holder of a certificate in a lower class of steamships, and so that the lawful holder of a certificate for sailing ships shall be entitled to all the rights and privileges of a holder of a certificate for fore-and-aft rigged sailing ships.

Surrender of sea-going certificates.

(6) The holders of sea-going certificates issued before the commencement of this Act shall be entitled to all the rights and privileges of those certificates, or to surrender the same to the Minister and have issued to them foreign-going certificates under this Act.

Rights of holders of certificates.

128. A certificate of competency shall entitle the lawful holder thereto to be employed in the capacity stated in the certificate and in the class of ship stated in the certificate whilst said ships are engaged on voyages within the following limits, that is to say:—

(a) The holder of a foreign-going certificate, in any part of the world;

(b) The holder of a home-trade certificate, on waters within the limits of home-trade;

(c) The holder of an inland waters certificate, on any voyage to any place in Canada or the United States of America on inland waters;

(d) The holder of a minor waters certificate, on any voyage between places in Canada or the United States of America on minor waters.

Recognition of commonwealth certificates.

129. (1) The Governor in Council may direct, subject to such conditions as he may impose, that any certificate as master, mate or engineer granted by any authority competent in respect of the issue of such certificates under the laws of any country or place forming part of the British Commonwealth of Nations, may be accepted in lieu of a certificate as master, mate, or engineer granted under the provisions of this Part, provided he is satisfied that examinations for the issue of such certificates are so conducted as to be equally efficient with the examinations for the same purpose provided for in this Part, and that the certi-

ficates are granted on such principles as to show the like qualifications and competency as those granted under this Part.

Suspension or cancellation.

(2) Any such certificate may, as far as Canada is concerned, be suspended or cancelled by the Minister under like conditions as a certificate issued under the provisions of this Part. Any certificate so suspended or cancelled shall be delivered up by the owner to the Minister, who shall thereupon return it to the authority by which it was issued.

Application restricted.

(3) This section shall only have effect in regard to certificates issued by the Government of a country which has entered into a reciprocal arrangement in regard to the acceptance of certificates issued under the provisions of this Part.

Certificates granted in other parts of His Majesty's possessions.

130. A certificate of competency or service for foreign-going ships, or a certificate as engineer, granted in any part of His Majesty's possessions (and not within section one hundred and forty-five hereof) and which under section one hundred and two of the *Merchant Shipping Act* is of the same force as certificates for foreign-going ships granted by the Board of Trade in the United Kingdom, shall be of the same force as foreign-going certificates granted under this Act.

Requirements for certificates of service as masters and mates.

131. Every British subject who

(1) served as a master or mate of a foreign-going or home-trade sailing ship of over seventy-five tons, gross tonnage, before the first day of January, one thousand nine hundred and thirty-one, for a full period of twelve months within ten years immediately preceding the date of his application for a certificate of service;

(2) produces satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship; and

(3) passes the prescribed examination;

shall be entitled to receive from the Minister, on payment of the prescribed fee, a certificate of service as a master or mate of a sailing ship or fore-and-aft rigged sailing ship foreign-going or home-trade, not exceeding seven hundred and fifty tons, register tonnage, according as his service has been

(a) as master or as mate;

(b) on a foreign-going or on a home-trade sailing ship;

(c) on a square-rigged sailing ship or on a fore-and-aft rigged sailing ship. R.S., c. 186, s. 87, 1931, 21, s. 1.

Application of Act to certificate of service.

132. The provisions of this Act including the penal provisions shall apply in the case of a certificate of service as they apply in the case of a certificate of competency.

Minister may grant temporary certificates.

133. (1) The Minister upon the report of an examiner of masters and mates, and upon payment of a fee of five dollars, may grant a temporary certificate as master to an applicant sufficiently qualified by his knowledge and experience to take charge of a steamship of not more than twenty tons gross tonnage, and certificated to carry not more than twelve passengers, plying within specified limits on the minor waters of Canada, the steamship and limits to be described in the certificate. R.S., c. 186, s. 112.

Term.

(2) Such certificate may be issued for any term not exceeding one year, but may be suspended or cancelled for cause by the Minister. R.S., c. 186, s. 113.

Certificates to remain in force.

134. Certificates heretofore issued to masters and mates shall, notwithstanding anything in this Act contained, remain in force for the class of ship and voyage for which they were issued but all such certificates (save and except foreign-going certificates) shall nevertheless be subject to section one hundred and thirty-two as to expiry and renewal.

Ships to have Certificated Engineers.

Certificate of competency.

135. Certificates of competency as engineer shall be granted in accordance with this Act for the following grades:—

First class engineer,
Second class engineer,
Third class engineer,
Fourth class engineer,
Temporary engineer.

Ships to be provided with certificated engineers.

136. (1) Every British steamship registered in Canada, or owned in Canada, which is in excess of 5 tons, gross tonnage, and is not a pleasure yacht, shall, when making any voyage, be provided with engineers duly certificated according to the following scale,

(a) if the steamship is a foreign-going ship of one hundred nominal horse power or upwards, with at least two engineers, one of whom shall be a first class engineer, and the other at least a second class engineer duly certificated;

(b) if the steamship is a foreign-going ship of less than one hundred nominal horse power, with at least one engineer, who shall be at least a second class engineer, duly certificated;

(c) if the steamship is a home-trade, inland waters or minor waters passenger ship of forty-five nominal horse power or upwards, with at least one engineer who shall be at least a second class engineer, duly certificated;

(d) if the steamship is a home-trade passenger ship of not more than forty-five nominal horse power, with at least one engineer, who shall be at least a third class engineer, duly certificated, or, if the ship is of the nominal horse power in respect of which a temporary engineer certificate may be issued under the provisions of section one hundred and forty-six, an engineer with a temporary certificate;

(e) if the steamship is a home-trade, inland waters or minor waters ship, other than a passenger ship, of more than seventy-five nominal horse power, with at least one engineer, who shall be a second class engineer, duly certificated;

(f) if the steamship is a home-trade, inland waters or minor waters ship, other than a passenger ship, of more than twenty nominal horse power, where the propelling machinery is compound steam engines, or of ten nominal horse power where the propelling machinery is of any other type, but not in excess of seventy-five nominal horse power, with at least one engineer, who shall be a third class engineer, duly certificated.

Must be holder of certificates.

(2) An engineer shall not be deemed to be duly certificated within the meaning of this section unless he is the holder, for the time being, of a valid certificate or competency under this Act, or a certificate deemed equivalent under the provisions of section one hundred and forty-four, of a grade appropriate to his station in the ship, or of a higher grade.

Offences.

(3) If any person—

(a) having been engaged as one of the above-mentioned engineers, acts as such, without being duly certificated; or

(b) employs a person as an engineer in contravention of this section without ascertaining that the person so serving is duly certificated, that person shall be guilty of an offence.

Penalty: Five hundred dollars.

Sufficient numbers of engineers.

(4) Notwithstanding anything hereinbefore contained, every steamship to which this section applies, shall be provided with such number of engineers, duly certificated, as will ensure reasonable periods of watch, having due regard to the length of any voyage, and other related circumstances.

Acting as engineer.

(5) Any person keeping watch and in charge of the machinery of a steamship whilst under way shall be deemed to be acting as an engineer.

Examination and Certificates.

Examination of masters and mates.

137. (1) For the purpose of granting certificates of competency as masters, mates or engineers to persons desirous of obtaining the same, examinations shall be held

in Canada in such places and under such conditions as may be prescribed by the Minister.

British subjects only.

(2) No persons shall be admitted to examination for certificates of competency except British subjects by birth or naturalization. R.S., c. 186, s. 75, 76.

Regulations.

138. The Governor in Council may, from time to time, make regulations for the conduct of those examinations, and as to the qualification of the applicants; and the regulations shall be observed by all examiners. R.S., c. 186, s. 80.

Appointment of examiners.

139. (1) An examiner may be appointed in manner authorized by law. The examiner of engineers shall be a steamship inspector.

Examination of examiners.

(2) No person shall be appointed as examiner of masters and mates unless he has himself passed a satisfactory examination before two or more examiners as to his fitness and competency to act as an examiner, and has received from them a certificate to that effect. R.S., c. 186, s. 79.

Examiner may administer oath.

(3) Where it is considered necessary that any statement made by an applicant should be confirmed under oath, the examiner shall be competent to administer the oath in the circumstances.

Fees.

140. All applicants for examination for certificates as masters, mates and engineers shall, previously to their examination, pay to such person as the Minister appoints for that purpose the fee prescribed in that behalf. R.S., c. 186, s. 82.

Certificates on passing examination.

141. The Minister may grant to any applicant for a certificate as master or mate who is duly reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, such a certificate of competency as the case requires. R.S., c. 186, s. 84.

Re-examination or further inquiry.

142. The Minister, in every case in which a report appears to him to have been unduly made, may remit the case either to the same or to any other examiner, and may require a re-examination of the applicant, or a further inquiry into his testimonials and character, before granting him a certificate. R.S., c. 186, s. 85.

Certificates for naval officers.

143. (1) A person who has attained the rank of Lieutenant in the executive branch of the Royal Canadian Navy is entitled to receive from the Minister a certificate of service as master of a foreign-going steamship endorsed for sailing ships without examination.

Limitation.

(2) This certificate will not entitle the holder to go to sea as master or mate of a home-trade, inland waters or minor waters ship, and shall be so endorsed.

Certificate of engineer.

144. In the case of engineers, the report of the examiner shall be forwarded to the chairman and if approved of by him shall be forwarded to the Minister with the proofs submitted by the applicant as to his experience, ability and sobriety and general good conduct on board ship, and the Minister, if satisfied, may grant to the applicant a certificate specifying the grade for which he has been found qualified, which shall be signed by the Minister and shall be for life, unless cancelled under the provisions hereinafter specified.

Contents of certificate.

145. (1) The certificates which the Minister may grant to first, second, third or fourth class engineers, may specify as to whether they entitle the holder to act, as engineer in steamships fitted with steam engines, or in steamships fitted with internal combustion or motor engines, and, except as provided in section one hundred and sixty-five, where any such certificate so specifies the type of engine, it shall not be valid with any other type of engine.

If applicant desires certificate to be marked, etc.

(2) Where an applicant for a certificate as first or second class engineer desires that any certificate issued to him shall be marked to show that it has been issued under like terms and conditions as a certificate of the same grade issued under authority of the Merchant Shipping Acts, the Minister may, subject to regulations which the Governor in Council may make in respect thereof, issue a certificate so marked.

Temporary engineers.

146. The Minister, upon the report of a steamship inspector, may grant a temporary certificate to any person sufficiently qualified in the opinion of such inspector to act as engineer in a steamship carrying passengers, having an engine of not more than four nominal horse power, or, if the engine be of the compound type, of not more than fourteen nominal horse power, and such certificate shall be valid only in respect of the steamship named therein whilst employed within the limits specified in the certificate, and for a period not exceeding one year from the date of issue.

When certificate not valid.

147. (1) A Canadian certificate of competency or service as master or mate, other than for foreign-going ships, granted under this Act, shall not be valid:

(a) after the holder of the same has ceased to be a British subject; or,

(b) after the period of five years from its date, but a certificate may be renewed from time to time by an endorsement under the hand of the Minister, or other

proper officer of the Department, or by the grant of a new certificate, at the option of the Minister.

Certain certificates to be void.

(2) Every certificate of competency or service as master or mate, other than for foreign-going ships, which at the commencement of this Act has been in force for five years or upwards, shall be void, unless renewed, as hereinbefore provided.

Holder must be British subject.

(3) No certificate of competency or service whether granted before or after the commencement of this Act, shall be renewed, unless the holder of the same at the time of renewal is a British subject.

Record of Certificates.

Record in Department.

148. A record of all certificates of competency or service granted under this Part shall be kept in the Department.

Entry of cancellation, etc.

149. Whenever notice of the cancelling, suspending, altering or otherwise affecting, by competent authority, of any certificate is received by the Department, there shall thereupon be made a corresponding entry in the record of certificates.

Lost Certificates.

Loss of certificate.

150. If a master, mate or engineer proves to the satisfaction of the Minister that he has, lost or been deprived of any certificate issued under this Part, the Minister may, upon such terms and conditions as he deems fit, cause a copy or duplicate of the original certificate to be made out and certified and to be delivered to that master or mate or engineer. R.S., c. 186, s. 102.

Production of Certificates.

Certificates to be produced to Customs.

151. The master of every British foreign-going ship, wherever registered, shall produce to every officer of Customs in Canada, to whom he applies for a clearance of that ship on any voyage, the certificate of competency or service for foreign-going ships, which under this Act the said master and his first mate and engineers are required to possess.

Penalty for proceeding to sea without complying with subsection one: one hundred dollars.

No clearance without certificate.

(2) No officer of Customs at any port in Canada shall clear the ship on any voyage without the proper certificates being first produced to him. R.S., c. 186, s. 96.

Master must produce certificate on clearance.

152. (1) The master of every home-trade ship, inland waters ship or minor waters ship, required by this Part to be commanded by a master holding a certificate of competency or of service, shall produce to every officer of Customs in Canada to whom he applies for a coasting licence under the *Customs Act*, or for a clearance, a certificate of competency or service of the proper grade and class.

Also mate's certificate.

(2) If the ship is also required to carry a mate holding a certificate of competency or service, or an engineer holding a certificate as such, the master shall, at the same time, produce to the officer of Customs the certificate of the mate and engineer.

Penalty for proceeding to sea without complying with subsections one and two: one hundred dollars.

No clearance unless certificates produced.

(3) No officer of Customs at any port in Canada shall clear the ship, or grant a coasting licence in respect of the ship, unless the certificate of the proper grade and class for the master and also, if required, for the mate and engineer is first produced to him. R.S., c. 186, s. 99, 100.

Tug or steamship.

153. The master of any tug, or other steamship, required to have a certificated master, but so employed as not to require a clearance, or licence as aforesaid, shall, whenever thereunto required by any officer of Customs, produce his certificate as master and the certificate of his engineer, to that officer. R.S., c. 186, 2. 101.

Penalty: one hundred dollars.

Inquiry into conduct of certificated officer.

154. (1) If the Minister has reason to believe that any master, mate, or engineer is from incompetency or misconduct unfit to discharge his duties, or that in a case of collision he has failed to render such assistance or give such information as is required under sections four hundred and twenty-two and four hundred and twenty-five of the *Merchant Shipping Act*, the Minister may cause an inquiry to be held.

Appointment by Minister.

(2) The Minister may either himself appoint a person to hold the inquiry or may direct the inquiry to be held before a court of summary jurisdiction.

Duties of person appointed.

(3) Where the inquiry is held by a person appointed by the Minister, that person—

(a) shall hold the inquiry with the assistance of a local stipendiary magistrate, or, if there is no such magistrate available, of a competent legal assistant appointed by the Minister; and

(b) shall have all the powers of a steamship inspector under this Act; and

(c) shall give any master, mate, or engineer against whom a charge is made an opportunity of making his defence either in person or otherwise, and may summon him to appear; and

(d) may make such order with regard to the costs of the inquiry as they think just; and

(e) shall send a report upon the case to the Minister.

Inquiry hrld by Court.

(4) Where the inquiry is held by a court of summary jurisdiction, the inquiry shall be conducted and the results reported in the same manner, and the court shall have the like powers, as in the case of a formal investigation into a shipping casualty under Part IX.

Suspension or cancellation of certificate.

(5) If upon any such inquiry the Minister is satisfied

(a) that any master, mate or engineer, is incompetent or has been guilty of any act of misconduct, drunkeness or tyranny; or

(b) that the loss or abandonment of or serious damage to any ship or any loss of life was caused by the wrongful act or default of any master, mate or engineer; or

(c) that any master, mate or engineer has been guilty of a criminal offence or has been blamed by any coroner's inquest in respect to the death of any person; or

(d) that the master or mate, in cases of collision between his vessel and another vessel, has failed without reasonable cause to comply with the requirements of section seven hundred and eighty-eight with regard to rendering assistance or the requirement of section seven hundred and eighty-eight as to giving information; or

(e) that the certificate of any master, mate or engineer was obtained on false statement or erroneous information;

he may suspend or cancel the certificate of competency or service of any such master or mate or the certificate of any such engineer.

Restoration of certificate.

155. The Minister may, if he thinks that the justice of the case requires it, re-issue and return the Canadian certificate of a master, mate or engineer which has been cancelled or suspended pursuant to any power in this Act contained or shorten the time for which it is suspended, or grant in place thereof a certificate of the same or any lower grade. R.S., c. 186, s. 785.

No person to act in dual capacity.

156. No person shall act in the dual capacity of engineer and master in any steamship, except that, subject to such regulations as the Governor in Council may make, this section shall not apply to any passenger steamship not exceeding sixty-five feet registered length, propelled by an internal combustion engine, or other mechanical power deemed by the Minister to be equivalent to an internal combustion engine in the circumstances.

Certificates as Evidence.

Certificates as evidence.

157. All documents purporting to be certificates granted by the Minister under this Part, and to be signed by him, shall be received in evidence, and shall be deemed to be valid certificates, without further proof, unless the contrary is shown. R.S., c. 186, s. 110.

Certified copies.

158. A copy of any certificate, purporting to be certified by the Minister or the Deputy Minister, shall be *prima facie* evidence of that certificate, and a copy, purporting to be so certified, of any entry made as aforesaid in respect of any certificate shall be *prima facie* evidence of the entry, and of the truth of the matter stated therein. R.S., c. 186, s. 111.

Scale of Fees.

Scale of fees.

159. The Governor in Council may establish a scale of fees to be charged for certificates to masters mates, and engineers. R.S., c. 186, c. 90.

Application of fees.

160. All fees received under this Part, shall be paid over to the Receiver General, and shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 186, s. 92.

General.

Provision for instruction in navigation.

161. The Minister may, from time to time, make provision for affording facilities for imparting to seafaring men, desirous of becoming applicants for examination for certificates of competency as masters and mates under this Part, such information as to the theory of navigation as will fit them for the examination. R.S., c. 186, s. 86.

Offences and Penalties.

Master proceeding without the mate whose certificate he produced at Customs.

162. (1) If the master of any ship produces to the chief officer of Customs in Canada to whom he applies for a clearance a certificate of competency or of service required to be possessed by the first mate of the ship, and obtains a clearance by representing that the person possessing that certificate is engaged as first mate of the ship for the voyage for which the clearance has been obtained, and afterwards proceeds from any place in Canada without having the said person or some other duly certificated mate on board as first mate; or if any person knowingly allows his certificate as mate to be produced as aforesaid, and does not, without satisfactory excuse, proceed with the ship, as first mate, on the voyage for which the clearance has been obtained, or

otherwise wilfully aids the master in any offence under this section, that master or person shall be guilty of an offence.

Penalty: one hundred dollars.

Suspension of certificate.

(2) In addition to any such penalty the certificate of any master or mate guilty of any offence under this section may be suspended by the Minister for a period not exceeding twelve months. R.S., c. 186, s. 117, 118.

Forgery of fraud with respect to any certificate.

163. If any person,—

(a) makes, procures to be made or assists in making any false representation for the purpose of obtaining for himself or for any other person, any certificate of competency or of service or certificate as engineer; or,

(b) forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering or procures to be fraudulently altered, any certificate or any official copy of any certificate; or

(c) fraudulently makes use of any certificate which is forged, altered, cancelled or suspended, or to which he is not justly entitled; or,

(d) fraudulently lends his certificate to or allows the same to be used by any other person;

he shall be guilty of an indictable offence. R.S., c. 186, s. 121.

No penalty on temporary certificate.

164. No person who holds a temporary certificate, and no person who employs him as holding a temporary certificate, shall be liable to any of the penalties provided by this Part, if he is acting on the vessel and within the limits specified in the said certificate. R.S., c. 186, s. 122.

Prior certificates not affected.

165. Nothing in this Part dealing with the employment and certification of engineers shall derogate from any of the powers or privileges enjoyed by any engineer in respect of any certificate given to him by the Minister prior to the coming into force of this Act.

Shipping Offices and Shipping Masters.

Shipping offices.

166. The Governor in Council may establish a shipping office at any port in Canada. R.S., c. 186, s. 126.

Shipping masters.

167. (1) The Governor in Council may, subject to the provisions of this Part, appoint for any shipping office a shipping master, who may with the approval of the Minister appoint any necessary deputies, clerks, and servants, and shall subject to the provisions of this Part have complete control over and be responsible for every act done by such deputies, clerks and servants.

Deputies.

(2) All acts done by or before those deputies shall have the same effect as if done by or before a shipping master. R.S., c. 186, s. 127.

Scale of fees.

168. (1) The Minister shall establish a scale of fees payable to shipping masters for his service.

Authorized fees only.

(2) A shipping master shall be entitled to charge only such fees as are authorized by the Minister.

Sole remuneration.

(3) A shipping master shall be remunerated for his services solely by such fees of office as the Minister may authorize. R.S., c. 186, s. 127.

Ineligible persons.

169. No person who sells any spirituous liquors and no tavern keeper or boarding-house keeper shall be appointed a shipping master or deputy shipping master. R.S., c. 186, s. 128.

Shipping office conducted in Custom house.

170. (1) At any place in which no shipping office is established, the business of the shipping office shall be conducted at the Custom-house.

Deemed to be shipping office.

(2) In respect of any such business that Custom-house shall, for all purposes, be deemed to be a shipping office, and the chief officer of Customs there, if no other shipping master has been appointed, shall, for all purposes, be a shipping master, and shall be held to have been appointed as such within the meaning of this Part.

Fees to be first charge.

(3) Any shipping master or the deputy, clerk or servant of any shipping master may refuse to proceed with any engagement or discharge unless the fee payable thereon is first paid. R.S., c. 186, s. 129.

Control of Minister.

171. All business transacted at any shipping office shall be under the control and supervision of the Minister. R.S., c. 186, s. 130.

Shipping master to give security.

172. Every shipping master shall, before entering upon his duties, give such security for the due performance thereof as the Minister requires. R.S., c. 186, s. 131.

Investigations and dismissals.

173. If, in any case, the Minister has reason to believe that any person appointed by any shipping master does not properly discharge his duties, he may cause an investigation to be made, and may direct the dismissal or suspension of that person. R.S., c. 186, s. 132.

Oath of office of shipping master and subordinates.

174. (1) Every shipping master, deputy, clerk, and servant so appointed, shall before entering upon his duties, take and subscribe before any person qualified to administer oaths, an oath in the form following, that is to say:—

"I, A.B., do swear that I will faithfully perform the duties of shipping master (or deputy shipping master, or as the case may be) according to the true intent and meaning of Part IV of the *Canada Shipping Act*; that I will not, either directly or indirectly, personally, or by means of any other person or persons on my behalf, receive any fee, reward or gratuity by reason of any function of my office as shipping master (or deputy shipping master, or as the case may be), except such as are authorized by the Minister and allowed to me under the said Part, and that I will act without partiality, favour or affection, and to the best of my knowledge. So help me God. R.S., c. 186, s. 133.

Forwarded to Minister.

(2) The oath shall be forwarded to the Minister by the shipping master immediately after the same is taken.

175. Every shipping master shall:—

Business. Registers.

(a) afford facilities for engaging seamen, by keeping registers of the names of seamen who apply to him for engagement, and registers of all seamen shipped or discharged by him, which registers shall be open for public inspection;

Engage and discharge.

(b) superintend and facilitate the engagement and discharge of seamen in manner hereinafter provided;

Securing presence.

(c) provide means for securing the presence on board at the proper times of men who are engaged, when requested so to do; the expense of that service to be defrayed by the master, owner, or agent of the ship requiring the presence of men on board;

Apprenticeship.

(d) facilitate the making of apprenticeships to the sea service.

Other duties.

(e) perform such other duties relating to seamen, apprentices and merchant ships as are by this Act committed to him. R.S., c. 186, s. 134.

Unlawful hiring.

176. No person shall engage or supply a seaman or apprentice to be entered on board any ship in Canada unless that person is a shipping master or is the owner, a

master, a mate of the ship or is *bona fide* the servant and in the constant employment of the owner. R.S., c. 186, s. 135.

Employing persons to hire, etc.

177. No person shall employ for the purpose of engaging or supplying a seaman or apprentice to be entered on board any ship in Canada any person unless that person is a shipping master or is the owner or master or mate of the ship, or is *bona fide* the servant and in the constant employment of the owner. R.S., c. 186, s. 136.

Person hired illegally not to be received.

178. No person shall knowlingly receive or accept to be entered on board any ship, or permit to remain on board the same, any seaman who has been engaged or supplied contrary to the provisions of this Part, or who has been engaged, or supplied for any other ship. R.S., c. 186, s. 137.

Duty of shipping master in case of suspected deserter.

179. Every shipping master and deputy shipping master shall, before engaging or supplying any seaman to be entered on board any ship, require that seaman to produce his certificate of discharge from his last ship, or other satisfactory proof that he was lawfully discharged from or lawfully quitted his last ship, and shall by all lawful means in his power prevent, so far as he can, the effecting before him of the engagement of a seaman whom he has any reason to suspect of having deserted from his last ship. R.S., c. 186, s. 138.

Masters to pay fees and deduct part from wages of seaman.

180. Every owner or master of a ship engaging or discharging any seaman in a shipping office, or before a shipping master or a deputy shipping master, shall pay to the shipping master or deputy shipping master the whole of the fees hereby made payable in respect of that engagement or discharge, and may, for the purpose of reimbursing himself in part deduct and retain, in respect of each such engagement or discharge from the wages of the person so engaged or discharged a sum not exceeding one-half the amount so paid to the shipping master or deputy shipping master: Provided that the sum which the owner or master of a ship engaging or discharging any seamen in a shipping office may deduct from the seaman's wages shall not exceed, as to each seaman, in the case of engagement, twenty-five cents, and in the case of discharge, fifteen cents. R.S., c. 186, s. 140.

Returns to Minister.

181. (1) Every shipping master shall make, sign and transmit to the Minister on or as soon as possible after the last day of March and the last day of September in each year, a return of all the fees and moneys received by him under this Part during the half year ending on that day.

Particulars in returns.

(2) Such return shall show also the number of seamen engaged and the number of seamen discharged during the same period. R.S., c. 186, s. 141.

Dispensing with shipping master's superintendence.

182. The Governor in Council may, from time to time, dispense with the transaction before a shipping master or in a shipping office, of any matters required by this Part to be so transacted, and thereupon those matters, if otherwise duly transacted, shall be as valid as if transacted before a shipping master, or in a shipping office. R.S., c. 186, s. 142.

Apprenticeship to the Sea Service.

Apprenticeship.

183. Every shipping master shall give to persons desirous of apprenticing boys to, or requiring apprentices for the sea service, such assistance as may be in their power. R.S., c. 186, s. 144.

Indenture.

184. The apprenticeship of any boy to the sea service shall be by indenture between the apprentice and the master or owner of the ship requiring the apprentice. R.S., c. 186, s. 145.

Record of indentures.

185. Every person to whom an apprentice is bound shall, within seven days after the execution of the indenture, transmit the same and a copy thereof to the shipping master nearest to the residence of the person to whom the apprentice is bound, and the said shipping master shall keep the copy in his office, which shall be open to public inspection free of any charge, and shall endorse on the indenture that it has been so recorded and shall re-deliver the same to the master of the apprentice. R.S., c. 186, s. 146.

Notice of assignment, etc.

186. Whenever any indenture is assigned or cancelled, or whenever any apprentice dies or deserts, the master of the apprentice shall, within thirty days after the assignment, cancellation, death or desertion, if the same happens within Canada, or, if the same happens elsewhere, so soon afterwards as circumstances permit, notify the same to the said shipping master, to be recorded. R.S., c. 186, s. 148.

Production of indenture.

187. (1) The master of every foreign going or home-trade ship, registered in Canada which in pursuance of this Act makes an agreement with the crew in the presence of a shipping master shall, before carrying any apprentices to sea from any place in Canada, cause that apprentice to appear before the shipping master before whom the crew is engaged, and shall produce to the shipping master the indenture by which the apprentice is bound and every assignment thereof. M.S.A. 109.

Entries.

(2) The name of the apprentice, with the date of the indenture and of the assignments thereof, if any, and the names of the ports at which the same have been registered, shall be entered on the agreement with the crew. R.S., c. 186, s. 149.

Penalty: twenty-five dollars.

Engagement of Seamen.

Agreement with crew.

188. The master of every British ship other than home-trade ships, inland waters ships and minor waters ships of less than fifty register tons shall enter into an agreement (in this Act called the Agreement with the Crew) in accordance with this Act, with every seaman whom he engages in Canada and carries as one of his crew. R.S., c. 186, s. 150-158.

Form and contents outside of Canada.

189. When agreements with seamen are first opened in any part of the British Commonwealth outside of Canada their form and contents shall be those prescribed by the law of that part and if opened elsewhere than within the British Commonwealth, shall be those prescribed by the law of that part of the Commonwealth in which the ship is registered.

Form, period and conditions of agreements with crew.

190. (1) An agreement with the crew shall be in a form approved by the Minister, and shall be dated at the time of the first signature thereof, and shall be signed by the master before a seaman signs the same.

Particulars.

(2) The agreement with the crew shall shew the surname and other names of the seaman, his birthplace and his age or date of his birth, and shall state clearly the respective rights and obligations of each of the parties and shall contain as terms thereof the following particulars:—

(a) the name of the vessel or vessels on board which the seaman undertakes to serve;

(b) either the nature, and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement and the places or parts of the world, if any, to which the voyage or engagement is not to extend;

(c) the number and description of the crew, specifying how many are engaged as sailors;

(d) if possible the place and date at which each seaman is to be on board or to begin work;

(e) the capacity in which each seaman is to serve;

(f) the amount of wages which each seaman is to receive;

(g) a scale of the provisions which are to be furnished to each seaman;

(h) the time agreed upon (if any) which is to expire after arrival before the seaman shall be discharged;

(i) any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishment for misconduct which have been approved by the Minister as regulations proper to be adopted, and which the parties agree to adopt.

(j) the particulars as to the position of the deck line and the load lines specified in the ship's load line certificate.

Optional terms.

(3) The agreement with the crew shall be so framed as to admit of such stipulations, to be adopted at the will of the master and seaman in each case, whether respecting the advance and allotment of wages or otherwise, as are not contrary to law or contrary to the Seamens' Articles Convention. It shall state the place at which and the date on which it was completed.

Foreign agreements.

(4) If the master of a ship registered at a port out of Canada has an agreement with the crew made in due form according to the law of that port or of the port in which her crew were engaged, and engages single seamen in Canada, those seamen may sign the agreement so made, and it shall not then be necessary for them to sign an agreement in the form approved by the Minister. R.S., c. 186, s. 150, 151.

Agreements with crew of foreign-going ships.

191. The following provisions shall have effect with respect to the agreements with the crew made in Canada in the case of foreign-going ships registered either within or without Canada:—

Signed.

(1) The agreement shall (subject to the provisions of this Act as to substitutes) be signed by each seaman in the presence of a shipping master.

Explained.

(2) The shipping master shall give reasonable facilities to the seaman and his adviser (if any) to examine the agreement and shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature.

In duplicate.

(3) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping master, and the other shall be delivered to the master, and shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship.

Substitutes.

(4) Where a substitute is engaged in the place of a seaman who duly signed the agreement, and whose services are within twenty-four hours of the ship's putting to sea lost by death, desertion, or other unforeseen cause, the engagement shall, when practicable, be made before a shipping master, and, when not practicable, the master shall, before the ship puts to sea, if practicable, and if not, as soon afterwards as possible cause the agreement to be read over and

explained to the substitute, and the substitute shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature.

Duration of agreements.

(5) The agreements may be made for a voyage, or if the voyages of the ship average less than six months in duration may be made to extend over two or more voyages, and agreements so made to extend over two or more voyages are in this Act referred to as running agreements;

Running agreements.

(6) Running agreements shall not extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the ship at her port of destination in Canada after that date, or the discharge of cargo consequent on that arrival;

Endorsements.

(7) On every return to a port in Canada before the final termination of a running agreement, the master shall make on the agreement an endorsement as to the engagement or discharge of seamen, either that no engagements or discharges have been made, or are intended to be made before the ship leaves port, or that all those made have been made as required by law;

Signed and delivered.

(8) The master shall deliver the running agreement so endorsed to the shipping master, and the shipping master shall, if the provisions of this Act relating to agreements have been complied with, sign the endorsement and return the agreement to the master;

Duplicate retained.

(9) The duplicate running agreement retained by the shipping master on the first engagement of the crew shall be kept by the shipping master until the expiration of the agreement. R.S., c. 186, ss. 153, 154.

Agreement terminated by death, etc.

(10) An agreement whether for a voyage or for a definite period shall be terminated by the death of the seaman, or the loss or total unseaworthiness of the vessel and may be determined by the parties thereto by mutual consent.

Agreements with crew of home-trade ships.

192. The following provisions shall have effect with respect to the agreements with the crew made in Canada in the case of home-trade ships for which an agreement with the crew is required under this Act:—

Service.

(1) Agreements may be made either for service in a particular ship or for service in two or more ships belonging to the same owner, but in the latter case the names of the ships and the nature of the service shall be specified in the Agreement;

Signed.

(2) The agreement shall be signed by each seaman in the presence of a shipping master;

Explained.

(3) The shipping master shall give reasonable facilities to the seaman and his adviser (if any) to examine the agreement and shall cause the agreement to be read over and explained to each seaman or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature;

For several ships.

(4) An agreement for service in two or more ships belonging to the same owner may be made by the owner instead of by the master and the provisions of this Act with respect to the making of the agreement shall apply accordingly;

Duration of agreements.

(5) In the case of a ship making short voyages running agreements with the crew may be made to extend over two or more voyages or for a specified time, but no such agreement shall extend beyond the next following thirtieth day of June or thirty-first day of December or the first arrival of the ship at her final port of destination in Canada after that date, or the discharge of cargo consequent upon that arrival: Provided that the owner or his agent

Time agreements.

may enter into time agreements in forms sanctioned by the Minister with individual seamen to serve in any one or more ships belonging to such owner and those agreements need not be limited to six months, and a duplicate of every such agreement shall be forwarded to the Minister within forty-eight hours after it has been entered into;

Endorsement on return.

(6) On every return to a port in Canada before the final termination of a running agreement, the master shall make on the agreement an endorsement as to the engagement or discharge of seamen, either that no engagements or discharges have been made, or are intended to be made before the ship leaves port, or that all those made have been made as required by law;

Signed and delivered.

(7) The master shall deliver the running agreement so endorsed to the shipping master, and the shipping master shall, if the provisions of this Act relating to agreements have been complied with, sign the endorsement and return the agreement to the master;

Duplicate retained.

(8) The duplicate running agreement retained by the shipping master on the first engagement of the crew shall be kept by the shipping master until the expiration of the agreement. R.S., c. 186, s. 153, 154.

Agreement terminated by death, etc.

(9) An agreement whether for a voyage or for a definite period shall be terminated by the death of the seaman, or the loss or total unseaworthiness of the vessel and may be determined by the parties thereto by mutual consent.

Agreements with crew of inland water ships.

193. The following provisions shall have effect with respect to the agreement with the crew in the case of inland waters ships and minor waters ships for which an agreement with the crew is required under this Act:—

Service.

(1) Agreements may be made either for service in a particular ship or for service in two or more ships belonging to the same owner, but in the latter case the names of the ships and the nature of the service shall be specified in the agreement.

Explained.

(2) Crews or single seamen shall in the case of ships of over eighty tons register tonnage, and may if the master thinks fit in the case of ships of lesser tonnage be engaged before a shipping master in the same manner as they are required to be engaged for foreign-going and home-trade ships, but if the engagement is not so made the master shall before the ship leaves port if practicable, and if not as soon after as possible, cause the agreement to be read and explained to each seaman and the seaman shall thereupon sign the same in the presence of a witness and the witness shall attest the signature;

For several ships.

(3) An agreement for service in two or more ships belonging to the same owner may be made by the owner instead of by the master and the provisions of this Act with respect to the making of the agreement shall apply accordingly;

Running agreements.

(4) In the case of a ship making short voyages running agreements with the crew may be made to extend over two or more voyages or for a specified time, but no such agreement shall extend beyond eight months from the date of such agreement or the first arrival of the ship at her port of destination after the termination of such agreement or the discharge of cargo consequent upon that arrival: Provided that the owner or his agent may enter into time agreements in forms sanctioned by the Minister with individual seamen to serve in any one or more ships belonging to such owner and those agreements need not be limited to eight months, and a duplicate of every such agreement shall be forwarded to the Minister within forty-eight hours after it has been entered into.

Time agreements.

Duplicate for Minister.

Production of Certificate of Competency or Service.

Master to produce certificate.

194. The master of every foreign-going ship and of every home-trade ship of or over fifty and of any inland waters or minor waters ship over eighty tons register tonnage on signing the agreement with the crew shall produce to the shipping master before whom the same is signed the certificates of competency or service, which the master and his first and second mate are required by law to hold. R.S., c. 186, s. 166.

Certificate from Shipping Master.

Certificate from shipping master.

195. The shipping master shall in the case of any ship, on all the requirements of this Part being complied with to his satisfaction, give to the master of the ship a certificate to that effect or to the effect that the agreement with the crew is in his office partially signed, waiting the engagement of a portion of the crew, as the case may be, and shall also specify in the certificate the class of ship to which the ship

belongs, whether she is a steamship or sailing ship, her gross and register tonnage and particulars of her employment. R.S., c. 186, s. 167.

No clearance without cert fi:ate.

196. No officer of Customs shall clear any ship until the shipping master's certificate is produced to him. R.S., c. 186, s. 168.

Changes in crew to be reported.

197. The master of every foreign-going or home-trade ship whose crew has been engaged before a shipping master shall, before finally leaving Canada, sign and send to the nearest shipping master, a full and accurate statement, in a form approved by the Minister, of every change which takes place in his crew before finally leaving Canada, and that statement shall be admissible in evidence in manner provided by this Act. R.S., c. 186, s. 168.

Certificate as to agreement with crew of seagoing ship.

198. (1) In the case of a foreign-going ship, on the due execution of an agreement with the crew in accordance with this Act, and also where the agreement is a running agreement, on compliance by the master, before the second and every subsequent voyage made after the first commencement of the agreement, with the provisions of this Act, respecting that Agreement, the shipping master shall grant the master of the ship a certificate to that effect.

To be produced.

(2) The master of every foreign-going ship shall, before proceeding to sea, produce to the officer of customs that certificate, and any such ship may be detained until the certificate is produced.

Delivery to shipping master.

(3) The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in Canada or upon the discharge of the crew, whichever first happens, deliver his agreement with the crew to the shipping master, and the shipping master shall give the master a certificate of that delivery; and an officer of customs shall not clear the ship inwards until the certificate of delivery is produced. R.S., c. 186, s. 167, 168.

Penalty: twenty-five dollars.

Agreement of home-trade ship delivered.

199. (1) The master or owner of a home-trade ship of fifty tons, register tonnage or more, shall within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year deliver or transmit to a shipping master in Canada every agreement with the crew made for the ship within six months next preceding those days respectively.

Certificate.

(2) The shipping master on receiving the agreement shall give the master or owner of the ship a certificate to that effect, and the ship shall be detained unless the certificate is produced to the proper officer of customs.

Master to deliver agreement.

200. The master or owner of every inland waters ship or minor waters ship of or over fifty tons register shall within twenty-one days after the termination of every agreement with the crew deliver the same to the nearest shipping master and the shipping master shall give the master a certificate of that delivery.

Penalty: twenty-five dollars.

Copy for crew.

201. The master shall at the commencement of every foreign voyage or engagement cause a legible copy of the agreement with the crew, (omitting the signatures) to be posted up in some part of the ship which is accessible to the crew.

Penalty: twenty-five dollars.

Alterations in agreements with crew.

202. Every erasure, interlineation, or alteration in any agreement with the crew (except additions made for the purpose of shipping substitutes or persons engaged after the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in the erasure, interlineation, or alteration, by the written attestation (if in His Majesty's dominions) of some shipping master, justice, officer of customs, or other public functionary, or elsewhere, of a British consular officer, or where there is no such officer, of two respectable British merchants. R.S., c. 186, s. 155.

Seaman not bound to produce agreement.

203. In any legal or other proceeding a seaman may bring forward evidence to prove the contents of any agreement with the crew or otherwise to support his case, without producing, or giving notice to produce the agreement or any copy thereof. R.S., c. 186, s. 159.

Engagement of seamen in colonial and foreign ports.

204. With respect to the engagement of seamen out of Canada the following provisions shall have effect:—

Where the master of a ship registered in Canada engages a seaman in any British possession or at a port in which there is a British consular officer, the provisions of this Act respecting agreements with the crew made in Canada shall apply subject to the following modifications:—

(a) in any such British possession the master shall engage the seaman before some officer being either a superintendent or, if there is no such superintendent an officer of customs;

(b) at any such port having a British consular officer the master shall, before carrying the seaman to sea, procure the sanction of the consular officer, and shall, if not contrary to local law, engage the seaman before that officer;

(c) the officer shall be requested to endorse upon the agreement an attestation to the effect that the agreement has been signed in his presence and otherwise made as required by this Act, and also, if the officer is a British consular officer, that it has his sanction, and if the attestation is not made the burden of proving that the engagement was made as required by this Act shall lie upon the master.

Rating of Seamen.

Rating of able-bodied seaman.

205. (1) A seaman shall not be entitled to the rating of A.B., that is to say, of an able-bodied seaman, unless he has served at least three years before the mast on a sea-going ship, but the employment of fishermen on decked fishing vessels shall only count as sea service up to the period of two years of that employment; and the rating of A.B. shall only be granted after at least one year's sea service in a trading vessel in addition to two or more years' sea service on board of decked fishing vessels.

Proof of service.

(2) The service may be proved by certificates of discharge or other satisfactory proof.

Discharge of Seamen.

Discharges before shipping master.

206. (1) When a seaman serving in a foreign-going ship, or in a home-trade ship of or over fifty tons register tonnage, or in an inland waters or minor waters ship over eighty tons, whether registered within or without Canada, is on the termination of his engagement discharged in Canada, he shall, whether the agreement with the crew be an agreement for the voyage, or a running agreement, be discharged in the presence of a shipping master.

Home-trade ships.

(2) If the master or owner of a home-trade ship of less than fifty tons register tonnage, or an inland waters or minor waters ship of or under eighty tons register tonnage, so desires the seamen of that ship may be discharged in the same manner as seamen discharged from a foreign-going ship. R.S., c. 186, ss. 152-173.

Certificate of discharge.

207. (1) The master shall sign and give to a seaman discharged from his ship, either on his discharge or on payment of his wages, a certificate of his discharge in a form approved by the Minister, specifying the period of his service and the time and place of his discharge, but which shall not contain any statement as to his wages or the quality of his work.

Penalty: fifty dollars.

Officers' certificate returned.

(2) The master shall also, upon the discharge of every certificated officer whose certificate of competency has been delivered to and retained by him, return the certificate to the officer. R.S., c. 186, s. 175.

Penalty: one hundred dollars.

Reports of seaman's character.

208. (1) Where a seaman is discharged before a shipping master the master shall make and sign, in a form approved by the Minister, a report of the conduct, character, and qualifications of the seaman discharged, or may state in the said form that he declines to give any opinion upon such particulars, or upon any of them, and the shipping master before whom the discharge is made shall, if the seaman desires, give to him a copy of such report (in this Act referred to as the report of character).

Returns to Minister.

(2) The shipping master shall transmit the reports to the Minister, or to such other person as the Minister may direct, to be recorded. R.S., c. 186, s. 175.

When seaman may claim his discharge.

209. If a seaman shows to the satisfaction of the shipowner or his agent or of the master that he can obtain command of a vessel or an appointment as mate or engineer or to any other post of a higher grade than he actually holds, or that any other circumstance has arisen since his engagement which renders it essential to his interests that he should be permitted to take his discharge, he may claim his discharge, provided that without increased expense to the shipowner and to the satisfaction of the shipowner or his agent or the master he furnishes a competent and reliable man in his place. In such case, the seaman shall be entitled to his wages up to the time of his leaving his employment.

Payment of Wages.

Payment of wages before shipping master.

210. Where a seaman is discharged before a shipping master in Canada, he shall receive his wages through or in the presence of the shipping master, unless a competent court otherwise direct. R.S., c. 186, s. 173.

Master to deliver account of wages.

211. (1) The master of every ship shall before paying off or discharging a seaman deliver at the time and in the manner provided by this Act a full and true account, in a form approved by the Minister, of the seaman's wages, and of all deductions to be made therefrom on any account whatever.

To seaman.

(2) The said account shall be delivered:—

(a) where the seaman is not to be discharged before a shipping master, to the seaman himself not less than twenty-four hours before his discharge or payment off; and,

To seaman or shipping master.

(b) where the seaman is to be discharged before a shipping master, either to the seaman himself at or before the time of his leaving the ship, or to the shipping master not less than twenty-four hours before the discharge or payment off. R.S., c. 186, s. 174.

Deductions.

212. (1) A deduction from the wages of a seaman shall not be allowed unless it is included in the account delivered in pursuance of the last preceding section, except in respect of a matter happening after the delivery.

Record of deductions.

(2) The master shall during the voyage enter the various matters in respect of which the deductions are made, with the amounts of the respective deductions, as they occur, in a book to be kept for that purpose, and shall, if required, produce the book at the time of the payment of wages, and also upon the hearing before any competent authority of any complaint or question relating to that payment.

Disrating of seamen.

213. (1) Where the master of a ship disrates a seaman he shall forthwith enter or cause to be entered in the official log book a statement of the disrating, and furnish the seaman with a copy of the entry; and any reduction of wages consequent on the disrating shall not take effect until the entry has been so made and the copy so furnished.

Reduction.

(2) Any reduction of wages consequent on the disrating of a seaman shall be deemed to be a deduction from wages within the meaning of the two last preceding sections.

Decision of questions by shipping master.

214. (1) Where in the case of a foreign-going ship a question as to wages is raised before a shipping master between the master or owner of the ship and a seaman or apprentice, and the amount in question does not exceed twenty-five dollars, the shipping master may, on the application of either party, adjudicate, and the decision of the shipping master in the matter shall be final, but if the shipping master is of opinion that the question is one which ought to be decided by a court of law, he may refuse to decide it.

Hearing of any question by agreement.

(2) Where any question, of whatever nature and whatever the amount in dispute, between a master or owner and any of his crew is raised before a shipping master, and both parties agree in writing to submit the same to him the shipping master shall hear and decide the question so submitted; and an award made by him upon the submission shall be conclusive as to the rights of the parties, and a document purporting to be the submission or award shall be admissible as evidence thereof. R.S., c. 186, s. 176.

Shipping master may require ships' papers.

215. In any proceeding under this Act before a shipping master relating to the wages, claims, or discharge of a seaman, the shipping master may require the owner, or his

agent, or the master, or any mate or other member of the crew, to produce any log-books, papers or other documents in his possession or power relating to a matter in question in the proceeding, and may require the attendance of and examine any of those persons, being then at or near the place, on the matter. R.S., c. 186, s. 177.

Payment of seamen in foreign money.

216. Where a seaman has agreed with the master of a British ship for payment of his wages in Canadian dollars or any other money, any payment of, or on account of, his wages if made in any other currency than that stated in the agreement, shall, notwithstanding anything in the agreement, be made at the rate of exchange for the money stated in the agreement, for the time being current at the place where the payment is made.

Advance and Allotment of Wages.

Advance notes restricted.

217. (1) *(a)* Where an agreement with the crew is required to be made in a form approved by the Minister, the agreement may contain a stipulation for payment to or on behalf of the seaman, conditionally on his going to sea in pursuance of the agreement, of a sum not exceeding the amount of one month's wages payable to the seaman under the agreement; and

(b) Stipulations for the allotment of a seaman's wages may be made in accordance with this Act.

Other agreements void.

(2) Save as aforesaid an agreement by or on behalf of the employer of a seaman for the payment of money to or on behalf of the seaman conditionally on his going to sea from any port in Canada shall be void, and any money paid in satisfaction or in respect of any such agreement shall not be deducted from the seaman's wages, and a person shall not have any right of action, suit, or set-off against the seaman or his assignee in respect of any money so paid or purporting to have been so paid.

Provisions as to failure to join ship.

(3) Where it is shown to the satisfaction of the shipping master that a seaman lawfully engaged has wilfully or through misconduct failed to join his ship, the shipping master shall report the matter to the Minister, and the Minister may direct that any of the seaman's certificates of discharge shall be withheld for such period as he may think fit, and, while a seaman's certificate of discharge is so withheld, the Minister, and any other person having the custody of the necessary documents, may, notwithstanding anything in this Act refuse to furnish copies of any of his certificates of discharge or certified extracts of any particulars of service or character. R.S., c. 186, s. 164.

Allotment of wages.

218. (1) Any stipulation made by a seaman at the commencement of a voyage for the allotment of any part of his wages during his absence shall be inserted in the agreement with the crew, and shall state the amounts and times of the payments to be made.

Allotment notes.

(2) Where the agreement is required to be made in a form approved by the Minister, the seaman may require that a stipulation be inserted in the agreement for the allotment by means of an allotment note, of any part (not exceeding one-half) of his wages in favour either of a near relative or of a savings bank.

Form.

(3) Allotment notes shall be in a form approved by the Minister.

Definitions.

(4) For the purposes of the provisions of this Act with respect to allotment notes:—

(a) the expression "near relative" means one of the following persons, namely, the wife, father, mother, grandfather, grandmother, child, grandchild, brother or sister of the seaman;

(b) the expression "savings bank" means a Government Savings Bank, or a Post Office Savings Bank, or a Canadian Chartered Bank.

Obligation to offer allotment notes.

(5) Every shipping master or other officer before whom the seaman is engaged shall, after the seaman has signed the agreement, inquire of the seaman whether he requires such a stipulation for the allotment of his wages by means of an allotment note, and if the seaman requires such a stipulation shall insert the stipulation in the agreement with the crew, and any such stipulation shall be deemed to have been agreed to by the master.

Time for payment of allotment note.

(6) A payment under an allotment note shall begin at the expiration of one month from the date of the agreement with the crew and shall be paid at the expiration of every subsequent month after the first month, and shall be paid only in respect of wages earned before the date of payment. R.S., c. 186, s. 169.

Allotments through savings banks.

219. (1) An allotment in favour of a savings bank shall be made in favour of such persons and carried into effect in such manner as may be prescribed by regulations of the Minister.

Payment.

(2) The sum received by a savings bank in pursuance of an allotment shall be paid out only on an application made, through a shipping master or the Minister, by the seaman himself, or, in case of his death, by some person to whom his property may be paid under this Act.

Master to give facilities to seamen for remitting wages.

220. Where the balance of wages due to a seaman is more than fifty dollars, and the seaman expresses to the master of the ship his desire to have facilities afforded to him for remitting all or any part of the balance to a savings

bank, or to a near relative in whose favour an allotment note may be made, the master shall give to the seaman all reasonable facilities for so doing so far as regards so much of the balance as is in excess of fifty dollars, but shall be under no obligation to give those facilities while the ship is in port if the sum will become payable before the ship leaves port, or otherwise than conditionally on the seaman going to sea in the ship.

Right of suing on allotment notes.

221. (1) The person in whose favour an allotment note under this Act is made may, unless the seaman is shown, in manner in this Act specified, to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, recover the sums allotted, when and as the same are made payable, with costs from the owner of the ship with respect to which the engagement was made, or from any agent of the owner who has authorized the allotment, in the same court and manner in which wages of seamen not exceeding two hundred and fifty dollars may be recovered under this Act: Provided that the wife of a seaman, if she deserts her children, or so misconducts herself as to be underserving of support from her husband, shall forfeit all right to further payments under any allotment made in her favour.

Proof.

(2) In any proceedings for such recovery it shall be sufficient for the claimant to prove that he is the person mentioned in the note, and that the note was given by the owner or by the master or some authorized agent; and the seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the court, either,—

(a) by the official statement of the change in the crew caused by his absence, made and signed by the master, as by this Act is required; or,

(b) by a certified copy of some entry in the official log-book to the effect that he has left the ship; or,

(c) by a credible letter from the master of the ship to the same effect; or

(d) by such other evidence as the court in their absolute discretion consider sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid. R.S., c. 186, ss. 170, 171, 172.

Rights of Seamen in Respect of Wages.

Right to wages, etc., when to begin.

222. A seaman's right to wages and provisions shall be taken to begin either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens. R.S., c. 186, s. 178.

Right to recover wages and salvage not to be forfeited.

223. (1) A seaman shall not by any agreement forfeit his lien on the ship, or be deprived of any remedy for the recovery of his wages, to which in the absence of the agreement he would be entitled, and shall not by any agreement abandon his right to wages in case of the loss of the ship, or abandon any right that he may have or obtain in the nature of salvage; and every stipulation in any agreement inconsistent with any provision of this Act shall be void.

Exception when employed on salvage service.

(2) Nothing in this section shall apply to a stipulation made by the seamen belonging to any ship, which according to the terms of the agreement is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by that ship to any other ship. R.S., c. 186, s. 179, M.S.A. s. 156.

Wages not to depend on freight.

224. (1) The right of wages shall not depend on the earning of freight; and every seaman and apprentice who would be entitled to demand and recover any wages, if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to demand and recover the same, notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that the seaman has not exerted himself to the utmost to save the ship, cargo and stores, shall bar his claim for wages.

Payment of wages in case of death.

(2) Where a seaman or apprentice who would, but for death, be entitled by virtue of this section to demand and recover any wages, dies before the wages are paid, they shall be paid and applied in manner provided by this Act with respect to the wages of a seaman who dies during a voyage. R.S., c. 186, ss. 180, 181.

Wages when termination of service by reason of unfitness.

225. (1) Whenever the services of any seamen belonging to any ship registered in Canada terminate before the period contemplated in the agreement, by reason of his being left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voyage granted as in Part V mentioned, such seaman shall be entitled to wages for the time of service prior to such termination as aforesaid but not for any further period.

By reason of wreck or loss of ship.

(2) Where by reason of the wreck or loss of any such ship on which a seaman is employed his service terminates before the date contemplated in the agreement he shall be entitled in respect of each day on which he is in fact unemployed during a period of two months from the date of the termination of the service to receive wages at the rate to which he was entitled at that date.

If unemployment not due to wreck of ship.

(3) A seaman shall not be entitled to receive wages under this section if the owner shows that the unemployment was not due to the wreck or loss of the ship and shall not be entitled to receive wages under this section in respect

of any day if the owner shows that the seaman was able to obtain suitable employment on that day.

"Seaman".

(4) In subsections two and three of this section the expression "seaman" includes every person employed or engaged in any capacity on board any ship. R.S., c. 186, s. 182.

Refusal to work or imprisonment.

226. A seaman or apprentice shall not be entitled to wages for any time during which he unlawfully refuses or neglects to work, when required, whether before or after the time fixed by the agreement for his commencement of such work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him. R.S., c. 186, s. 183.

Forfeiture if illness caused by default.

227. Where a seaman is by reason of illness incapable of performing his duty and it is proved that the illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of the illness incapable of performing his duty. R.S., c. 186, s. 184.

Costs of procuring conviction deducted.

228. Whenever in any proceeding relating to seamen's wages it is shown that a seaman or apprentice has in the course of the voyage been convicted of an offence by a competent tribunal, and rightfully punished for that offence by imprisonment or otherwise, the court hearing the case may direct any part of the wages due to the seaman, not exceeding fifteen dollars, to be applied in reimbursing any costs properly incurred by the master in procuring the conviction and punishment. M.S.A., s. 161.

Compensation if improperly discharged.

229. If a seaman, having signed an agreement, is discharged otherwise than in accordance with the terms thereof before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying that discharge, and without his consent, he shall be entitled to receive from the master or owner, in additin to any wages he may have earned, due compensation for the damage caused to him by the discharge, not exceeding one month's wages, and may recover that compensation as if it were wages duly earned. R.S., c. 186, s. 160.

Attachment or sale of wages to be invalid.

230. (1) As respects wages due or accruing to a seaman or apprentice:—

(a) they shall not be subject to attachment or arrestment from any court;

(b) an assignment or sale thereof made prior to the accruing thereof shall not bind the person making the same;

(c) a power of attorney or authority for the receipt thereof shall not be irrevocable; and,

(d) a payment of wages to the seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of those wages, or any attachment, incumbrance, or arrestment thereof.

Allotment notes not affected.

(2) Nothing in this section shall affect the provisions of this Act with respect to allotment notes. R.S., c. 186, s. 235, 236.

Time within which wages must be paid.

231. Except in a case in which the seaman by the agreement is paid by a share of the profits of the adventure, the master or owner of every ship registered in Canada shall pay to each seaman belonging to that ship his wages, if demanded, within three days after the delivery of the cargo, or upon the seaman's discharge, whichever first happens. R.S., c. 186, s. 185.

Mode of Recovering Wages.

Seaman may sue for wages in summary manner.

232. (1) A seaman or apprentice or a person duly authorized on his behalf, may, as soon as any wages due to him not exceeding two hundred and fifty dollars become payable, sue for the same, in a summary manner before any judge of the Superior Court of the Province of Quebec, any judge of the sessions of the peace, any judge of the county court, stipendiary magistrate police magistrate, or any two justices of the peace acting in or near the place at which his service has terminated, or at which he has been discharged, or at which any master or owner or other person upon whom the claim is made is or resides, and the order made by the court in the matter shall be final.

Summons for master or owner.

(2) The judge, magistrate or justices, upon complaint on oath made to him or them by a seaman or apprentice, or on his behalf, may summon the master or owner or other person to appear before him or them to answer the complaint. R.S., c. 186, s. 186.

Order for payment.

233. (1) Upon appearance of the master or owner or other person, the judge, magistrate or justices may examine upon oath the parties and their respective witnesses, touching the complaint and the amount of wages due and may make such order for the payment of any wages found due as appears reasonable and just.

Non-appearance of master or owner.

(2) If the master, owner or other person does not appear, then, on due proof of the master or owner or other person having been duly summoned, the judge, magistrate or justices may examine on oath the complainant and his witnesses, touching the complaint and the amount of wages due, and may make such order for the payment of any

wages found due as appears reasonable and just. R.S., c. 186, s. 187.

Warrant for distress.

234. (1) If the order so made is not obeyed within twenty-four hours next after the making thereof, the judge, magistrate or justices may issue a warrant to levy the amount of the wages awarded to be due by distress and sale of the goods and chattels of the person on whom the order is made, together with all the charges and expenses incurred by the seaman or apprentice in the making and hearing of the complaint, and all costs, charges and expenses incurred in connection with the distress and levy, and the enforcement of the order.

Surplus.

(2) Any surplus, after the amount of the wages awarded and all the costs, charges and expenses are deducted, shall be paid to the person on whom the order is made. R.S., c. 186, s. 188.

Levy on ship.

235. (1) If sufficient distress cannot be found, the judge, magistrate or justices may cause the amount of the wages and costs, charges and expenses, to be levied on the ship in respect of which the wages were earned, or on the tackle and apparel thereof.

Person may be committed.

(2) If the ship is not within the jurisdiction of the judge, magistrate or justices, then they may cause the person on whom the order for payment is made to be apprehended and committed to the common gaol of the locality or, if there is no gaol there, then to that which is nearest to the locality, for a term not exceeding three months and not less than one month. R.S., c. 186, s. 189.

Restrictions on suits for wages in superior courts.

236. A proceeding for the recovery of wages not exceeding two hundred and fifty dollars shall not be instituted by or on behalf of any seaman or apprentice in the Exchequer Court on its Admiralty side, or in any superior court in Canada, except,—

(a) where the owner of the ship is insolvent within the meaning of any act respecting insolvency, for the time being in force in Canada; or

(b) where the ship is under arrest or is sold by the authority of the Exchequer Court on its Admiralty side or of any superior court; or

(c) where any judge, magistrate or justices, acting under the authority of this Act, refers the claim to any such court; or

(d) where neither the owner nor the master is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore. R.S., c. 186, s. 190.

No costs if suit brought unnecessarily in superior court.

237. If any suit for the recovery of a seaman's wages is instituted against any such ship or the master or owner thereof in the Exchequer Court on its Admiralty side, or in any superior court in Canada, and it appears to the court, in the course of the suit, that the plaintiff might have had as effectual a remedy for the recovery of his wages by complaint to a judge, magistrate or two justices of the peace, under this Part, the judge shall certify to that effect, and thereupon no costs shall be awarded to the plaintiff. R.S., c. 186, s. 191

Suits for wages abroad.

238. (1) Where a seaman is engaged for a voyage or engagement which is to terminate in Canada, he shall not be entitled to sue in any court abroad for wages, unless he is discharged with such sanction as is required by this Act, and with the written consent of the master, or proves such ill-usage on the part or by authority of the master, as to warrant reasonable apprehension of danger to his life if he were to remain on board.

Compensation if master in default.

(2) If a seaman on his return to Canada proves that the master or owner has been guilty of any conduct or default which but for this section would have entitled the seaman to sue for wages before the termination of the voyage or engagement, he shall be entitled to recover in addition to his wages such compensation not exceeding one hundred dollars as the court hearing the case thinks reasonable. R.S., c. 186, s. 192.

Masters' remedy for wages.

239. (1) The master of the ship shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages as a seaman has under this Act, or by any law or custom.

Recovery of disbursements.

(2) The master of a ship, and every person lawfully acting as master of a ship, by reason of the decease or incapacity from illness of the master of the ship, shall, so far as the case permits, have the same rights, liens and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.

Court to settle accounts.

(3) If in any Admiralty proceeding in any court having Admiralty jurisdiction touching the claim of a master in respect of wages, or of such disbursements, or liabilities as aforesaid, any right of set-off or counter-claim is set up, the court may enter into and adjudicate upon all questions, and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance found to be due.

Damages for delay in paying master's wages.

(4) In any action or other legal proceeding by the master of a ship for the recovery of any sum due him on account of wages, the court may, if it appears to them

that the payment of the sum due has been delayed otherwise than owing to the act or default of the master, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the person liable to make the payment, order that person to pay in addition to any sum due on account of wages, such sum as they think just as damages in respect of the delay, without prejudice to any claim which may be made by the master on that account. R.S., c. 186, ss. 193, 194.

Power of Courts to Rescind Contracts.

Power of court to rescind contracts.

240. Where a proceeding is instituted in or before any court in relation to any dispute between an owner or master of a ship and a seaman or apprentice, arising out of or incidental to their relation as such, or is instituted for the purpose of this section, the court if, having regard to all the circumstances of the case, they think it just to do so, may rescind any contract between the owner or master and the seamen or apprentice or any contract of apprenticeship, upon such terms as the court may think just, and this power shall be in addition to any other jurisdiction which the court can exercise independently of this section.

Property of Deceased Seamen.

Property of deceased seamen.

241. (1) If any seaman or apprentice belonging to a British ship registered in Canada the voyage of which is to terminate in Canada, whether a foreign-going or a home-trade ship, dies out of Canada during that voyage, the master of the ship shall take charge of any money or effects belonging to the seaman or apprentice which are on board the ship.

Auction.

(2) The master may, if he thinks fit, cause any of the effects to be sold by auction at the mast or otherwise by public auction.

Entries.

(3) The master shall enter in the official log-book the following particulars:—

(a) a statement of the amount of the money and a description of the effects;

(b) in case of a sale, a description of each article sold, and the sum received for each;

(c) a statement of the sum due to the deceased for wages and of the amount of deductions (if any) to be made from the wages.

Attested.

(4) The entry shall be signed by the master and attested by a mate and some other member of the crew.

Defined.

(5) The said money, effects, proceeds of sale of effects, and balance of wages, are in this Act referred to as the property of the seaman or apprentice. R.S., c. 186, s. 195.

Report of death to foreign officers.

242. (1) Where a seaman or apprentice dies as aforesaid and the ship before coming to a port in Canada touches and remains for forty-eight hours at some port elsewhere, the master shall report the case to the British consular officer at such port, or if the port is in the United Kingdom or a British possession, to the officer of customs there, and shall give to the officer any information he requires as to the destination of the ship and probable length of the voyage.

Property delivered.

(2) That officer may, if he thinks it expedient, require the property to be delivered and paid to him, and shall thereupon give to the master a receipt thereof, and endorse under this hand upon the agreement with the crew such particulars with respect thereto as the Minister requires.

Receipt.

(3) The receipt shall be produced by the master to a shipping master within forty-eight hours after his arrival at his port of destination in Canada.

Delivery to shipping master in Canada.

(4) Where a seaman or apprentice dies as aforesaid and the ship proceeds at once to a port in Canada without touching and remaining as aforesaid at a port elsewhere, or the consular officer or officer of customs does not require the delivery and payment of the property as aforesaid, the master shall, within forty-eight hours after his arrival at his port of destination in Canada, deliver and pay the property to the shipping master at that port.

Account.

(5) In all cases where a seaman or apprentice dies during the progress of the voyage or engagement, the master shall give to the officer of customs in the United Kingdom or in any British possession, and to the British consular officer abroad, or to the shipping master or officer to whom delivery and payment is made as aforesaid, such account in such form as they respectively require of the property of the deceased.

Deductions.

(6) A deduction claimed by the master in such account shall not be allowed unless verified, if an official log-book is required to be kept, by an entry in that book made and attested as required by this Act, and also by such other vouchers (if any) as may reasonably be required by the said officer of customs or British consular officer or by the shipping master or officer to whom the account is given.

Certificate.

(7) A shipping master in Canada shall grant to a master, upon due compliance with such provisions of this section as relate to acts to be done at the port of destination, a certificate to that effect; and an officer of customs shall not enter inwards a sea-going ship without the production of that certificate. R.S., c. 186, s. 196.

Master accountable to Minister.

243. (1) If the master of a ship fails to comply with the provisions of this Act with respect to taking charge of the property of a deceased seaman or apprentice, or to making in the official log-book the proper entries relating thereto, or to procuring the proper attestation of those entries as

required by this Act, or to the payment or delivery of the property, he shall be accountable for the property to the Minister, and shall pay and deliver the same accordingly.

Owner liable.

(2) If any such property is not duly paid, delivered, or accounted for by the master, the owner of the ship shall pay, deliver, and account for the same, and such property shall be recoverable from him accordingly.

Recovery.

(3) The property may be recovered in the same court and manner in which the wages of seamen may be recovered under this Act. R.S., c. 186, s. 197, 198.

Property left abroad but not on board ship.

244. If any seaman or apprentice belonging to a British ship registered in Canada the voyage of which is to terminate in Canada, or who has within six months preceding his death belonged to any such ship, dies at any place out of Canada, leaving any money or effects not on board the ship to which he belonged at the time of his death or to which he last belonged before his death, the chief officer of customs in the case of the United Kingdom or a British possession, and in other cases the British consular officer at or near the place, shall be and he is hereby authorized to claim and take charge of such money and effects, and such money and effects shall be deemed to be property of a deceased seaman or apprentice within the meaning of this Part. M.S.A., s. 172.

Dealing with property by officers abroad.

245. (1) A chief officer of customs in the United Kingdom or a British possession and a British consular officer may, as he thinks fit, sell any of the property of a deceased seaman or apprentice delivered to him or of which he takes charge under this Act, and the proceeds of any such sale shall be deemed to form part of the said property.

Accounts.

(2) Every such officer shall quarterly, or at such times as the Minister requires, remit the property in such manner, and shall render such accounts in respect thereof as the Minister may require. M.S.A., s. 173.

Property forwarded to Canada.

246. Where any property of a deceased seaman or apprentice on a British ship registered in Canada or the proceeds thereof comes into the hands of any British consular officer or officer of customs under sections two hundred and forty-two, two hundred and forty-four or two hundred and forty-five hereof the said officer shall forward the same to the Minister.

Recovery of wages of seamen lost with ship.

247. (1) Where a seaman or apprentice is lost with the ship to which he belongs the Minister may recover the wages due to him from the owner of the ship, in the same court and in the same manner in which seamen's wages are recoverable, and shall deal with those wages in the same

manner as with the wages of other deceased seamen and apprentices under this Act.

When ship deemed lost.

(2) In any proceeding for the recovery of the wages, if it is shown by some official return produced out of the proper custody, or by other evidence, that the ship has twelve months or upwards before the institution of the proceeding left a port of departure, she shall, unless it is shown that she has been heard of within twelve months after that departure, be deemed to have been lost with all hands on board, either immediately after the time she was last heard of, or at such latter time as the court hearing the case may think probable.

Proof of loss.

(3) Any duplicate agreement or list of the crew made out, or statement of a change of the crew delivered, under this Act, at the time of the last departure of the ship from Canada, or a certificate purporting to be a certificate from a consular or other public officer at any port out of Canada, stating that certain seamen and apprentices were shipped in the ship from the said port, shall, if produced out of the proper custody, be, in the absence of proof to the contrary, sufficient proof that the seamen and apprentices therein named as belonging to the ship were on board at the time of the loss. M.S.A., s. 174.

Property of seamen dying in Canada.

248. If a seaman or apprentice dies in Canada, and is at the time of his death entitled to claim from the master or owner of a ship in which he has served any effects or unpaid wages, the master or owner shall pay and deliver or account for that property to the shipping master at the port where the seaman or apprentice was discharged or was to have been discharged, or to the Minister, or as the Minister directs. R.S., c. 186, s. 199. M.S.A., 175.

Payment over of property of deceased seamen.

249. Where any property of a deceased seaman or apprentice on a British ship registered in Canada comes into the hands of the Minister under sections two hundred and twenty-seven or two hundred and twenty-eight of this Act the Minister after deducting any expenses incurred in respect of that seaman or apprentice, or of his property shall dispose of such property in accordance with the order of such Court as shall have jurisdiction to determine the distribution of the property of that seaman.

Provisions, Health and Accommodation.

Complaints as to provisions or water.

250. (1) If three or more of the crew of a ship registered in Canada consider that the provisions or water for the use of the crew are at any time of bad quality, unfit for use or deficient in quantity they may complain thereof to any of the following officers, namely, an officer in command of one of His Majesty's ships, a British consular officer, a shipping master, or a chief officer of customs, and the officer may

either examine the provisions or water complained of or cause them to be examined.

Report to master.

(2) If the officer, or person making the examination, finds that the provisions or water are of bad quality and unfit for use, or deficient in quantity, he shall signify it in writing to the master of the ship.

Entry and report to Minister.

(3) The officer directing, or the person making, the examination shall enter a statement of the result of the examination in the official log-book, and send a report thereof to the Minister, and that report shall be admissible in evidence in manner provided by this Act.

Forfeitures.

(4) If the said officer certifies in that statement that there was no reasonable ground for the complaint, each of the complainants shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages. R.S., c. 186, s. 209.

Allowance for short or bad provisions.

251. In either of the following cases, (that is to say):—

(i) If during a voyage the allowance of any of the provisions for which a seaman has by his agreement stipulated is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement with the crew, and also except for any time during which the seaman wilfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore); or,

(ii) If it is shown that any of those provisions are or have during the voyage been bad in quality and unfit for use;

the seaman shall receive, by way of compensation for that reduction, or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to, and to be recoverable as wages; (that is to say):—

(a) If his allowance is reduced by not more than one-third of the quantity specified in the agreement, a sum not exceeding eight cents a day;

(b) If his allowance is reduced by more than one-third of that quantity, sixteen cents a day;

(c) In respect of bad quality as aforesaid, a sum not exceeding twenty-four cents a day;

but if it is shown to the satisfaction of the court before whom the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take those circumstances into consideration, and shall modify or refuse compensation as the justice of the case requires. R.S., c. 186, s. 212.

Weights and measures on board.

252. The master of a ship shall keep on board proper weights and measures for determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out the provisions and articles in the presence of a witness whenever any dispute arises about the quantities. R.S., c. 186, s. 213.

Accomodation for seamen.

253. (1) Every place in any ship registered in Canada, occupied by seamen or apprentices, and appropriated to their use, shall have for each of those seamen or apprentices a space of not less than one hundred and twenty cubic feet, and of not less than fifteen superficial feet measured on the deck or floor of that place, and shall be subject to the regulations in the sixth schedule to this Act, and those regulations shall have effect as part of this section.

Crew space.

(2) In estimating the space available for the proper accommodation of seamen and apprentices, there may be taken into account the space occupied by any mess room, bathrooms, or washing places appropriated exclusively to the use of those seamen and apprentices, so, however, that the space in any place appropriated to the use of seamen or apprentices in which they sleep is not less than seventy-two cubic feet and twelve superficial feet for each seaman or apprentice.

Exceptions.

(3) Nothing in this section shall affect,—

(a) any ship registered before the passing of this Act or which was then in course of construction; or

(b) any ship of not more than three hundred tons register tonnage; or,

(c) any ship used exclusively in fishing.

Free from goods or stores.

(4) Every place so occupied and appropriated shall be kept free from goods and stores of any kind not being the personal property of the crew in use during the voyage, and if any such place is not so kept free, the master shall forfeit and pay to each seaman or apprentice lodged in that place the sum of twenty-four cents for each day during which, after complaint has been made to him by any two or more of the seamen so lodged, it is not so kept free. R.S., c. 186, ss. 217, 222.

Facilities for Making Complaints.

Facilities for making complaint.

254. If a seaman or apprentice whilst on board ship states to the master of the ship his desire to make a complaint to a justice of the peace, British consular officer, or officer in command of one of His Majesty's ships or one of His Majesty's Canadian ships, against the master or any of the crew, the master shall, so soon as the service of the ship will permit,—

(a) if the ship is then at a place where there is such a justice or officer as aforesaid, after such statement; and,

(b) if the ship is not then at such a place, after her first arrival at such a place;

allow the complainant to go ashore or send him ashore in proper custody, or, in the case of complaint to a naval officer, to the ship of such officer, so that he may be enabled to make his complaint. R.S., c. 186, s. 225.

Protection of Seamen from Imposition.

Assignment or sale of salvage invalid.

255. Subject to the provisions of this Act an assignment or sale of salvage payable to a seaman or apprentice made prior to the accruing thereof shall not bind the person making the same; and a power of attorney or authority for the receipt of any such salvage shall not be irrevocable. R.S., c. 186, s. 236.

Seamen's debts.

256. A debt exceeding in amount one dollar incurred by any seaman after he is engaged to serve shall not be recoverable until the service agreed for is concluded. R.S., c. 186, s. 237.

Actions by tavern keepers, etc.

257. No debt exceeding the sum of one dollar, incurred by any seaman or apprentice shall be recoverable in any court or be pleadable by way of set-off by any keeper of a tavern, or house of public entertainment or lodging house. R.S., c. 186, s. 238.

Wearing apparel.

258. No wearing apparel of any seaman or apprentice shall be kept by any keeper of a tavern, house of public entertainment or lodging house, in pledge for any debt or expenses incurred to any greater amount than one dollar; and, on the payment or tender of that amount or of any less amount due, the wearing apparel shall be immediately given up, whatever may be the amount due by the seaman or apprentice. R.S., c. 186, s. 239.

Right to board ship.

259. No person other than an owner, agent of an owner, or consignee of the ship or cargo, or a person in the employment of either of them, or an officer or person in His Majesty's service or employment, or a harbour master, deputy harbour master, health officer, Custom house officer, pilot, shipping master or deputy shipping master shall, without the permission or against the orders of the master or person in charge of the ship, go on board any ship. R.S., c. 186, s. 240.

Provisions as to Discipline.

Misconduct endangering life or ship.

260. If a master, seaman, or apprentice belonging to a ship registered in Canada, by wilful breach of duty or by neglect of duty or by reason of drunkenness,—

(a) does any act tending to the immediate loss, destruction, or serious damage of the ship, or tending immediately to endanger the life or limb of a person belonging to or on board the ship; or,

(b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from immediate danger to life or limb,

he shall be guilty of an indictable offence. R.S., c. 186, s. 287.

Offences.

261. If a seaman lawfully engaged or apprentice commits, in respect of a ship registered in Canada, any of the following offences he shall be liable to be punished summarily as follows:—

Desertion.

(a) if he deserts from his ship he shall be guilty of the offence of desertion and be liable to forfeit all or any part of the effects he leaves on board, and of the wages which he has then earned, and also, if the desertion takes place out of Canada, of the wages he may earn in any other ship in which he may be employed until his next return to Canada, and to satisfy any excess of wages paid by the master or owner of the ship to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him; and he shall also be liable to imprisonment for any period not exceeding twelve weeks with or without hard labour;

Neglecting or refusing to join.

(b) if he neglects, or refuses without reasonable cause, to join his ship, or to proceed to sea in his ship, or is absent without leave at any time within twenty-four hours of the ship's sailing from a port, either at the commencement or during the progress of a voyage, or is absent at any time without leave and without sufficient reason from his ship or from his duty, he shall, if the offence does not amount to desertion, or is not treated as such by the master, be guilty of the offence of absence without leave, and be liable to forfeit out of his wages a sum not exceeding two days' pay, and in addition for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses properly incurred in hiring a substiture; and he shall also be liable to imprisonment for any period not exceeding ten weeks with or without hard labour. R.S., c. 186, s. 288.

Conveyance of deserters on board ship.

262. (1) If in Canada a seaman or apprentice is guilty of the offence of desertion or of absence without leave, or otherwise absents himself from his ship without leave, the master, any mate, the owner, ship's husband, or consignee of the ship, may, with or without the assistance of the local police officers or constables, convey him on board his ship, and those officers and constables are hereby directed to give assistance if required:

Or to court.

(2) Provided that if the seaman or apprentice so requires he shall first be taken before some court capable of taking cognizance of the matter to be dealt with according to law.

Penalty for improper arrest.

(3) If it appears to the court before whom the case is brought that the seaman or apprentice has been conveyed on board or taken before the court on improper or insufficient grounds, that court may inflict on the master, mate, owner, ship's husband, or consignee, as the case may be, a fine not exceeding one hundred dollars; but the infliction of that fine shall be a bar to any action for false imprisonment in respect of the arrest. M.S.A., s. 222, R.S., c. 186, s. 291.

Desertion from ships registered in British Commonwealth.

263. Whenever a seaman or apprentice deserts in Canada, from a ship registered in any part of His Majesty's dominions, other than Canada, any court exercising summary jurisdiction in Canada and any justice or officer of such court shall on application of the master of the ship and in apprehending the deserter and for that purpose may, on information given on oath, issue a warrant, for his apprehension and, on proof of the desertion, order him to be conveyed on board his ship or delivered to the master or mate of his ship or to the owner of the ship or his agent to be so conveyed.

Arrest of deserter without warrant.

264. (1) If, either at the commencement or during the progress of any voyage, a seaman or apprentice is guilty of the offence of desertion or of absence without leave, or otherwise absents himself from his ship without leave, the master, any mate, the owner, ship's husband, or consignee may, in any place in His Majesty's dominions, with or without the assistance of the local police officers, or constables (and those officers and constables are hereby directed to give assistance if required), and also at any place out of His Majesty's dominions, if and so far as the laws in force at that place will permit, arrest him without first procuring a warrant.

Taken to court if seaman requires.

(2) A person so arresting a seaman or apprentice may in any case, and shall in case the seaman or apprentice so requires and it is practicable, convey him before some court capable of taking cognizance of the matter, to be dealt with according to law, and for that purpose may detain him in custody for a period not exceeding twenty-four hours, or

such shorter time as may be necessary; but if the seaman or apprentice does not require to be so taken before a court, or if there is no such court at or near the place, the person arresting him may at once convey him on board his ship.

Penalty for improper arrest.

(3) If it appears to the court before whom the case is brought that an arrest under this section has been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee who made the arrest, or caused it to be made, shall be liable to a fine not exceeding one hundred dollars; but the infliction of that fine shall be a bar to any action for false imprisonment in respect of the arrest.

Seamen imprisoned sent on board before end of sentence.

(4) If a seaman or apprentice is imprisoned for having been guilty of the offence of desertion or of absence without leave, or for having committed any other breach of discipline, and during his imprisonment and before his engagement is at an end, his services are required on board his ship, a justice of the peace may, on the application of the master or of the owner or his agent, notwithstanding that the period of imprisonment is not at an end, cause the seaman or apprentice to be conveyed on board his ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship, or to the owner or his agent, to be by them so conveyed. R.S., c. 186, s. 291.

Court may order offender to be taken on board.

265. (1) Where a seaman or apprentice is brought before a court on the ground of the offence of desertion, or of absence without leave, or of otherwise absenting himself without leave, the court, if the master or the owner or his agent so require, may (in lieu of committing him to prison) cause him to be conveyed on board his ship for the purpose of proceeding on the voyage or deliver him to the master, or any mate of the ship, or the owner, or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender, and, if necessary, to be deducted from any wages which he has then earned, or by virtue of his then existing engagement may afterwards earn.

Notice of intended absence by seaman.

(2) If in Canada, a seaman or apprentice intends to absent himself from his ship or his duty, he may give notice of his intention either to the owner or to the master' of the ship, not less than forty-eight hours before the time at which he ought to be on board his ship; and in the event of that notice being given the court shall not exercise any of the powers conferred by this section for causing the offender to be conveyed on board his ship. R.S., c. 186, s. 292.

General offences against discipline.

266. If a seaman lawfully engaged or an apprentice commits any of the following offences in respect to a ship registered in Canada, in this Act referred to as offences against discipline, he shall be liable to be punished summarily as follows (that is to say):—

Quitting.

(a) If he quit the ship without leave after her arrival at the port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay;

Wilful disobedience.

(b) If he is guilty of wilful disobedience to any lawful command, he shall be liable to imprisonment for a period not exceeding four weeks, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding two days' pay;

Continued disobedience.

(c) If he is guilty of continued wilful disobedience to lawful commands or continued wilful neglect of duty, he shall be liable to imprisonment for a period not exceeding twelve weeks, and also, at the discretion of the court, to forfeit for every twenty-four hours continuance of disobedience, or neglect, either a sum not exceeding six days' pay, or any expenses properly incurred in hiring a substitute;

Assault.

(d) If he assaults the master or any mate or certificated engineer of the ship, he shall be liable to imprisonment for a period not exceeding twelve weeks;

Combining.

(e) If he combines with any of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for a period not exceeding twelve weeks;

Damage.

(f) If he wilfully damages his ship, or embezzles or wilfully damages any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for a period not exceeding twelve weeks;

Smuggling.

(g) If he is convicted of any act of smuggling, whereby loss or damage is occasioned to the master or owner of the ship, he shall be liable to pay to that master or owner a sum sufficient to reimburse the loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of that liability, without prejudice to any further remedy. R.S., c. 186, s. 288.

Summary remedies not to affect other remedies.

267. Nothing in the last preceding section or in the sections relating to the offences of desertion or absence without leave shall take away or limit any remedy by action or by summary procedure before justices which an

owner or master would but for those provisions have for any breach of contract in respect of the matters constituting an offence under those sections, but an owner or master shall not be compensated more than once in respect of the same damage.

False statement as to last ship or name.

268. (1) If a seaman on or before being engaged wilfully and fraudulently makes a false statement of the name of his last ship, or alleged last ship, or wilfully and fraudulently makes a false statement of his own name, he shall, for each offence, incur a penalty not exceeding twenty-five dollars.

Penalty deducted.

(2) The penalty may be deducted from any wages the seaman may earn by virtue of his engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any desertion previous to the engagement, be paid and applied in the same manner as other penalties under this Act. R.S., c. 186, s. 299

Entry of offences in official log.

269. If any offence within the meaning of this Act, of desertion or absence without leave or against discipline is committed, or if any act of misconduct is committed for which the offender's agreement imposes a fine and it is intended to enforce the fine,—

Entry.

(a) an entry of the offence or act shall be made in the official log-book, and signed by the master and also by the mate or one of the crew; and,

Read to offender.

(b) the offender, if still in the ship, shall before the next subsequent arrival of the ship at any port, or, if she is at the time in port, before her departure therefrom, either be furnished with a copy of the entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and

Reply entered.

(c) a statement of a copy of the entry having been so furnished, or of the entry having been so read over, and, in either case, the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid; and

Evidence of entries.

(d) in any subsequent legal proceeding the entries by this section required shall, if practicable, be produced or proved, and in default of that production or proof the court hearing the case may, in their discretion, refuse to receive evidence of the offence or act of misconduct. R.S., c. 186, s. 289, 300.

Entries and certificate of desertion abroad.

270. (1) In every case of desertion from a ship in any port out of Canada the master shall produce the entry of the desertion in the official log book to the person by this Act authorized to grant certificates for leaving seamen behind abroad; and request that person to make and certify a copy of the entry.

Copy transmitted.

(2) The copy shall be forthwith transmitted by the master to the Minister, and shall be admissible in evidence in manner provided by this Act.

Register of deserters.

271. A shipping master shall keep at his office a list of the seamen, who, to the best of his knowledge and belief, have deserted or failed to join their ships after signing an agreement to proceed to sea in them, and shall on request show the list to a master of a ship, and shall not be liable in respect of any entry made in good faith in the list. M.S.A., s. 230.

Proof of desertion in proceedings for forfeiture of wages.

272. (1) Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion from a ship, it shall be sufficient for the person insisting on the forfeiture to show that the seaman or apprentice was duly engaged in or belonged to the ship, and either in that he left the ship before the completion of the voyage or engagement, or, if the voyage was to terminate in Canada and the ship has not returned, that he is absent from her, and that an entry of his desertion has been duly made in the official log book.

Rebuttal.

(2) The desertion shall thereupon, so far as relates to any forfeiture of wages under this Part, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship. R.S., c. 186, s. 294.

Application of forfeitures.

273. (1) Where any wages or effects are under this Act forfeited for desertion from a ship, those effects may be converted into money, and those wages and effects, or the money arising from the conversion of the effects, shall be applied towards reimbursing the expenses caused by the desertion to the master or owner of the ship, and subject to that reimbursement shall be paid to the Receiver General and shall form part of the consolidated revenue fund of Canada.

Recovery.

(2) For the purpose of such reimbursement, the master or the owner, or his agent may, if the wages are earned subsequently to the desertion, recover them in the same manner as the deserter could have recovered them if not forfeited; and the court in any legal proceeding relating to those wages may order them to be paid accordingly.

Other cases than desertion.

(3) Where wages are forfeited under the foregoing provisions of this Act in any case other than for desertion, the forfeiture shall, in the absence of any specific provision to the contrary, be for the benefit of the master or owner by whom the wages are payable. R.S. c. 186, s. 297.

Questions of forfeiture decided in suits for wages.

274. Any question concerning the forfeiture of or deductions from the wages of a seaman or apprentice may be determined in any proceeding lawfully instituted with respect to those wages, notwithstanding that the offence in respect of which the question arises, though by this Act made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding. R.S., c. 186, s. 298.

Amount of forfeiture out of wages ascertained.

275. If a seaman contracts for wages by the voyage or by the run or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be an amount bearing the same proportion to the whole wages or share, as a month or any other period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage or run; and if the whole time spent in the voyage or run does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share. R.S., c. 186, s. 296.

Stowaways and seamen carried under compulsion.

276. Every seafaring person whom the master of a ship is, under the authority of this or any other Act, compelled to take on board and convey, and every person who goes to sea in a ship without such consent as aforesaid, shall, so long as he remains in the ship, be deemed to belong to the ship, and be subject to the same laws and regulations for preserving discipline, and to the same fines and punishments for offences constituting or tending to a breach of discipline, as if he were a member of, and had signed the agreement with the crew. R.S., c. 186, s. 290. M.S.A., s. 237.

Deduction from wages.

277. (1) Every fine imposed on a seaman for any act of misconduct for which his agreement imposes a fine shall be deducted as follows (that is to say):—

(a) if the offender is discharged in Canada, and the offence, and the entry in the log book required by this Act thereof, are proved to the satisfaction, in the case of a foreign-going ship of the shipping master before whom the offender is discharged, and in the case of a home-trade ship of the shipping master at the port at which the crew are discharged, the master or owner shall deduct the fine from the wages of the offender;

(b) if the offender is discharged abroad, and the offence is proved to the satisfaction of the proper authority by whose sanction he is discharged, the fine shall be deducted as aforesaid and an entry made in the official log book of the ship and signed by the authority to whose satisfaction the offence is proved.

Paid to the shipping master.

(2) Every fine so deducted shall be paid to the shipping master if the offender is discharged in Canada, otherwise to the proper authority.

Proper authority to remit amounts.

(3) A proper authority shall remit any amounts received by them under this section at such times and in such manner, and render such accounts in respect thereof, as the Minister requires.

If master fails to pay fines.

(4) If a master or owner fails without reasonable cause to pay any fine as required by this section, he shall for each offence be liable on summary conviction to a fine not exceeding six times the amount of the fine not so paid.

Misconduct not otherwise punished.

(5) An act of misconduct for which any fine has been inflicted and paid by, or deducted from the wages of the seaman, shall not be otherwise punished under this Act.

Enticing to Desert and Harbouring Deserters.

Enticing to desert.

278. If a person by any means whatever persuades or attempts to persuade a seaman or apprentice belonging to any ship to neglect or refuse to join or proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, he shall be liable, for the first offence, to imprisonment with hard labour for a term not exceeding six months, and not less than three months, and for any subsequent offence, to imprisonment with hard labour for a term not exceeding twelve months and not less than six months. R.S., c. 186, s. 302.

Harbouring deserters.

279. If a person wilfully harbours or secretes a seaman or apprentice who has wilfully neglected or refused to join, or has deserted from his ship, knowing or having reason to believe the seaman or apprentice to have done so, he shall for every seaman or apprentice so harboured or secreted be liable to imprisonment with hard labour for a term not exceeding six months and not less than three months, and, for any subsequent offence, for a term not exceeding twelve months and not less than six months. R.S., c. 186, s. 303.

Punishment of Stowaways.

Penalty on stowaways.

280. If a person secretes himself, and goes to sea in a ship registered in Canada without the consent of either the owner, consignee or master, or of a mate, or of the person in charge of the ship, or of any other person entitled to give that consent, he shall be liable to a penalty not exceeding one hundred dollars, or, in the discretion of the court, to imprisonment with or without hard labour, for a period not exceeding four weeks. R.S., c. 186, s. 304.

Official Logs.

Official logs.

281. (1) An official log shall be kept in every foreign-going ship and every home-trade ship of or over fifty tons register tonnage registered in Canada in the appropriate form for that ship approved by the Minister.

Form.

(2) The Minister shall approve forms of official log books, which may be different for different classes of ships, so that each such form shall contain proper spaces for the entries required by this Act.

How kept.

(3) The official log may, at the discretion of the master or owner, be kept distinct from, or united with, the ordinary ship's log, so that in all cases the spaces in the official log book be duly filled up.

Entries made directly.

(4) An entry required by this Act in an official log book shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as that occurrence shall be made and dated so as to show the date of the occurrence and of the entry respecting it; and if made in respect of an occurrence happening before the arrival of the ship at her final port of discharge shall not be made more than twenty-four hours after that arrival.

Signing of entries.

(5) Every entry in the official log book shall be signed by the master, and by the mate, or some other of the crew, and also,—

(a) if it is an entry of illness, injury, or death, shall be signed by the surgeon, or medical practitioner on board (if any); and,

(b) if it is an entry of wages, due to, or of the sale of the effects of a seaman or apprentice who dies, shall be signed by the mate and by some member of the crew besides the master; and,

(c) if it is an entry of wages due to a seaman who enters His Majesty's naval service, shall be signed by the seaman, or by the officer authorized to receive the seaman into that service.

As evidence.

(6) Every entry made in an official log book in manner provided by this Act shall be admissible in evidence. R.S., c. 186, ss. 242, 244, 245.

Entries in official log.

282. The master of a ship for which an official log is required shall enter or cause to be entered in the official log book the following matters (that is to say):—

Convictions.

(1) Every conviction by a legal tribunal of a member of his crew, and the punishment inflicted;

Offences.

(2) Every offence committed by a member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the copy or reading over of that entry, and concerning the reply (if any) made to the charge, as is by this Act required;

Punishments.

(3) Every offence for which punishment is inflicted on board, and the punishment inflicted;

Conduct, etc.

(4) A statement of the conduct, character, and qualifications of each of his crew, or a statement that he declines to give an opinion on those particulars;

Illness and injuries.

(5) Every case of illness or injury happening to a member of the crew, with the nature thereof, and the medical treatment adopted (if any);

Marriages.

(6) Every marriage taking place on board with the name and ages of the parties;

Names.

(7) The name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner and cause thereof;

Wages.

(8) The wages due to any seaman who enters His Majesty's naval service during the voyage;

Deceased seamen.

(9) The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom;

Sales.

(10) The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold and the sum received for it;

Collisions.

(11) Every collision with any other ship and the circumstances under which the same occurred; and,

Date and time of notice.

(12) The date and time of posting up in the ship of a notice containing particulars of the ship's draught and freeboard; and

General.

(13) Any other matter directed by this Act to be entered. R.S., c. 186, s. 243.

Delivery of official logs to shipping master.

283. (1) The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in Canada or upon the discharge of the crew, whichever first happens, deliver the official log-book of the voyage to the shipping master before whom the crew is discharged.

Home trade ships.

(2) The master or owner of every home-trade ship for which an official log is required to be kept shall, within twenty-one days of the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver the official log-book for the preceding half year to some shipping master in Canada.

Penalty: twenty-five dollars.

Official log sent home in case of transfer.

284. (1) Where by reason of transfer of ownership or change of employment of a ship, the official log ceases to be required in respect of the ship or to be required at the same date, the master or owner of the ship shall, if the ship is then in Canada, within one month, and if she is elsewhere, within six months, after the cessation, deliver or transmit to the shipping master at the port to which the ship belonged the official log book (if any) duly made out to the time of the cessation.

In case of loss.

(2) If a ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver

or transmit to the shipping master at the port to which the ship belonged the official log book (if any) duly made out to the time of the loss or abandonment.

Employment of Children and Young Persons.

Employment of children on board ship.

285. (1) No child shall be employed in any vessel except to the extent to which and in the circumstances in which such employment is permitted under the Convention set out in Part I of the first schedule to this Act.

Application of section.

(2) This section shall not apply to a vessel in which only members of one family are employed.

(3) No young person shall be employed or work as trimmer or stoker in any vessel except

Employment of young persons as trimmers or stokers.

(a) in a school ship or training ship where the work is of a kind approved by the Minister, and is carried on subject to such supervision as the Minister may approve;

(b) in a vessel which is mainly propelled otherwise than by means of steam; and

(c) where the employment is subject to and in accordance with the provisions contained in paragraph *(c)* of article three of the Convention set out in Part III of the first schedule to this Act.

Special circumstances.

(4) Where in any port a trimmer or stoker is required for any vessel and no person over the age of eighteen years is available to fill the place, a young person over the age of sixteen years may be employed as trimmer or stoker, but in any such case two young persons over the age of sixteen years shall be employed to do the work which would otherwise have been performed by one person over the age of eighteen years.

Summary of subsections (3) and (4) to be in every agreement with crew.

(5) There shall be included in every agreement with the crew a short summary of the provisions of subsections three and four of this section.

Medical examination of young persons.

(6) No young person shall be employed in any capacity in any vessel unless there has been delivered to the master of the ship a certificate granted by a duly qualified medical practitioner certifying that the young person is fit to be employed in that capacity.

Exception.

(7) The provisions of subsection six of this section shall not apply to the employment of a young person in a vessel in which only members of one family are employed.

In case of urgency.

(8) A shipping master or consular officer may on the ground of urgency authorize a young person to be employed on board a vessel notwithstanding that no such certificate as aforesaid has been delivered to the master of the vessel, but the young person in whose case any such authorization is given shall not be employed beyond the first port at which

the vessel calls after the young person has embarked thereon, except subject to and in accordance with the provisions of subsections six and seven of this section.

Duration of certificate.

(9) A certificate under subsection six of this section shall remain in force for a period of twelve months from the date on which it is granted, and no longer, but if the said period of twelve months expires at some time during the course of the voyage of the vessel in which the young person is employed the certificate shall remain in force until the end of the voyage.

List of young persons under eighteen to be included in agreement.

(10) There shall be included in every agreement with the crew of a sea-going ship registered in Canada, entered into under this Act, a list of the young persons under the age of eighteen years who are members of the crew, together with particulars of the dates of their birth, and, in the case of a ship in which there is no such agreement the master of the ship shall, if young persons under the age of eighteen years are employed thereon, keep a register of those persons with particulars of the dates of their birth and of the dates on which they become or ceased to be members of the crew, and the register so kept shall at all times be open to inspection. R.S., c. 186, s. 163.

Change of Master.

Documents handed over on change of master.

286. If, during the progress of a voyage, the master of any ship registered in Canada is removed or superseded, or, for any other reason, quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the certificate of registry and the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and his successor shall immediately on assuming the command of the ship enter in the log book a list of the documents so delivered to him. R.S., c. 186, s. 241.

Ships Alleged to be Unseaworthy.

Obligation to secure seaworthiness of ship.

287. (1) 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 owner of the ship, that the owner of the ship, and the master, and every agent charged with the loading of the ship, or the preparing of the ship for sea, or the sending of the ship to sea, shall use all reasonable means to insure the seaworthiness of the ship for the voyage at the time when the voyage commences and to keep her in a seaworthy condition for the voyage during the voyage.

Exception.

(2) Nothing in this section shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the sending of the ship to sea in such a state was reasonable and justifiable. R.S., c. 186, s. 161.

Survey of ships alleged by seamen to be unseaworthy.

288. (1) Whenever in any proceeding against any seaman or apprentice belonging to any ship registered in Canada for the offence of desertion, or absence without leave, or for otherwise being absent from his ship without leave, it is alleged by one-fourth, or if their number exceeds twenty by not less than five, of the seamen belonging to the ship, that the ship is by reason of unseaworthiness, overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, or that the accommodation in the ship is insufficient, the court having cognizance of the case shall take such means as may be in their power to satisfy themselves concerning the truth or untruth of the allegation, and shall for that purpose receive the evidence of the persons making the same, and may summon any other witnesses whose evidence thay may think it desirable to hear, and shall, if satisfied that the allegation is groundless, adjudicate in the case, but if not so satisfied shall before adjudication cause the ship to be surveyed.

Seamen charged with desertion.

(2) A seaman or apprentice charged with desertion, or with quitting his ship without leave, shall not have any right to apply for a survey under this section unless he has before quitting his ship complained to the master of the circumstances so alleged in justification.

Survey ordered by Court.

(3) For the purposes of this section the court shall require any surveyor of ships appointed under this Act, or any person appointed for the purpose by the Minister, or, if such a surveyor or person cannot be obtained without unreasonable expense or delay, or is not, in the opinion of the court, competent to deal with the special circumstances of the case, then any other impartial surveyor appointed by the court, and having no interest in the ship, her freight, or cargo, to survey the ship, and to answer any question concerning her which the court think fit to put.

Survey and report.

(4) That surveyor or other person shall survey the ship, and make his written report to the court, including an answer to every question put to him by the court, and the court shall cause the report to be communicated to the parties, and, unless the opinions expressed in the report are proved to the satisfaction of the court to be erroneous, shall determine the questions before them in accordance with those opinions.

Powers of surveyor.

(5) Any person making a survey under this section shall for the purposes thereof have all the powers of a steamship inspector.

Costs.

(6) The costs (if any) of the survey shall be determined by the court.

On complainant.

(7) If it is proved that the ship is in a fit condition to proceed to sea, or that the accommodation is sufficient, as the case may be, the costs of the survey shall be paid by the person upon whose demand or in consequence of whose allegation the survey was made, and may be deducted by the master or owner out of the wages due or to become due to that person.

On master or owner.

(8) If it is proved that the ship is not in a fit condition to proceed to sea, or that the accommodation is insufficient, as the case may be, the master or owner of the ship shall pay the costs of the survey, and shall be liable to pay to the seaman or apprentice, who has been detained in consequence of the said proceeding before the court under this section, such compensation for his detention as the court may award. R.S., c. 186, s. 227-234.

Inquiry into Causes of Death.

Inquiry into cause of death on board.

289. (1) Where a case of death happens on board any sea-going ship registered in Canada, the shipping master at the port where the crew of the ship is discharged shall, on the arrival of the ship at that port, inquire into the cause of the death, and shall make in the official log an endorsement to the effect, either that the statement of the cause of death in the log is in his opinion true, or the contrary, according to the result of the inquiry.

Powers of shipping master.

(2) A shipping master shall for the purpose of an inquiry under this section have the powers of a steamship inspector under the Merchant Shipping Acts; and if in the course of any such inquiry it appears to a superintendent or shipping master that any such death has been caused on board the ship by violence or other improper means, he shall either report the matter to the Minister, or, if the emergency of the case so requires, shall take immediate steps for bringing the offender or offenders to justice. R.S., c. 186, s. 246.

Offences, Penalties and Forfeitures.

Illegal employing.

290. If any person,—

(a) knowingly employs any person in Canada other than a shipping master or deputy shipping master for the purpose of engaging or supplying seamen to be entered on board any ship; or

Illegal hiring, etc.

(b) not being a shipping master or deputy shipping master, engages, or supplies a seaman to be entered on board any ship in Canada;

he shall, notwithstanding that several seamen are included in the same contract, or that several seamen are received or permitted to remain on board any ship at the same time, for each and every seaman hired, engaged, supplied or provided to be entered on board that ship contrary to the provisions of this Part, incur a penalty not exceeding forty dollars. R.S., c. 186, s. 247.

Penalty.

Rewards for procuring.

291. If any person, other than a shipping master or deputy shipping master, exacts or receives from the master of any ship, any sum of money as a reward for procuring, contrary to the provisions of this Part, a seaman to serve on board that ship, he shall, for each offence, incur a penalty not exceeding eighty dollars and not less than twenty dollars. R.S., c. 186, s. 248.

Penalty.

Excessive fees.

292. If any shipping master or deputy shipping master, or any clerk or servant in any shipping office demands or receives any remuneration, either directly or indirectly, for hiring or supplying any seaman for any ship, over and above the lawful fees payable under this Part, he shall, for each offence, incur a penalty not exceeding forty dollars, and shall also be liable to be dismissed from his office by the Minister. R.S., c. 186, s. 249.

Penalty.

Receiving seamen improperly engaged.

293. If any owner, part owner, master, person in charge of any ship, ship's husband or consignee, knowingly receives or accepts to be entered on board that ship or permits to remain on board the same, any seaman who has been hired, engaged, supplied or provided to be entered on board thereof contrary to the provisions of this Part, or who has been hired, engaged, supplied or provided to be entered on board any other ship, he shall, for each offence, incur a penalty not exceeding forty dollars, notwithstanding that several seamen are received or accepted to be entered on board that ship or are permitted to remain on board at the same time. R.S., c. 186, s. 250.

Penalty.

Default as to apprentice's indenture.

294. *(a)* If any person to whom an apprentice is bound, fails, within seven days after the execution of the indenture, to take or transmit the indenture to the shipping master nearest to the residence of the person to whom that apprentice is bound; or,

Default of shipping master.

(b) if any shipping master fails to cause that indenture to be copied into a book kept in his office and open to public inspection free of any charge, or to endorse on the indenture that it has been so recorded, or to redeliver the same to the master of the apprentice; or,

Default of master of apprentice.

(c) if the master of any apprentice, whenever that indenture is assigned or cancelled, or any apprentice dies or deserts, fails, within thirty days after the

assignment, cancellation, death or desertion, if the same happens within Canada, or, if the same happens elsewhere, so soon afterwards as circumstances permit, to notify the same to the said shipping master, to be recorded:

Penalty.

he shall, for each offence, incur a penalty not exceeding forty dollars. R.S., c. 186, s. 252.

Failure to produce apprentice or identure.

295. If the master of a foreign-going or home trade ship registered in Canada, which makes an agreement with her crew in the presence of a shipping master, fails, before carrying any apprentice to sea from any place in Canada, to cause that apprentice to appear before the shipping master before whom the crew is engaged, or to produce to the shipping master the indenture by which the apprentice is bound and every assignment thereof, or to have the name of the apprentice with the date of the indenture and of the assignments thereof, if any, and the names of the ports at which the same have been registered, entered on the agreement with the crew, he shall, for each offence, incur a penalty not exceeding twenty dollars. R.S., c. 186, s. 253.

Penalty.

False statement in endorsement.

296. If a master on return to a port in Canada before the final termination of a running agreement wilfully makes a false statement in the endorsement on the running agreement which he is by this Act required to make and deliver to the shipping master at the port, he shall, for each offence, incur a penalty not exceeding one hundred dollars.

Penalty.

Failure as to statement of change in crew.

297. If the master of a foreign-going or home trade ship whose crew has been engaged before a shipping master in Canada fails, before finally leaving Canada, to sign and send to the nearest shipping master, a full and accurate statement of every change which has taken place in his crew before finally leaving Canada, he shall, for each offence, incur a penalty not exceeding twenty dollars. R.S., c. 186, s. 254.

Penalty.

Failure to deliver agreement.

298. If the master of a foreign-going ship fails without reasonable cause to deliver his agreement with the crew to the shipping master of that port, within forty-eight hours after the ship's arrival at her final port of destination in Canada, or upon the discharge of the crew, whichever first happens, he shall, for each offence, incur a penalty not exceeding twenty-five dollars.

Penalty.

Failure to deliver agreement with home-trade crew.

299. If the master of owner of a home-trade ship of fifty tons, register tonnage, or more, fails without reasonable cause to deliver or transmit to a shipping master in Canada, within twenty-one days after the thirtieth day

of June and the thirty-first day of December in every year, every agreement with the crew made for the ship within six months next preceding those days respectively, he shall,

Penalty.

for each offence, incur a penalty not exceeding twenty-five dollars.

Failure to post copy.

300. If a master fails, without reasonable cause, at the commencement of every foreign voyage or engagement, to cause a legible copy of the agreement with the crew (omitting the signatures) to be posted up in some part of the ship which is accessible to the crew, he shall, for each offence,

Penalty.

incur a penalty not exceeding twenty-five dollars.

Forgery, etc., of agreements.

301. If any person fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, or makes or assists in making, or procures to be made any false entry in, or delivers, assists in delivering, or procures to be delivered, a false copy of, any agreement with the

Penalty.

crew, he shall be guilty of an indictable offence. R.S., c. 186, s. 257.

Wrongful engagements in colonial or foreign ports.

302. If a master of a ship registered in Canada engages a seaman out of Canada in any British possession or at a port in which there is a British consular officer,—

(a) in any such British possession, otherwise than before some officer being either a superintendent or, if there is no such superintendent, an officer of customs;

(b) at any such port having a British consular officer, without, before carrying the seaman to sea, procuring the sanction of the consular officer, and, if not contrary to local law, engaging the seaman before that officer;

Penalty.

he shall, for each offence, incur a penalty not exceeding twenty-five dollars.

Carrying seamen without agreement.

303. If the master of a ship, as to which an agreement with the crew is required, carries any seaman from any port in Canada without entering into an agreement with him in accordance with this Act, the master in the case of a sea-going ship, and the master or owner in the case of a home-

Penalty.

trade ship, shall, for each offence, incur a penalty not exceeding twenty dollars. R.S., c. 186, s. 255.

Infraction of Part.

304. If the master of any ship attempts to take the ship from any port in Canada without complying with all the requirements of this Part, he shall, for each offence,

Penalty.

incur a penalty not exceeding two hundred dollars. R.S., c. 186, s. 256.

Discharge except before shipping master.

305. If a seaman serving in a foreign-going ship, or in a home-trade ship of or over fifty tons, register tonnage, or an inland waters or minor waters ship of over eighty tons, whether registered within or without Canada, is, on the

termination of his engagement, whether the agreement with the crew be an agreement for the voyage or a running agreement, discharged in Canada otherwise than in the presence of a shipping master, the master of that ship shall, for each offence, incur a penalty not exceeding forty dollars. M.S.A., s. 127 (2). R.S., c. 186, s. 260.

Penalty.

Failure to give certificate of discharge.

306. If a master fails to sign and give to a seaman discharged from his ship, either on his discharge or on payment of his wages, a certificate of his discharge in a form approved by the Minister, specifying the period of his service and the time and place of his discharge, he shall, for each offence, incur a penalty not exceeding fifty dollars. R.S., c. 186, s. 261.

Penalty.

Failure to return officer's certificate.

307. If a master, upon the discharge of a certificated officer, whose certificate of competency or service has been delivered to and retained by him, fails without reasonable cause to return the certificate to the officer, he shall, for each offence, incur a penalty not exceeding one hundred dollars.

Penalty.

False reports of forged certificates.

308. If any person,—

(a) makes a false report of character under this Act, knowing the same to be false; or,

(b) forges or fraudulently alters any certificate of discharge or report of character or copy of a report of character; or

(c) assists in committing, or procures to be committed, any of such offences as aforesaid; or,

(d) fraudulently uses any certificate of discharge or report of character or copy of a report of character which is forged or altered or does not belong to him;

he shall be guilty of an indictable offence.

Penalty.

Paying wages except before shipping master.

309. If the master or owner of a sea-going ship, or of a home-trade ship of over eighty tons, registered tonnage, pays wages to a seaman where he is discharged before a shipping master otherwise than through or in the presence of the shipping master, unless a competent court otherwise directs, he shall, for each offence, incur a penalty not exceeding fifty dollars. R.S., c. 186, s. 260.

Penalty.

Failure to deliver true account of wages.

310. If the master of a ship, before paying off or discharging a seaman in Canada, fails to deliver, either to the seaman himself where the seaman is not to be discharged before a shipping master, not less than twenty-four hours before his discharge or payment off, or where the seaman is to be discharged before a shipping master, either to the seaman himself at or before the time of his leaving the ship, or to the shipping master not less than twenty-four

hours before the discharge or payment off, a full and true account, in a form approved by the Minister, of the seaman's wages, and of all deductions to be made therefrom on any account whatever, he shall, for each offence, incur a penalty not exceeding twenty-five dollars. M.S.A., s. 132 (3). R.S., c. 186, s. 260.

Penalty.

Neglecting to produce ship's papers.

311. If, in any proceeding under this Act before a shipping master relating to the wages, claims, or discharge of a seaman, the shipping master requires the owner, or his agent, or the master, or any mate or other member of the crew, to produce any log-books, papers or other documents in his possession or power relating to a matter in question in the proceeding, or requires the attendance to be examined of any of those persons, being then at or near the place, on the matter, and the person so required, fails without reasonable cause, to comply with the requisition, he shall, for each offence, incur a penalty not exceeding twenty-five dollars. R.S., c. 186, s. 262.

Penalty.

Failure to account for property of deceased seamen.

312. (1) If the master of a ship fails to comply with the provisions of this Act with respect to taking charge of the property of a deceased seaman or apprentice, or to making in the official log book the proper entries relating thereto, or to procuring the proper attestation of those entries as required by this Act, or to the payment or delivery of the property, he shall, for each offence, incur a penalty not exceeding treble the value of the property not accounted for, or, if such value is not ascertained, not exceeding two hundred and fifty dollars.

Penalty.

Failure of owner to account.

(2) If any such property is not duly paid, delivered or accounted for by the master, and the owner of the ship fails to pay, deliver and account for the same, the owner shall be liable to a penalty not exceeding treble the value of the property not accounted for, delivered or paid over, or, if such value is not ascertained, not exceeding two hundred and fifty dollars. R.S., c. 186, s. 263.

Penalty.

Forgery of documents to obtain property of deceased seaman.

313. If any person, for the purpose of obtaining, either for himself or for any other person, any property of any deceased seaman or apprentice,—

(a) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered any document purporting to show or assist in showing any right to that property; or,

(b) makes use of any document which has been so forged or fraudulently altered as aforesaid; or,

(c) gives or assists in giving, or procures to be given, any false evidence, knowing the same to be false; or,

(d) makes or assists in making, or procures to be made, any false representation, knowing the same to be false; or,

(e) assists in procuring any false evidence or representation to be given or made, knowing the same to be false;

Penalty.

that person shall be guilty of an indictable offence.

Failure to afford facilities to remit wages.

314. If, where the balance of wages due to a seaman belonging to a ship registered in Canada is more than fifty dollars, and the seaman expresses to the master of the ship his desire to have facilities afforded to him for remitting all or any part of the balance to a savings bank, or to a near relative in whose favour an allotment note may be made, the master fails to give to the seaman all reasonable facilities for so doing so far as regards so much of the balance as in excess of fifty dollars, except while the ship is in port if the sum will become payable before the ship leaves port, and except otherwise than conditionally on the seaman going to sea in the ship, he shall, for each offence, incur a penalty not exceeding twenty-five dollars.

Penalty.

False statements in letter as to allotment.

315. If a master makes a wilfully false statement in any credible letter intended for use in any proceeding on an allotment note for the recovery of a seaman's wages, to the effect that a seaman has left his ship and has ceased to be entitled to the wages out of which any allotment is to be paid, he shall, for each offence, incur a penalty not exceeding one hundred dollars. R.S., c. 186, s. 258.

Penalty.

Neglecting to provide proper provisions.

316. When, in the case of a ship registered in Canada and then in a Canadian port, the officer or person who has made an examination of the provisions or water for the use of the crew, as provided by this Act, has signified in writing to the master of the ship that he has found the provisions or water to be of bad quality, and unfit for use, or deficient in quantity, if the master of the ship does not thereupon provide other proper provisions or water in lieu of any so signified to be of bad quality and unfit for use, or does not procure the requisite quantity of any provisions or water so signified to be deficient in quantity, or uses any provisions or water so signified to be of bad quality and unfit for use, he shall, for each offence, incur a penalty not exceeding one hundred dollars. R.S., c. 186, s. 268.

Penalty.

Neglecting to keep weights and measures.

317. If the master of a ship fails without reasonable cause to keep on board weights and measures for determining the quantities of the several provisions and articles served out, or to allow the same to be used at the time of

serving out the provisions and articles, in the presence of a witness, whenever any dispute arises about the quantities, he shall, for each offence, incur a penalty not exceeding fifty dollars. M.S.A., s. 201 (2). R.S., c. 186, s. 269.

Penalty.

Failure as to accommodation.

318. If, in any respect, the provisions of this Act relating to accommodation for seamen and apprentices on board ships registered in Canada are not observed with respect to any space in that ship, the owner shall be deemed to be in fault and shall, for every failure to comply with those provisions, incur a penalty not exceeding one hundred dollars. R.S., c. 186, s. 270.

Penalty.

Failure to allow facilities for complaint.

319. When a seaman or apprentice of or belonging to a ship registered in Canada, whilst on board ship in a Canadian port, states to the master of the ship his desire to make a complaint to a justice of the peace, or officer in command of one of the ships of the Canadian Naval Service, against the master or any of the crew, if the master fails, without reasonable cause, so soon as the service of the ship will permit,—

(a) if the ship is then at a place where there is such a justice or officer as aforesaid, after such statement; or,

(b) if the ship is not then at such a place, after her first arrival at such a place;

to allow the complainant to go ashore or to send him ashore in proper custody, or in the case of complaint to a naval officer, to the ship of that officer, so that he may be enabled to make his complaint, the master shall, for each offence, incur a penalty not exceeding fifty dollars. R.S., c. 186, s. 271.

Penalty.

Overcharging for board.

320. If a person demands or receives from a seaman or apprentice belonging to any ship registered in Canada payment in respect of his board or lodging in the house of that person for a longer period than the seaman or apprentice has actually resided and boarded therein, that person shall, for each offence, incur a penalty not exceeding fifty dollars. R.S., c. 186, s. 272.

Penalty.

Detaining seamen's effects.

321. (1) If a person receives or takes into his possesion or under his control any money or effects of a seaman or apprentice belonging to a ship registered in Canada, and does not return the same or pay the value thereof, when required by the seaman or apprentice, subject to such deduction as may be justly due to him from the seaman or apprentice in respect of board and lodging or otherwise, or absconds therewith, he shall, for each offence, incur a penalty not exceeding fifty dollars.

Penalty.

Additional order.

(2) The court may, besides inflicting a penalty, by summary order direct the amount of the money, or the value of the effects, subject to such deduction, as aforesaid (if any) or the effects themselves, to be forthwith paid or delivered to the seaman or apprentice. R.S., c. 186, s. 273.

Going on board without permission.

322. (1) If any person other than an owner, agent of an owner or consignee of the ship or cargo or a person in the employment of either of them, or an officer or person in His Majesty's service or employment, or a harbour master, deputy harbour master, health officer, Customs house officer, pilot, shipping master or deputy shipping master, goes on board of any ship without the permission and against the orders of the master or person in charge of the ship, he shall, upon summary conviction, be liable,—

Unarmed.

(a) if he is unarmed at the time, for each offence, to imprisonment for a term not exceeding three years, and not less than six months; and,

Penalty.

Armed.

(b) if at the time armed with or carrying about his person any pistol, gun or other firearms, or offensive weapon, for each offence, to imprisonment for any term not exceeding five years, and not less than two years.

Penalty.

Arrest of offender.

(2) The master or person in charge of the ship may take any person so offending into custody and deliver him up forthwith to any constable or peace officer, to be by him taken before any judge of the Superior Court of the province of Quebec, judge of the sessions of the peace, judge of a county court, or any stipendiary magistrate or police magistrate, to be dealt with according to the provisions of this Part. R.S., c. 186, ss. 274, 275.

Penalty when drunk, etc.

323. Every person shall, but without prejudice to the right of recovery from him of any amount payable by him as fare, incur a penalty not exceeding ten dollars, who

(a) being drunk or disorderly, has been on that account refused admission into a steamer by the owner or any person in his employment, and nevertheless persists in attempting to enter the steamer; or

(b) being drunk or disorderly on board a steamer, is requested by the owner or any person in his employment to leave the same at any place in Canada, being a reasonably convenient place to leave the same, and does not comply with such request; or

(c) after warning by the master or other officer of the steamer, molests or continues to molest any passenger; or

(d) after having been refused admission into a steamer by the owner or any person in his employment on account of the steamer being full, and having had the

amount of his fare, if he has paid it, returned or tendered to him, nevertheless persists in attempting to enter the steamer; or

(e) without reasonable excuse, proof whereof shall lie on him, fails, when requested by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipt, if any, showing the payment of his fare, as is usually given to persons travelling by and paying their fare on steamers. R.S., c. 186, s. 699.

Injuring or obstructing machinery, crew, etc., of steamer.

324. Every person on board a steamer, who without reasonable excuse, proof whereof shall lie on him, does or causes to be done, anything in such manner as to obstruct or injure any part of the machinery or tackle of the steamer, or to obstruct, impede or molest the crew, or any of them in the navigation or management of such steamer or otherwise in the execution of their duty on or about the steamer, shall, for every such offence, incur a penalty not exceeding one hundred dollars. R.S., c. 186, s. 700.

Penalty.

Master may detain offender and take before justice.

325. (1) The master or other officer of any steamer, and all persons called by him to his assistance, may detain any offender against any of the provisions of the two sections last preceding, whose name and address are unknown to such master or officer, and may convey such offender with all convenient despatch before some justice or justices of the peace; and any offender so conveyed before such justice or justices under this section, shall be dealt with as if arrested, and brought before them on his or their warrant, under the provisions of the Criminal Code relating to summary convictions.

Jurisdiction of justice of the peace.

(2) Any justice of the peace shall have jurisdiction under the two last preceding sections, either in the place where the offence was committed, or, if committed while the steamer is under way, then in the place where it next stops. R.S., c. 186, s. 701.

Soliciting for hotels, lodging houses, etc., on ships or wharves, without written consent.

326. Every person who, being on board any ship registered in Canada or on any wharf owned or leased by the person owning or operating any ship, without the written consent of the owner or operator, advertises, solicits custom, distributes literature or canvasses for any hotel, lodging house, restaurant, omnibus or motor vehicle or other like place or conveyance, or solicits the transportation of passengers or baggage, or sells or exhibits for sale any ticket, goods, wares or merchandise, shall be liable upon summary conviction to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding three months. 1927, c. 42, s. 1.

Loitering near a ship.

327. Every person found loitering near any ship, and not giving a satisfactory account of his business there shall, upon summary conviction, be liable,—

Unarmed.

(a) if unarmed at the time, to a penalty not exceeding one hundred dollars and not less than fifty dollars, and to imprisonment, with hard labour, for a term not exceeding twelve months, and not less than three months;

Penalty.

Armed.

(b) if armed at the time with or carrying about his person any pistol, gun or other fire arm or offensive weapon, to imprisonment for a term not exceeding three years, and not less than two years. R.S., c. 186, s. 276.

Penalty.

Boat detained until penalty paid.

328. (1) Any judge of the Superior Court of the province of Quebec, judge of the sessions of the peace, judge of a county court, justice of the peace, stipendiary magistrate or police magistrate, may order any boat or other water craft in or on which any person is so found loitering to be detained until payment of the penalty imposed upon him.

Sale of boat to pay penalty.

(2) If the penalty is not paid before the expiration of the term of imprisonment to which the person has been condemned, the boat so detained shall be sold by public auction, and the proceeds of the sale thereof shall be appropriated to the payment of the penalty. R.S., c. 186, s. 277.

Log book not kept.

329. (1) If an official log book is not kept in the manner required by this Act, or if an entry directed by this Act to be made therein is not made at the time and in the manner directed by this Act, the master shall, for each offence, incur a penalty not exceeding twenty-five dollars.

Penalty.

Deferred entries.

(2) If any person makes, or procures to be made, or assists in making, any entry in an official log book in respect of any occurrence happening previous to the arrival of the ship at her final port of discharge more than twenty-four hours after that arrival, he shall, for each offence, incur a penalty not exceeding one hundred and fifty dollars.

Penalty.

Injuring log book.

(3) If any person wilfully destroys or mutilates or renders illegible any entry in an official log book, or wilfully makes or procures to be made or assists in making a false or fraudulent entry in or omission from an official log book, he shall be guilty of an indictable offence. R.S., c. 186, ss. 280, 281, 282.

Penalty.

Log book not delivered on transfer.

330. If the master or owner of a ship,—

(a) where by reason of transfer of ownership or change of employment of a ship the official log ceases to be required in respect of the chip or to be required at the same date, fails, without reasonable cause, if the ship is then in Canada, within one month, and if she is elsewhere, within six months, after the cessation, to deliver or transmit to the shipping master

at the port to which the ship belonged the official log book (if any) duly made out to the time of the cessation; or,

On loss of ship.

(b) if a ship is lost or abandoned, fails, without reasonable cause, if practicable, and as soon as possible, to deliver or transmit to the shipping master at the port to which the ship belonged the official log book (if any) duly made out to the time of the loss or abandonment;

he shall, for each offence, incur a penalty not exceeding fifty dollars.

Failure to deliver ship's papers on transfer.

331. If, during the progress of a voyage, the master of any ship registered in Canada is removed or superseded, or for any other reason quits the ship, and is succeeded in the command by some other person, and fails to deliver to his successor the certificate of registry and the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, he shall, for each offence, incur a penalty not exceeding five hundred dollars. R.S., c. 186, s. 279.

Penalty.

Solicitations by lodging-house keepers.

332. If, within twenty-four hours after the arrival of a ship at a port in Canada, a person then being on board the ship solicits a seaman to become a lodger at the house of a person letting lodgings for hire, or takes out of the ship any effects of a seaman, except under the personal direction of the seaman, and with the permission of the master, he shall, for each offence, incur a penalty not exceeding twenty-five dollars. R.S., c. 186, s. 278.

Penalty.

Search warrant if seaman concealed or secreted.

333. Any justice of the peace at any port or place in Canada, on complaint before him on oath that any seaman or apprentice is concealed or secreted in any dwelling-house or outhouse, or on board of any ship or elsewhere, shall grant a warrant, under his hand and seal, addressed to a constable or constables there, commanding him or them to make diligent and immediate search, in or about that dwelling-house or outhouse, or on board that ship, or in such other place or places as are specified in the warrant and to bring before him every seaman or apprentice found concealed, whether named in the warrant or not. R.S., c. 186, s. 315.

Order to tavern keepers, etc., for list of deserters.

334. Any justice of the peace, at any port or place in Canada, on information before him under oath that any seaman or other person has deserted, or is suspected of having deserted from any of His Majesty's ships or from ships of the Canadian Naval Service or from any British ship, and is lodged or harboured in any tavern or house of public entertainment, or in any house of ill-fame or in any

other house, may issue an order in writing to the master or keeper of that tavern, house of public entertainment, house of ill-fame or other house, commanding the master or keeper to furnish him with a correct list of every such person, stating,—

Information to be given.

(a) his name and surname, as far as is known to the master or keeper;

(b) how long he has lodged in the said house; and,

(c) the name of the ship on board of which he claims to have arrived at the port or place. R.S., c. 186, s. 316.

Order against others than tavern keepers, etc.

335. Whenever the person laying the information on oath seeks to obtain an order against any person who is not a master or keeper of a tavern or house of public entertainment, or house of ill-fame, the order shall not be issued by any justice unless the person laying the information deposes on oath that he verily believes,—

Affidavit required.

(a) that the person, not being master or keeper of a tavern or house of entertainment or house of ill-fame, then harbours or conceals the deserter or person suspected of desertion; and,

(b) that the person who has so deserted is unlawfully and improperly absenting himself from his duty on board the ship to which he belongs. R.S., c. 186, s. 317.

Constables to get reasonable costs.

336. (1) Every constable and officer, not being a paid policeman, employed in the execution of any warrant for the apprehension of, or in search of, or for the delivery of any person against whom a warrant is issued by virtue of the foregoing sections of this Act, may demand from the person at whose request the warrant was issued a reasonable recompense for the time he has been employed, to be taxed by the justice of the peace who issued the warrant.

Costs in Exchequer Court.

(2) In cases within the jurisdiction of the Exchequer Court, on its Admiralty side, the recompense shall be taxed according to the legal procedure of that court.

Recovery.

(3) On refusal of payment, the recompense shall be recoverable in a summary way by warrant of distress and sale of that person's goods and chattels, which warrant any justice of the peace shall grant under his hand and seal, on proof of the refusal of payment. R.S., c. 186, s. 318.

Tavern keeper neglecting to obey order.

337. If a master or keeper of any tavern or house of public entertainment, or house of ill-fame or any other house refuses or neglects to comply, within the time specified therein, with any order in writing of any justice of the peace, made under the authority of this Part, commanding him to furnish the justice of the peace with a correct list of every person lodged or harboured in his house, stating

his name and surname as far as is known to the master or keeper, how long he has lodged in the said house, and the name of the ship on board of which he claims to have arrived at the port or place, or, knowingly delivers a false account of any such person, he shall, for each offence, incur a penalty not exceeding fifty dollars. R.S., c. 186, s. 283.

Penalty.

Right of police officer to enter taverns, etc.

338. Any police officer or constable required under this Part to give assistance to the master or any mate, or the owner, ship's husband or consignee of any ship in arresting, with or without a warrant, any seaman or apprentice duly engaged to serve in the ship and neglecting or refusing to proceed to sea therein, or otherwise absenting himself therefrom without leave, may, at any time, enter into any tavern, inn, ale-house, beer-house, seaman's boarding-house or other house or place of entertainment, or into any shop or other place wherein liquors or refreshments are sold or reputed to be sold, whether legally or illegally, or into any house of ill-fame. R.S., c. 186, s. 321.

Obstructing officers trying to enter taverns.

339. If a person, being in or having charge of any tavern, inn, ale-house, beer-house, seaman's boarding house or other house or place of entertainment, house of ill-fame, shop or other place wherein liquors or refreshments are sold or reputed to be sold, whether legally or illegally, refuses, or, after due demand, fails to admit into the same, or obstructs any police officer or constable required under this Part to give assistance to the master or any mate, or the owner, ship's husband or consignee of any ship in arresting, with or without a warrant, any seaman or apprentice duly engaged to serve in that ship and neglecting or refusing to proceed to sea therein, or otherwise absenting himself therefrom without leave, he shall, for each offence, incur a penalty not exceeding fifty dollars, and not less than ten dollars. R.S., c. 186, s. 284.

Foreign Ships.

Provisions as to shipping of seamen apply to foreign ships.

340. The foregoing provisions of this Part relating to the shipping and discharge of seamen shall extend and apply to ships in the merchant service of every foreign country, and to all persons in relation to those ships in the same manner as the same extend and apply to British ships registered in Canada, and to similar persons in relation to those last mentioned ships, unless there is something in the terms of some existing treaty between His Majesty and that foreign country to prevent the said provisions or any of them from so extending and applying. R.S., c. 186, s. 323.

Exception.

Provisions as to desertion apply to foreign ships conditionally.

341. In so far as is consistent with the terms of existing treaties between His Majesty and foreign powers, and the rights, privileges, and immunities secured to the consuls, vice-consuls, commercial and other duly accredited agents, subjects and citizens of those foreign powers respectively, the foregoing provisions of this Part relating to desertion of seamen and apprentices shall extend and apply to ships in the merchant service of foreign countries and to all persons in relation to those ships, in the same manner as the same extend and apply to British ships registered in Canada, and to similar persons in relation to those last mentioned ships. R.S., c. 186, s. 324.

Proof that seaman is bound to serve on foreign ship.

342. The oath of the master of any foreign merchant ship, or of any officer or person employed on board thereof, or on board any other ship of the same country that, to the best of his belief and understanding, any seaman or other person is bound to serve on board that ship, according to the law of the country to which that ship belongs, or of the place where the seaman or other person was hired, shall be *prima facie* evidence that he is legally bound to serve on board that ship within the meaning of this Part, although he has not regularly entered into or signed articles of agreement, and is not bound by articles of indenture in the manner required by law with regard to seamen and others engaged or bound to serve on board British ships registered in Canada. R.S., c. 186, s. 325.

Jurisdiction of courts over foreigners belonging to foreign ships restricted.

343. No judge, magistrate or justice of the peace shall,—

(a) entertain or act upon any complaint or information under this Part, by or against any person belonging to or connected with any foreign merchant ship, who is not a subject of His Majesty; or,

(b) exercise jurisdiction under this Part over or at the instance of any such person;

without the consent of both parties to the complaint or information, or the consent in writing of the consul, vice-consul, or commercial or other duly accredited agent of the country to which the ship belongs, unless the parties to the complaint or information are subjects or citizens of a country as to which by the terms of treaties in force between His Majesty and the government of that country it is stipulated that the assistance of British courts and magistrates shall be granted to the subjects or citizens of that country, or unless one of the parties is a subject or citizen of that country, and the other is a subject of His Majesty. R.S., c. 186, s. 326.

PART V—SECTIONS 344-365

PROVISIONS AS TO RELIEF AND REPATRIATION OF DISTRESSED SEAMEN, AND SEAMEN LEFT BEHIND ABROAD.

Regulations to carry out any scheme of any part of Commonwealth in this regard.

344. The Governor in Council may adopt and may make regulations to carry into effect any scheme proposed by any part of the British Commonwealth of Nations under which provision shall be made,

(a) For the relief and repatriation of seamen belonging to any part of the Commonwealth who may be found in distress or left behind out of Canada in any part of the Commonwealth or abroad and for defraying the necessary expenses;

(b) For payment of the expenses of medical attendance, maintenance, burial and repatriation in cases of injury or illness of seamen;

(c) For dealing with the effects and wages of seamen who are left behind or die in a port outside the part of the Commonwealth to which they belong;

(d) For the recovery from the owner of the ship in proper cases of any expenses incurred by the Government of Canada in carrying out the matters referred to in the above paragraphs "a" and "b."

Dealing with wages and effects of a seaman who is left behind.

345. (1) If a seaman belonging to any British ship registered in Canada is left behind out of Canada, the master of the ship shall subject to the provisions of this section—

(a) as soon as may be, enter in the official log-book a statement of the effects left on board by the seaman and of the amount due to the seaman on account of wages at the time when he was left behind; and

(b) on the termination of the voyage during which the seaman was left behind, furnish to the proper officer within forty-eight hours after the arrival of the ship at the port at which the voyage terminates, accounts in a form approved by the Minister, one (in this section referred to as the delivery account) of the effects and wages, and the other (in this section referred to as the reimbursement account) of any expenses caused to the master or owner of the ship by the absence of the seaman in cases where the absence is due to desertion, neglect to join his ship, or any other conduct constituting an offence under section one hundred and . The master shall, if required by the proper officer, furnish such vouchers as may be reasonably required to verify the accounts.

Delivery of effects and amount of wages due.

(2) The master of the ship shall deliver to the proper officer if he will receive the same the effects of the seaman as shown in the delivery account, and subject to any de-

ductions allowed under this section, the amount due on account of wages as shown in that account, and the officer shall give to the master a receipt, in a form approved by the Minister, for any effects or amount so delivered.

Deductions.

(3) The master of the ship shall be entitled to be reimbursed out of the wages or effects any sums shown in the reimbursement account which appear to the proper officer or, in case of an appeal under this section, to a court of summary jurisdiction to be properly chargeable, and for that purpose the officer, or, if necessary, in the case of an appeal, the Minister, shall allow those sums to be deducted from the amount due on account of wages shown in the delivery account, and, so far as that amount is not sufficient, to be repaid to the master out of the effects.

Evidence.

The proper officer, before allowing any sums to be deducted or repaid under this provision, may require such evidence as he thinks fit as to the sums being properly chargeable to be given by the master of the ship either by statutory declaration or otherwise.

Appeal.

Where the master of a ship is aggrieved by the decision of the proper officer as to the sums to be allowed as properly chargeable on his reimbursement account, and the amount in dispute exceeds fifty dollars, he may appeal from the decision of the proper officer to a court of summary jurisdiction.

Delivery of effects where several seamen are left behind.

(4) Where during the voyage of a ship two or more seamen have been left behind, the delivery and reimbursement accounts furnished as respects each seaman may at the option of the master of the ship be dealt with, as between him and the proper officer, collectively instead of individually, and in that case the master of the ship shall be entitled to be reimbursed out of the total amount of the wages and effects of the seamen left behind the total of the amounts allowed under this section as properly chargeable on the reimbursement accounts, and shall be required to deliver to the proper officer on account of wages only the sum by which the total of the amounts shown on the delivery accounts to be due on account of wages exceeds the total of the amounts allowed as properly chargeable on the reimbursement accounts.

Remission of effects and wages.

(5) The proper officer shall (subject to any repayment made under this section) remit the effects, and any amount received by him on account of wages under this section, at such time and in such manner as the Minister requires, and shall render such accounts in respect thereof as the Minister directs.

"Effects" defined.

(6) In this section the expression "effects" includes the proceeds of any sale of the effects if these effects are sold under this section, and the effects shall be sold by the proper officer in such manner as he thinks fit when they are delivered to him, unless the Minister directs to the contrary, and, if

not so sold, shall be sold by the Minister as and when he thinks fit unless they are delivered to the seaman.

When master not liable.

(7) The master shall be under no liability for any loss of effects or for any damage to the effects if he proves to the proper officer that the loss or damage occurred without his neglect or privity after the seaman left the ship.

Penalty for master not complying.

(8) If the master of a ship fails without reasonable cause to comply with this section, he shall (without prejudice to any other liability) for each offence be liable on summary conviction to a fine not exceeding one hundred dollars, and, if he delivers a false account or makes a false statement or representation for the purposes of this section, he shall on each occasion be guilty of an offence.

When section does not apply.

(9) This section shall not apply in the case of an absent seaman,

(a) Where the master of the ship satisfies the proper officer that none of the effects of the seaman have to his knowledge been left on board the ship, and that he has paid all wages due to the seaman; or

(b) where the amount of wages earned by the seaman (after taking into account any deductions made in respect to allotments or advances for which provision is made by the agreement with the crew) appears from the agreement to be less than twenty-five dollars, and the master does not exercise his option to deal with the delivery and reimbursement accounts collectively; or

(c) where the master of the ship satisfies the proper officer that the net amount due to the seaman on account of wages (after taking into account any deductions lawfully made in respect of allotments, advances, or otherwise) is less than twenty dollars, and the master does not exercise his option to deal with the delivery and reimbursement accounts collectively; or

(d) where the question of the forfeiture of the wages and effects of the seaman has been dealt with in legal proceedings lawfully instituted before the termination of the voyage, or within forty-eight hours of the arrival of the ship at the port at which the voyage terminates.

Sanction required for discharge of seamen out of Canada.

346. (1) The master of a British ship registered in Canada shall not discharge a seaman at any place out of Canada (except at a port in the country in which he was shipped), unless he previously obtains, endorsed on the agreement with the crew, the sanction of the proper authority as defined for the purpose in this Part of this Act, but that sanction shall not be refused where the seaman is discharged on the termination of his service.

Investigation.

(2) The authority to whom an application is made for sanction under this section may, and, if not a merchant,

shall, examine into the grounds on which a seaman is to be discharged at a place out of Canada, and for that purpose may, if he thinks fit, administer oaths, and may grant or refuse the sanction as he thinks just, but such sanction shall not be unreasonably withheld.

Master not complying.

(3) If the master of a ship fails to comply with this section, he shall, in respect of each offence, be guilty of an offence, and in any legal proceeding for the offence it shall lie on the master to prove that the sanction was obtained or could not be obtained or was unreasonably withheld.

Certificate of discharge abroad.

347. Where the master of a British ship registered in Canada discharges a seaman at any place out of Canada, he shall give to that seaman a certificate of discharge in a form approved by the Minister, and, in the case of any certificated officer whose certificate he has retained, shall return that certificate to him.

Repatriation of seamen on on termination of service at foreign port.

348. (1) Where the service of a seaman belonging to a British ship registered in Canada terminates at a port out of Canada otherwise than by the consent of the seaman to be discharged during the currency of the agreement, the master of the ship shall, besides giving the certificate of discharge required under this Part of this Act., and besides paying the wages to which the seaman is entitled, make adequate provision in accordance with this Act for his maintenance and for his return to a proper return port, and shall request the proper authority to endorse upon the agreement with the crew of the ship which the seaman is leaving the particulars of any provision so made.

Master not complying.

(2) If the master fails, without reasonable cause, to comply with this section, the expenses of maintenance and of the journey to the proper return port,—

(a) If defrayed by the seaman, shall be recoverable as wages due to him; and

(b) if defrayed by the proper authority or by any other person, shall (unless the seaman has been guilty of barratry) be a charge upon the ship to which the seaman belonged, and may also be recovered against the person who is the owner of the ship for the time being, or, where the ship has been lost, against the person who was the owner of the ship at the time of the loss, or, where the ship has been transferred to some person not being a British subject, either against the owner for the time being or against the person who was the owner of the ship at the time of the transfer, at the suit of the proper authority or other person defraying the expenses, or, in case they have been allowed to the authority or person out of public money, as a debt to the Crown, either by ordinary process of

law or in the court and in the manner in which wages may be recovered by seamen.

When section does not apply.

(3) This section shall not apply in the case of a foreign seaman who has been shipped at a port out of Canada and discharged at a port out of Canada.

Discharge, etc., of seamen on change of ownership of ship at a foreign port.

349. (1) Where a British ship registered in Canada is transferred or disposed of at any port out of Canada, any seaman belonging to that ship shall be discharged unless the seaman consents in writing in the presence of the proper authority as defined for the purpose in this Part of this Act to complete the voyage of the ship if continued.

Application of this Part.

(2) Where a seaman is so discharged the provisions of this part of this Act as to the certificate of discharge, and the return of the seaman to a proper return port, shall apply as if the service of the seaman had terminated otherwise than by the consent of the seaman to be discharged during the currency of the agreement, and shall apply to foreign seamen whether they have been shipped at a port in Canada or not.

Expenses of medical attendance in case of injury.

350. (1) If the master of, or a seaman belonging to, a ship receives any hurt or injury in the service of the ship, or suffers from any illness (not being an illness due to his own wilful act or default or to his own misbehaviour), the expense of providing the necessary surgical and medical advice and attendance and medicine, and also the expenses of the maintenance of the master or seaman until he is cured, or dies, or is returned to a proper return port, and of his conveyance to the port, and in the case of death the expense (if any) of his burial, shall be defrayed by the owner of the ship, without any deduction on that account from his wages.

In case of illness.

(2) If the master or a seaman is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expense of the removal and of providing the necessary advice and attendance and medicine, and of his maintenance while away from the ship, shall be defrayed in like manner.

Medicines and attendance on board ship.

(3) The expense of all medicines, surgical and medical advice, and attendance, given to a master or seaman whilst on board his ship shall be defrayed in like manner.

Other cases.

(4) In all other cases any reasonable expenses duly incurred by the owner for any seaman in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman who dies whilst on service, shall, if duly proved, be deducted from the wages of the seaman.

Recovery of expenses from owner.

351. (1) If any of the expenses attendant on the illness, hurt, or injury of a seaman, which are to be paid under this Act by the master or owner, are paid by any authority on behalf of the Crown, or if any other expenses in respect of the illness, hurt, or injury of any seaman whose wages are not accounted for under this Act to that authority, are so paid, those expenses shall be repaid to the authority by the master or owner of the ship.

Recovery of amount if not paid.

(2) If the expenses are not so repaid, the amount thereof shall with costs be a charge upon the ship, and be recoverable from the master or from the owner of the ship for the time being, or where the ship has been lost from the person who was the owner of the ship at the time of the loss, or, where the ship has been transferred to some person not being a British subject, either from the owner for the time being or from the person who was the owner of the ship at the time of the transfer, as a debt to the Crown, either by ordinary process of law or in the court and in the manner in which wages may be recovered by seamen.

Evidence.

(3) In any proceeding for such recovery, a certificate of the facts, signed by the said authority, together with such vouchers (if any) as the case requires, shall be sufficient proof that the said expenses were duly paid by that authority.

Certificate of proper authority required where a seaman is behind abroad.

352. (1) The master of a British ship registered in Canada shall not leave a seaman behind at any place out of Canada, ashore or at sea (except where the seaman is discharged in accordance with this Act), unless he previously obtains, endorsed on the agreement with the crew, the certificate of the proper authority as defined for the purpose in this Part of this Act, stating the cause of the seaman being left behind, whether the cause be unfitness or inability to proceed to sea, desertion, or disappearance or otherwise.

Investigation.

(2) The authority to whom an application is made for a certificate under this section may, examine into the grounds on which a seaman is to be left behind, and for that purpose may, if he thinks fit, administer oaths, and may grant or refuse the certificate as he thinks just, but the certificate shall not be unreasonably withheld.

Penalty for master for not complying.

(3) If the master of a ship fails to comply with this section, he shall, on each occasion (without prejudice to his liability under any other provision of this Act) be guilty of an offence, and in any legal proceeding for the offence it shall lie on the master to prove that the certificate was obtained or could not be obtained without unreasonable delay to the ship or was unreasonably withheld.

Account of wages in case of seaman left behind on ground of unfitness or inability to proceed to sea.

353. (1) Where a master of a British ship registered in Canada leaves a seaman behind on shore in any place out of Canada on the ground of his unfitness or inability to proceed to sea, he shall deliver to the person signing the required certificate of the proper authority a full and true account of the wages due to the seaman, and if that person is a consular officer shall deliver the account in duplicate.

Penalty for master not complying.

(2) If a master fails without reasonable cause to deliver the account, he shall for each offence be liable on summary conviction to a fine not exceeding fifty dollars, and, if he knowingly delivers a false account, he shall for each offence be liable on summary conviction to a fine not exceeding one hundred dollars, in addition in each case to the payment of the wages.

Payment of wages of seaman left behind on ground of unfitness or inability to proceed to sea.

354. (1) The master shall pay the amount of wages due to a seaman left behind on the ground of his unfitness or inability to proceed to sea, if he is left in a British possession to the seaman himself, and if he is left elsewhere to the British consular officer, if such consular officer will receive the same.

Duplicate account.

(2) Where payment is made to a British consular officer, that officer shall retain one duplicate of the account delivered to him, and, if satisfied with the account, endorse on the other duplicate a receipt for the payment, and return it to the master, and the master shall deliver the duplicate within forty-eight hours of his return to his port of destination, to the proper authority as defined for the purpose of this Part of this Act.

Payments.

(3) The payment shall be made, whenever it is practicable, in money, and, when not so practicable, by bills drawn on the owner of the ship, but if payment is made by bill—

(a) the person signing the required certificate of the proper authority shall certify by endorsement on the bill that the bill is drawn for seamen's wages, and shall also endorse on the agreement with the crew the amount for which the bill is drawn, and such further particulars as the Minister requires.

(b) if the bill is drawn by the master, the owner of the ship shall be liable to pay the amount to the holder or endorsee thereof; and it shall not be necessary in any proceeding against the owner upon the bill to prove that the master had authority to draw it;

(c) a bill purporting to be drawn and endorsed under this section shall, if produced out of the custody of the Minister, or of any shipping master, be admissible in evidence; and any endorsement on any such bill purporting to be made in pursuance of this section shall also be admissible as evidence of the facts stated in the endorsement.

Penalty for master not complying.

(4) If a master fails, without reasonable cause, to make such payment of wages as provided by this section, he shall for each offence be liable on summary conviction, in addition to the payment of the wages, to a fine not exceeding fifty dollars.

Application by British consular officer of payments on account of wages of seamen left behind.

355. Where the amount of wages due to a seaman left behind on the ground of his unfitness or inability to proceed to sea is so paid to a British consular officer, that officer shall deal with the sum so paid to him in the following manner, namely:—

When seaman obtains employment.

(*a*) If the seaman subsequently obtains employment at or quits the port at which the payment has been made, he shall deduct out of the sum any expenses incurred by him in respect of the maintenance of the seaman under this Act, except such as the owner or master is by this Act required to defray, and shall pay the remainder to the seaman, and deliver to him an account of the sums so received and expended on his behalf;

When seaman dies.

(*b*) If the seaman dies before his ship quits the port, he shall deal with the sum as part of the property of a deceased seaman; and

When seaman set to proper return port.

(*c*) If the seaman is sent to a proper return port at the public expense under this Act, shall account for the sum to the Minister; and the sum, after deducting any expenses duly incurred in respect of the seaman, except such expenses as the master or owner of the ship is required by this Act to pay, shall be dealt with as wages of the seaman.

Regulations as to relief and maintenance of distressed seamen.

356. (1) The Governor in Council shall make regulations with respect to the relief, maintenance, and return to a proper return port of shipwrecked or otherwise distressed Canadian seamen found at any place out of Canada, and may, by those regulations (in this Act referred to as the distressed seamen regulations), make such conditions as he thinks fit with regard to that relief, maintenance, and sending to a proper return port, and a seaman shall not have any right to be relieved, maintained, or sent to a proper return port, except in the cases and to the extent and on the conditions provided by those regulations.

Payment for work during voyage.

(2) When a seaman is repatriated as member of a crew, he shall be entitled to remuneration for work done during the voyage.

Provisions for relief and maintenance of distressed seamen.

357. Where any seamen, whether subjects of His Majesty or not, who have been domiciled in Canada for at least twelve months before the commencement of the voyage or engagement on which they are at the time employed, are found in any place out of Canada, and have been shipwrecked from any British ship registered in Canada, or by reason of having been discharged or left

behind from any such ship in any place out of Canada, are in distress in that place, the proper authority as defined for the purpose in this Part of this Act may, in accordance with and on the conditions prescribed by the distressed seamen regulations, provide in accordance with this Act for the return of those seamen at the expense of the Government of Canada (who are in this Act included in the term distressed seamen) to a proper return port, and also provide for their necessary clothing and their maintenance until their departure for such a port, and, in addition, in the case of shipwrecked seamen for the repayment of any expenses incurred in their conveyance to port after their shipwreck, and their maintenance while being so conveyed.

Repayment of expenses to proper authorities.

358. (1) Where any expenses (other than excepted expenses as defined by this section) are incurred by a proper authority on behalf of the Government of Canada pursuant to the preceding section of this Act, or are incurred by the Government of a foreign country and are repaid to such foreign country by the Government of the United Kingdom or any officer or Board thereof, the Minister may pay to such proper authority or to the Government of the United Kingdom or any such officer or board thereof, out of any moneys available for the purpose, all or such sums of money out of any moneys voted by Parliament for that purpose.

Payment out of appropriations.

Charge upon ship.

(2) Any or all moneys so paid by the Minister pursuant to the preceding subsection (together with the wages, if any, due to the seaman) shall be a charge upon the ship to which the distressed seaman belonged, and shall be a debt to the Crown from the master of the ship, or from the owner of the ship for the time being, or, where the ship has been lost, from the person who was owner of the ship at the time of the loss, or, where the ship has been transferred to some person not being a British subject, either from the owner for the time being or from the person who was the owner of the ship at the time of the transfer, and also, if the ship be a foreign ship, from the person, whether principal or agent, who engaged the seaman for service in the ship.

Recovery.

How recoverable.

(3) The debt, in addition to any fines which may have been incurred, may be recovered by the Minister, on behalf of the Crown, either by ordinary process of law or in the court and manner in which wages may be recovered by seamen.

Evidence.

(4) In any proceeding for such recovery the production of the account (if any) of the expenses furnished in accordance with this Act or the distressed seamen regulations, and proof of payment of the expenses by or on behalf of the Minister, shall be *prima facie* evidence that the expenses

were incurred or repaid under this Act by or on behalf of the Crown.

"Excepted expenses" defined.

(5) For the purpose of this section, excepted expenses are expenses incurred in cases where the certificate of the proper authority obtained on leaving a seaman behind states, or the Minister is otherwise satisfied, that the cause of the seaman being left behind is desertion, or disappearance, or imprisonment for misconduct, or discharge from his ship by a naval court on the ground of misconduct, and expenses incurred on account of the return to a proper return port of a distressed seaman who has been discharged at the port at which he was shipped, or at some neighbouring port.

Penalty for forcing seamen on shore.

359. A person belonging to a British ship registered in Canada shall not wrongfully force a seaman on shore and leave him behind or otherwise cause a seaman to be wrongfully left behind at any place, either on shore or at sea, in or out of His Majesty's dominions, and if he does so he shall in respect of each offence be guilty of an indictable offence.

Deduction from wages and payment to superintendents, etc., of fines.

360. (1) Every fine imposed on a seaman for any act of misconduct for which his agreement imposes a fine shall be deducted as follows (that is to say):—

(a) if the offender is discharged in Canada, and the offence, and the entry in the log book required by this Act thereof, are proved to the satisfaction, in the case of a sea-going ship of the shipping master before whom the offender is discharged, and in the case of a home-trade ship of the shipping master at the port at which the crew are discharged, the master or owner shall deduct the fine from the wages of the offender;

(b) if the offender is discharged abroad, and the offence is proved to the satisfaction of the proper authority by whose sanction he is discharged, the fine shall be deducted as aforesaid, and an entry made in the official log book of the ship and signed by the authority to whose satisfaction the offence is proved.

Disposition of fines.

(2) Every fine so deducted shall be paid—

(a) if the offender is discharged in Canada to the shipping master;

(b) if the offender is discharged at any place out of Canada, to the proper authority.

Amounts to be remitted.

(3) A proper authority shall remit any amounts received by them under this section at such times and in such manner, and render such accounts in respect thereof, as the Minister requires.

Penalty for not paying fine.

(4) If a master or owner fails without reasonable cause to pay any fine as required by this section, he shall for each offence be liable on summary conviction to a fine not exceeding six times the amount of the fine not so paid.

Offence not otherwise punished.

(5) An act of misconduct for which any fine has been inflicted and paid by, or deducted from the wages of, the seaman, shall not be otherwise punished under this Act.

Proper return port.

361. For the purpose of this part of this Act, either the port at which the seaman was shipped or a port in the country to which he belongs, or some other port agreed to by the seaman, in the case of a discharged seaman, at the time of his discharge, shall be deemed to be a proper return port;

Provided that in the case of a seaman shipped in Canada the return port shall be in the same Province in which he was shipped unless otherwise agreed to by him as aforesaid.

Mode of providing for return.

362. (1) A seaman may be sent to a proper return port by any reasonable route, either by sea or land, or partly by sea and partly by land.

Provision for return.

(2) Provision shall be made for the return of the seaman as to the whole of the route if it is by sea, or as to any part of the route which is by sea, by placing the seaman on board a British ship which is in want of men to make up its complement, or, if that is not practicable, by providing the seaman with a passage in any ship, British or foreign, or with the money for his passage, and, as to any part of the route which is by land, by paying the expenses of his journey and of his maintenance during the journey, or providing him with means to pay those expenses.

Master may deposit for expenses of return.

(3) Where the master of a ship is required under this Part of this Act to provide for the return of a discharged seaman to a proper return port, the master may, instead of providing the seaman's passage, or the expenses of his journey, or of providing the seaman with means to pay his passage or those expenses, deposit with the proper authority such sum as that authority consider sufficient to defray the expenses of the return of the seaman to a proper return port.

Regulations.

(4) The Minister may, by the distressed seamen regulations, make such provision as may be necessary for enabling the proper authority, and in the case of expenses required to be incurred in Canada any officer named for the purpose by the Minister, to defray on behalf of the authority originally making arrangements for the return of a distressed seaman to a proper return port any expenses on account of that seaman which the authority originally acting in respect of him could defray, and any expenses so incurred shall for the purposes of this Part of this Act relating to distressed seamen be deemed to be expenses incurred on behalf of the distressed seaman.

Payment out of appropriations.

Decision of questions as to return by proper authority.

363. If any question arises as to what return port a seaman is to be sent to in any case, or as to the route by which he should be sent, that question shall be decided by the proper authority, and, in deciding any question under this provision, the authority shall have regard both to the convenience of the seaman and to the expense involved, and also, where that is the case, to the fact that a British ship which is in want of men to make up its complement is about to proceed to a proper return port.

Provisions as to taking distressed seamen on ships.

364. (1) Where a distressed seaman is, for the purpose of his return to a proper return port, placed on board a British ship, the authority by whom the seaman is so placed shall endorse on the agreement with the crew of the ship the name of the seaman so placed on board, together with any particulars directed to be endorsed by the distressed seamen regulations.

Master to receive seamen and afford passage.

(2) The master of every British ship registered in Canada shall receive on board his ship, and afford a passage and maintenance to, all distressed seamen whom he is required under this Act to take on board his ship, not exceeding one for every fifty tons burden, and shall during the passage provide every such distressed seaman with a proper berth or sleeping place, effectually protected against sea and weather.

Payment to master for maintenance and passage of seaman.

(3) On the production of a certificate, signed by the authority by whose directions any such distressed seaman was received on board, specifying the number and names of the distressed seamen and the time when each of them was received on board, and on a declaration made by the master before a justice of the peace, or any officer authorized to administer an oath, stating the number of days during which each distressed seaman has received maintenance, and stating the full complement of his crew and the actual number of seamen employed on board his ship, and every variation in that number, whilst the distressed seamen received maintenance, the master shall be entitled to be paid, in respect to the maintenance and passage of every seaman so conveyed, maintained, and provided for by him, exceeding the number (if any) wanted to make up the complement of his crew, such sum per diem as the Minister allows.

Penalty for master not complying.

(4) If any master of a British ship registered in Canada fails without reasonable cause to comply with this section in the case of any distressed seamen, he shall for each offence be liable on summary conviction to a fine not exceeding five hundred dollars.

Assistance to shipwrecked, destitute or distressed seamen.

365. (1) The Minister may, whenever he deems it necessary, pay out of any moneys applicable to the purpose and appropriated by the Parliament of Canada for that

purpose, such sums as he deems requisite for the temporary relief, in Canada in such manner as he deems advisable, of shipwrecked, destitute or otherwise distressed seamen not otherwise entitled to relief under this Act or under the laws of the country to which the ship belongs.

Recovery of such expenses.

(2) An expenses incurred for shipwrecked, destitute or otherwise distressed seamen under this section shall be a debt to the Crown from the master, owner or agent of the vessel to which the distressed seaman belonged and may be recovered by the Minister on behalf of the Crown in the same manner as expenses incurred out of Canada for distressed seamen of sea-going vessels registered in Canada, are recovered.

PART VI—SECTIONS 366-373

SICK MARINERS AND MARINE HOSPITALS.

Minister may rent and equip premises for hospitals.

366. (1) The Minister may rent, and equip and maintain, premises for hospitals for the care and treatment of sick mariners, and may, with the consent of the persons having the control and management of any hospital, designate such hospital to be, during his pleasure, a hospital for the care and treatment of sick mariners, and contract with such persons for the care and treatment of sick mariners, and may discontinue the use of any such hospital for the purposes aforesaid.

Regulations.

(2) The Minister may make regulations for the government of any hospital for sick mariners, and may prescribe the duties and powers of the medical and other officers and employees of and in such hospitals, and of the port physicians and of all other officers required to perform any services in carrying out the provisions of this Part, or of any regulation made hereunder.

Control of hospitals.

(3) All hospitals devoted exclusively to the reception, care and treatment of sick mariners shall be under the exclusive control and management of the Minister. R.S., c. 186, s. 383.

Sick Mariners Duty on Ships.

Duty on all vessels unless exempted.

367. (1) There shall be levied and collected on every ship arriving in any port in the provinces of Quebec, Nova Scotia, New Brunswick, Prince Edward Island, British Columbia or in any port on Hudson Bay or James Bay in the provinces of Manitoba or Ontario, hereinafter called "the provinces" a duty of two cents for every ton which such ship measures, register tonnage, unless

(a) the ship is engaged in the coasting trade of Canada and arrives at any port in any of the said provinces from any other port in the same province, or arrives at any port in the Province of Quebec from any port in the Province of Ontario, and has not during the calendar year made a payment on account of such duty; or unless

(b) the ship is a ship which came from a place out of Canada and has paid duty on the same voyage in a previous port of call in Canada.

Initial and total payments.

(2) The initial payment of duty shall in no case be less than two dollars and the total due in any calendar year shall in no case be less than the sum of two dollars or a sum calculated at six cents per register ton of the ship's tonnage, whichever is the greater.

Duty payable three times each year to Collector of Customs.

(3) The duty shall be payable on a ship each time she arrives and enters in any such port but in no case shall it be oftener than three times during a calendar year and it shall be paid by the master or person in command of such ship or by some person on his behalf, to the Collector or other chief officer of the Customs at the port at which such ship is entered at the time of making such entry. Such entry shall state the tonnage of the ship.

No entry unless duty paid.

(4) Except as in this Part mentioned, no entry shall be validly made or have any legal effect whatsoever unless the duty is so paid.

No clearance unless duty paid.

(5) No collector or other chief officer of the Customs shall grant a clearance to any ship on which the said duty or any part thereof is due and unpaid.

No exemption if voyage does not require entry.

(6) No ship otherwise liable to pay the duty shall be exempt from the payment of the said duty by reason of her voyage being one not requiring entry or clearance at the Custom House. If the ship does not require entry, the duty shall be paid immediately on her arrival. R.S., c. 186, s. 384.

Payment by fishing vessels.

368. It shall not be compulsory for ships employed exclusively in fishing, or arriving at a port in the provinces when on a fishing voyage, to pay the duty but the master or person in command of a ship used exclusively in fishing or to be employed on a fishing voyage may, if he so desires, pay the said duty provided the ship is registered in Canada and provided that the first payment for the calendar year is made before the ship makes its first fishing voyage in that year. When the initial payment has been made, the duty shall be paid thereafter before each subsequent voyage during the year, until the payments for the year have been completed. R.S., c. 186, s. 385.

Collector to account to Minister.

369. Every collector or other chief officer of Customs shall account for the sums received by him under this Act in such manner as the Minister may from time to time direct. R.S., c. 186, s. 386.

Masters may apply to the collector of Customs.

370. (1) The master or person in command of a ship in respect of which the said duty has been paid, may apply in writing to the collector or other chief officer of Customs at any port in the provinces to have medical or surgical treatment gratuitously provided for any sick mariner employed on board and belonging to the ship.

Gratuitous treatment.

(2) The collector or chief officer of Customs if he considers that the sick mariner is entitled to the benefits of the Act shall forthwith direct him to a designated doctor or hospital and such sick mariner, if provided with a written recommendation from the person in command of his ship endorsed as approved by the collector or chief officer of

Customs, shall receive gratuitously such medical, surgical or other treatment as the case requires.

Accident o emergency.

(3) In the case of accident or emergency, such master or person in command may send any sick mariner employed on board and belonging to the ship to any designated doctor or hospital for sick mariners at any hour of the day or night and any sick mariner unable to leave his ship may be provided with treatment on board the ship.

Collector to make provision for care of sick mariners if no hospital.

(4) At any port at which such duty is received and where there is no marine hospital or other hospital designated as provided in this Part, the collector or other chief officer of Customs, upon being required so to do at any hour of the day and in case of accident or emergency, at any hour of the night, by the master or person in command of any ship in respect of which duty has been paid pursuant to this Part shall make without delay the best provisions in his power for the medical and surgical treatment of any sick mariner belonging to such ship. If the sick mariner requires hospitalization and there is no public hospital at a convenient distance, arrangements may be made to have him sent to some public or private house.

Sick mariner must arrive on his ship.

(5) No sick mariner taken ill or injured outside of Canada, and arriving in any of the said provinces otherwise than in a ship to which he belongs, shall be entitled to the benefits conferred by this section.

Treatment for one year, but not for insanity.

(6) No sick mariner shall be entitled to the benefits conferred by this section for a period longer than one year without written authority from the Minister, and no sick mariner shall be entitled to treatment or care hereunder when suffering from permanent insanity.

Mariners of exempted vessels.

(7) No sick mariners belonging to ships exempted from or not paying the duty levied under this Part shall be entitled to the rights or benefits of sick mariners under this Part. R.S., c. 186, s. 387.

Expenditures to be accounted for.

371. Every person entrusted with the expenditure of any moneys for the purposes of this Part shall account for the same in such manner, certified by such vouchers and attestation, as the Minister may direct. R.S., c. 186, s. 388.

Payment out of appropriations.

372. All expenditure made under the provisions of this Part shall be paid out of such moneys as Parliament may appropriate for the purpose. R.S., c. 186, s. 389.

Annual report to Parliament.

373. The Minister shall make an annual report and statement to the Governor in Council of the receipts and expenditures under this Part, which shall be laid before both Houses of Parliament within the first fifteen days after the commencement of the session held next after the close of the fiscal year. R.S., c. 186, s. 390.

PART VII—SECTIONS 374–452

PILOTAGE DISTRICTS AND AUTHORITIES.

Pilotage district of Quebec.

374. The pilotage district of Quebec shall comprise that part of the river St. Lawrence from the western limit of the harbour of Quebec to an imaginary line drawn from the pilotage grounds off Father Point on the south shore and the anchorage grounds off Cape Colombine on the north shore of the river St. Lawrence together with those parts of all rivers, waters, harbours, creeks, bays and coves within the said limits where the tide ebbs and flows, and shall include the river Saguenay. R.S., c. 186, s. 393.

Pilotage district of Montreal.

375. The pilotage district of Montreal shall comprise that part of the river St. Lawrence from the eastern end of the Lachine Canal to the eastern limit of the harbour of Quebec together with those parts of all rivers, waters, harbours, creeks, bays and coves within the said limits. R.S., c. 186, s. 396.

Limits of pilotage districts, how fixed.

376. The Governor in Council may create further pilotage districts and fix their limits and may rescind any district, other than the districts of Quebec and Montreal, created either by or under this Act or under any Act and may alter the boundaries of any pilotage district. R.S., c. 186, s. 398.

Governor in Council may constitute other pilotage authorities.

377. The Governor in Council may constitute pilotage authorities for any pilotage district, other than the districts of Quebec and Montreal, created in any place and such pilotage authorities shall consist of not less than three or more than five persons, including the chairman, a majority of whom respectively shall be a quorum for the transaction of business and the exercise of all the powers conferred on the pilotage authority. R.S., c. 186, s. 411.

As to compulsory payment of dues.

378. The Governor in Council may, from time to time, make the payment of pilotage dues compulsory or not compulsory, within the limits of any pilotage district created by the Governor in Council under this Part. R.S., c. 186, s. 412.

Employment of a pilot not compulsory.

379. No owner or master of any ship shall, in any case, be compelled to employ or to give his ship into the charge of a pilot either on the ground of his being compelled to pay pilotage dues or otherwise. R.S., c. 186, s. 453.

Minister may be appointed pilotage authority by Governor in Council.

380. Notwithstanding anything in this Part, the Governor in Council may, when it appears to him to be in the interest of navigation, appoint the Minister to be the pilotage authority for any pilotage district, or for any part

thereof; and the said Minister shall thereupon supersede the then existing pilotage authority for that district or part of a district. R.S., c. 186, s. 414

General Powers of Pilotage Authorities.

Secretary-Treasurers may be appointed and paid.

381. The pilotage authority of any district may, with the sanction of the Governor in Council appoint a secretary and treasurer, and pay him such salary or remuneration, out of pilotage dues or fees for licences received by it, as it sees fit, and may, with such sanction and out of such funds, pay any other necessary expenses of conducting the pilotage business of the district. R.S., c. 186, s. 413.

Powers of pilotage authorities.

382. Subject to the provisions of this Part, or of any Act for the time being in force in its pilotage district, every pilotage authority shall, within its district, have power, from time to time, by by-law confirmed by the Governor in Council, to

Determine qualification of pilots.

(a) determine the qualification in respect of age, time of service, skill, character and otherwise required of persons applying to be licensed as pilots and apprentices;

Regulations as to pilot boats.

(b) make regulations respecting the approval, licensing, management and maintenance of pilot vessels and their equipment, and respecting the distribution of the earnings of pilots and pilot vessels;

Aid to support pilot boats.

(c) provide for aiding in the establishment of and participating in the profits of companies for the support of pilot vessels;

Licences and certificates.

(d) license pilots and apprentices, and grant certificates to masters and mates to act as pilots of ships on which they are employed as masters or mates respectively, as hereinafter provided;

Terms and conditions of licences and certificates.

(e) fix the terms and conditions of granting licences to pilots and apprentices, the terms and conditions of granting such pilotage certificates as are in this Part mentioned to masters and mates, and to settle the form of such licences and certificates and the fees payable for such licences and certificates, and to regulate the number of pilots;

Regulations.

(f) make regulations for the government of pilots, and of masters and mates holding certificates enabling them to act as pilots on their own ships, and for ensuring their good conduct on board ship and ashore and constant attendance to and effectual performance of their duty on board and on shore, and for the government of apprentices, and for regulating the number thereof and for the holding of enquiries either before the pilotage authority or any other person into any matters dealt with in this Part;

Punishment for breach of regulations.

(g) make rules for punishing any breach of such regulations by penalty or by the withdrawal or suspension of the licence or certificate of the person guilty of such breach;

Mode of remuneration.

(h) fix the mode of remunerating the pilots licensed by such authority, and the amount and description of such remuneration, and the person or authority to whom the same shall be paid;

Compulsory retirement of aged pilots.

(i) provide for the conpulsory retirement of any licensed pilot who has attained the age of sixty-five years, subject to the provisions of this Part for the granting of a new licence;

And of infirm or intemperate pilots.

(j) provide for the compulsory retirement of any licensed pilot who has not attained the age of sixty-five years who has become incapacitated by mental or bodily infirmity or by habits deterimental to his usefulness as a pilot;

Decision of disputes.

(k) provide for the adjustment and decision of questions and disputes arising between masters of ships, pilots and others, respecting pilotage;

Establish and regulate pilot funds.

(l) establish, elsewhere than in the pilotage district of Quebec, either alone or in conjunction with any other pilotage authority, funds for the relief of superannuated or infirm licensed pilots, or of their wives, widows or children, and, in any pilotage district, to make regulations with respect to any funds for the time being applicable to such purposes or any of them, to determine the persons in the service of such pilotage authority by and upon whom and the amount, manner and time in and at which, the contributions in support of such existing or future funds may be made or levied; provided that such contribution to any such fund shall be mutually agreed upon between the pilots and the pilotage authority, and if not agreed upon shall be fixed by the Minister, and shall not be less than five per cent of his earnings;

Determine beneficiaries of fund.

(m) determine what persons, or class of persons among the men in the service of such pilotage authority, their wives, widows or children, are or are not respectively entitled to participate in the benefits of such existing or future funds, and the terms and conditions upon which they are so entitled;

Limit period of licence.

(n) limit the period during which any licence to a pilot shall be in force to a term not less than two years from its date in which case the form of licence shall be altered by inserting after the word capacity in Form Q the words "until the day of A.D. unless in the meantime this licence is cancelled".

Renewal of limited licence.

(o) renew for a further limited term, not less than two years, any licence issued for a limited period pursuant to clause *(n)* aforesaid. R.S., c. 186, s. 415.

Powers delegated.

(p) to authorize the pilotage authority to delegate to any person or persons either generally or with reference to any particular matter all or any of the powers of such pilotage authority.

Penalties under by-laws recovery and application.

383. Every pilotage authority may, in any by-law made according to the provisions of this Part, impose a reasonable penalty not exceeding in any case two hundred dollars for the breach of such by-law, with, in cases of continuing breach, suspension or dismissal at the discretion of the pilotage authority. R.S., c. 186, s. 417.

Confirmation of by-laws.

384. (1) Every by-law made by any pilotage authority in the exercise of the powers conferred upon it by this Part shall be valid and effectual when confirmed by the Governor in Council and published in the *Canada Gazette*.

Offence.

(2) Every breach of any such by-law shall be deemed an offence against this Part. R.S., c. 186, s. 418.

Certificate for person acting as pilot in upper St. Lawrence.

385. (1) Unless and until a pilotage district is established on the river St. Lawrence between lake Ontario and the eastern entrance of the Lachine canal no person shall act as a pilot on any ship in that area unless he is the holder of a certificate of competency of a grade not lower than that of mate on the minor waters of Canada.

Person acting as a pilot deemed a member of the crew.

(2) Any person acting as a pilot on any ship within the area defined in subsection one shall, whilst so acting, be deemed for the purpose of this Act to be a member of the crew of said ship.

Returns by Pilotage Authorities.

Pilotage authorities to make annual reports.

386. Every pilotage authority shall, within fifteen days after the end of each and every fiscal year transmit to the Minister, in such form as he requires, pilotage returns containing such particulars as the Minister from time to time directs. R.S., c. 186, s. 422.

Licensing of Pilots.

Licence.

387. Every pilot after being approved for licensing shall receive a licence in the form determined by the pilotage authority. R.S., c. 186, s. 425, ss. 1.

Restrictions as to limits.

388. Every licensed pilot who acts beyond the limits for which he is qualified by his licence, shall be considered an unlicensed pilot. R.S., c. 186, s. 426.

Copies of this Part, tariff and by-laws to be produced by pilots.

389. Every licensed pilot shall, on receiving his licence, be furnished with a copy of the tariff of dues and of the by-laws established within the districts for which he is licensed; and he shall produce such copies to the master of

any ship, or other person employing him, when required so to do. R.S., c. 186, s. 427.

Penalty. Penalty for non-production of tariff and by-laws: forty dollars.

Pilots may retain licence.

390. Every pilot who has received a licence from a duly constituted authority in that behalf, may retain the same, under and subject to the provisions of this Part, and shall, for the purposes of this Part, while so retaining the same, be a pilot licensed by the pilotage authority of the district to which his licence extends. R.S., c. 186, s. 428.

Production of Licence.

Pilots to produce licences when offering their services and when employed.

391. Every licensed pilot shall, while acting in that capacity, be provided with his licence and shall produce the same at the request of every person by whom he is employed as pilot. R.S., c. 186, s. 429.

Penalty. Penalty for non-production of licence: forty dollars.

Duties of pilot to carry regulations.

392. Every pilot shall carry with him a copy of the regulations governing all harbours within his pilotage district and shall, when necessary or when requested, exhibit same to the master of any ship on which he is appointed to act as pilot.

Penalty: forty dollars.

Licence forfeited by non-user during two years.

393. Every licensed pilot who does not act as a pilot for a period of two years shall forfeit his licence but the pilotage authority, if satisfied that the former holder is qualified to hold a licence, may re-issue it to him. R.S., c. 186, s. 430.

Licences to be delivered up in certain cases.

394. (1) Every licensed pilot suspended or deprived of his licence or compelled to retire, shall deliver up his licence to the authority by whom he is so suspended or deprived or compelled to retire.

On death. (2) On the death of any licensed pilot, the person into whose hands his licence comes shall, without delay, deliver it to the pilotage authority of the pilotage district for which he was licensed. R.S., c. 186, s. 431.

Penalty. Penalty: forty dollars.

Age limit for active pilot.

395. Every licensed pilot shall, on his attaining the age of sixty-five years, produce and deliver up his licence to the pilotage authority which issued it and such authority may grant him a new licence for one year, and so from year to year, until his seventieth birthday, provided he is declared capable of performing his duties as a pilot by a medical officer appointed by the pilotage authority. R.S., c. 186, s. 432.

Fees on renewal of licence.

396. (1) Every pilot shall pay to the pilotage authority of the respective districts for which they are licensed, or as such authority directs, such fees upon such renewals as are, from time to time, fixed for that purpose by such authority with the consent of the Governor in Council; and such fees shall be applied in the manner prescribed by this Part.

When fees are to be paid into Consolidated Fund.

(2) When the Minister of Marine is the pilotage authority such fees shall be paid into and form part of the Consolidated Revenue Fund of Canada. R.S., c. 186, s. 435.

Licence Register.

Registers of pilots' licences.

397. Each of the pilotage authorities shall cause every pilot's licence granted by it to be registered in a book to be kept for that purpose in the office of such pilotage authority; and every such book shall, at all times, during the usual office hours be open to all persons for inspection without fee or reward. R.S., c. 186, s. 438.

Rights of Pilots.

Pensions to retired pilots' widows and children.

398. Every pilot compelled to retire under the provisions of this Part on account of age or of mental or bodily infirmity, and every widow and child of a deceased pilot shall be entitled to such pension or assistance as the pilotage authority of the district in and for which such pilot was licensed deems it proper to grant to him or her out of the pilot fund of such district. R.S., c. 186, s. 439.

Cabin passage and three dollars a day.

399. (1) If a pilot or apprentice pilot is taken to sea or beyond the limits for which he is licensed he shall be entitled to cabin passage and over and above the pilotage dues otherwise payable to him, to the sum of three dollars per day, to be computed from, and inclusive of the day on which the ship passes the limit up to which he was engaged to pilot her, and up to and inclusive of, either the day of his being returned in the said ship to the place where he was taken on board, or if he is discharged from the ship at a distance from such place, such day as will allow him sufficient time to return thereto.

Travelling expenses.

(2) In such last mentioned case, he shall be entitled to his reasonable travelling expenses by cabin passage or first-class conveyance by land, as the case may be, over and above such pilotage dues and other sums. R.S., c. 186, s. 440.

Allowances to pilot detained by quarantine.

400. If a licensed pilot or apprentice pilot is placed in quarantine, owing to his having been taken on board any ship, he shall be entitled to suitable board and accomoda-

tion and to the sum of three dollars per day over and above the pilotage dues payable to him from and inclusive of the day on which he is placed in quarantine up to and inclusive of the day on which he is discharged therefrom; and if he is not discharged at the place where he was taken on board any ship, then up to and inclusive of such day as will allow him sufficient time to return to such place, in which case he shall be entitled to his reasonable travelling expenses over and above such pilotage dues and such other additional sums. R.S., c. 186, s. 441.

When a pilot may leave a ship which he has undertaken to pilot.

401. Any licensed pilot may quit a ship which he has undertaken to pilot as soon as such ship is finally anchored or safely moored at her intended destination or as near thereto as she is able to get at the time of her arrival or as soon as she passes out of the pilotage district to which his licence extends, whichever first happens; whereupon the service for which he was hired shall be held to be performed. R.S., c. 186, s. 442.

Damages Caused by a Pilot.

Amount of damage caused by condemned pilot to a ship may be deducted from his pilotage dues.

402. A pilot deprived of his licence, or suspended or condemned to pay a penalty for having caused damage to a ship shall not be entitled to any pilotage dues, if the amount of such damage is equal to or exceeds that of such dues, or, if it is less, to more than the excess of the amount of such dues over that of such damage. R.S., c. 186, s. 443.

Rights of Pilots in Pilotage Districts in Which the Payment of Pilotage Dues is Compulsory.

When licensed pilot shall be entitled to pilotage for leading.

403. (1) If any boat or ship having on board, a licensed pilot leads any ship which has not a licensed pilot on board when such last mentioned ship cannot by reason of the circumstances existing at the time, be boarded, the pilot so leading such last mentioned ship shall be entitled to the full pilotage dues for the distance run, as if he had actually been on board and piloted such ship.

Flags.

(2) Such pilot, while leading such last mentioned ship, shall keep his pilot flag flying, and such last mentioned ship shall, while being so led, show the ensign of such ship, at her fore. R.S., c. 186, s. 444.

Occasions on which unlicensed persons may act as pilots.

404. (1) Any person may, within any pilotage district for which he is not a licensed pilot, without subjecting himself or his employer to any penalty, pilot a ship,—

(a) when no licensed pilot for such district has offered to pilot such ship, or made a signal for that purpose,

although the master of the ship has displayed and continued to display the signal for a pilot in this Part provided, whilst within the limits prescribed for that purpose;

(b) when a ship is in distress, or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time.

Renumeration.

(2) If such unlicensed pilot is not superseded as in the next following section provided, he shall be entitled to be paid full pilotage dues. R.S., c. 186, s. 445.

Power of licensed pilot to supersede unlicensed pilot.

405. (1) A licensed pilot may in any district, upon showing his proper signal and exhibiting his licence, supersede an unlicensed pilot, but the master shall pay to such unlicensed pilot a sum in proportion to the distance run for his services, and deduct the same from the charge of the licensed pilot.

On dispute.

(2) In case of dispute, the pilotage authority of the district for which the licensed pilot is licensed, shall determine the proportionate sum to which each person is entitled. R.S., c. 186, s. 446.

Payment of dues for ship moved without a pilot.

406. (1) If any master of a ship which is not an exempted ship removes such ship or causes such ship to be removed from one place to another within any pilotage district, without the assistance of a licensed pilot, he shall pay to the pilotage authority the same pilotage dues as he would have been liable to pay if he had obtained the assistance of one of such licensed pilots.

Exceptions.

(2) This provision shall not apply to the master of any ship actually proceeding to Montreal or elsewhere above the harbour of Quebec, in charge of a pilot for the pilotage district of Montreal. R.S., c. 186, s. 447.

Pilotage Dues.

What persons liable to pay pilotage dues.

407. The owner, the master and the consignee or agent of any ship, if such consignee or agent has sufficient moneys in his hands received on account of such ship, shall be liable to pay any pilotage dues made payable under this Part by or in respect of such ship. R.S., c. 186, s. 448.

Consignee or agent how to reimburse himself.

408. Every consignee or agent of a ship not being the owner or master of such ship may, out of any money in his hands received on account of such ship, retain the amount of the pilotage dues so paid by him, together with any reasonable expenses he has incurred by reason of such payment and liability. R.S., c. 186, s. 449.

Pilotage dues to constitute a lien.

409. Pilotage dues shall constitute a lien on the ship in respect of which they were incurred and shall be payable in the same order of priority as wages.

Recovery of pilotage dues.

410. All pilotage dues may be recovered as a debt due to the pilot or pilotage authority as the case may be, to whom the same are payable. R.S., c. 186, s. 450, ss. 1.

No clearance until such dues are settled for.

411. (1) No Customs officer shall grant a clearance to any ship liable to pilotage dues at any port in Canada, where there is a duly constituted pilotage authority and at which pilotage dues are payable, until there has been produced to such Customs officer a certificate from the pilotage authority of the district that all pilotage dues in respect of such ship have been paid or settled for to the satisfaction of such authority. R.S., c. 186, s. 451.

Outstanding and unpaid pilotage dues.

(2) No Customs officer at any port in Canada shall grant a clearance to any ship if he is advised by any pilotage authority in Canada that there are outstanding and unpaid any pilotage dues in respect of the ship.

Settlement of differences as to draught of ship.

412. (1) Whenever any difference arises between the master and the licensed pilot of any ship trading to and from any port in Canada, as to her draught of water, the pilotage authority at such port shall, upon application by either party, decide the actual draught.

Time for applying.

(2) Such application shall be made, in case of a ship inward bound, either within twelve hours after her arrival or at some time before she begins to discharge her cargo; and, in the case of a ship outward bound, before she quits her moorage. R.S., c. 186, s. 452.

Liability of the Owner of a Ship in Charge of a Pilot.

No owner to be free from liability by reason of employing a licensed pilot.

413. Nothing in this Part shall exempt any owner or master of any ship from liability for any loss or damage occasioned by his ship to any person or property, on the ground of such ship being in the charge of a licensed pilot, or of such loss or damage being occasioned by the act or default of a licensed pilot. R.S., c. 186, s. 454.

Pilot vessel not liable for certain damages.

414. Nothing contained in this Part shall render any pilot vessel liable for damages caused to any ship whilst attending any ship or in the act of embarking or disembarking pilots.

Compulsory Payment of Pilotage Dues and Exemptions.

Compulsory payment of pilotage dues in certain districts.

415. Every ship which navigates within any pilotage district within the limits of which the payment of pilotage dues is, for the time being, made compulsory under this Part shall pay pilotage dues, unless—

(a) such ship is on her inward voyage and no licensed pilot offers his services as a pilot; or

(b) she is exempted under the provisions of this Part, from payment of such dues. R.S., c. 186, s. 455.

Exempted ships.

416. The following ships shall, subject to the next following section, be exempt from the payment of pilotage dues;

(a) ships belonging to His Majesty;

(b) ships wholly employed in His Majesty's service, while so employed;

(c) ships of any nationality used exclusively for pleasure of not over one hundred feet in length and not over nine feet in draught;

(d) ships registered in any part of His Majesty's dominions while employed in salvage operations;

(e) steamships registered in any part of His Majesty's dominions—

(i) employed in voyages between port to port in the same province, or employed in any one port or harbour, or

(ii) employed in voyages between any one or more of the provinces of Quebec, New Brunswick, Nova Scotia or Prince Edward Island and any other or others of them, or between ports in any one of said provinces or between any of the said provinces into and beyond Hudson Strait, or

(iii) employed in voyages between any port in the said provinces or any of them and the port of New York or any port of the United States of America on the Atlantic, north of New York, or

(iv) employed in voyages between any port in any of the said provinces and any port in Newfoundland;

(v) employed in voyages between any port in the province of British Columbia, and the port of San Francisco, or any port of the United States of America on the Pacific, north of San Francisco, and between any port in the province of British Columbia and any port in Alaska;

(f) ships registered in any of His Majesty's dominions of not over two hundred and fifty tons register tonnage;

(g) any ship of which the master or any mate then on board has a certificate granted under the provisions of this Part and then in force, authorizing him to

pilot such ship within the limits within which she is then navigating;

(h) ships entering a harbour for refuge;

(i) ships of war and hospital ships belonging to such foreign nation or nations as may be specified by the Governor in Council;

(j) ships registered in any of His Majesty's dominions engaged in fishing. R.S., c. 186, s. 457.

Powers of pilotage authorities to withdraw exemption.

417. The pilotage authority of any pilotage district may, notwithstanding anything contained in the last preceding section, from time to time determine with the approval of the Governor in Council whether any, and which if any, of the steamships employed, as in the said preceding section specified, shall or shall not be wholly or partially, and, if partially to what extent and under what circumstances, exempt from the compulsory payment of pilotage dues. R.S., c. 186, s. 458.

Masters and Mates to hoist a white flag on arrival at district for which they hold pilot certificates.

418. When a ship arrives at the limits of any district in which the payment of pilotage dues is, for the time being compulsory, and within any part of which she is an exempted ship by reason of having a master or mate possessing a pilotage certificate under this Part, or is at a distance of five miles at least from the mouth of the harbour in any such district mentioned in the pilotage certificate of her master or mate, whichever first happens, such master or mate shall hoist a white flag not less than four feet by six feet at the main top masthead, with the number of his certificate in black figures six inches long, in the centre as a signal that the ship has a master or mate with a pilotage certificate on board. R.S., c. 186, s. 459.

Certain exempted ships liable to pay pilotage dues.

419. If the master of an exempted ship not belonging to His Majesty, or not wholly employed in His Majesty's service, arriving within the limits of a pilotage district in which the payment of pilotage dues is, for the time being compulsory,—

(a) displays and continues to display the signal for a pilot in this Part provided, whilst within the limits prescribed for that purpose, and does not accept the services of any licensed pilot offering them in consequence of such signal; or

(b) without displaying or continuing to display the signal for a pilot in this Part provided, whilst within the limits prescribed for that purpose, employs any person not belonging to his crew and not being a licensed pilot, to pilot or guide such ship, whether or not a licensed pilot has offered his services;

such ship shall be liable to pay to the pilotage authority of the district, as pilotage dues: the same sum as would have been payable to such licensed pilot if his services had been accepted. R.S., c. 186, s. 460.

Duty of ships arriving where pilotage dues are compulsory.

420. (1) Every ship liable for pilotage dues and requiring the services of a pilot, arriving at the limits of any district in which the payment of pilotage dues is for the time being compulsory, shall,—

(a) until a licensed pilot has come on board; or

(b) until the ship has passed a point or place, from time to time fixed in that behalf by the pilotage authority of the district,

Display signal.

display such signal for a pilot, as is in this Part provided.

(2) The master thereof, upon sighting a pilot boat displaying a pilot flag or pilot lights shall also,

Lying to.

(a) by lying to, if the weather permits, or by shortening sail or heaving to; or

Stopping engines.

(b) if the ship is a steamer, by stopping his engines or by any other practicable means,

facilitate the coming on board of the pilot or one of the pilots of such boat. R.S., c. 186, s. 461.

Ship not complying with previous action.

421. (1) Every such ship as to which the requirements of the last preceding section are not complied with shall be liable to pay, to the pilotage authority of the district, a sum not exceeding the amount of pilotage dues which would be payable for piloting such ship.

Master not accepting first pilot, etc.

(2) Every such ship, the master of which

(a) does not accept the services of the first licensed pilot who, by signal or otherwise, offers his services; or

(b) does not accept the services of such one of two or more pilots offering their services at the same time, as is entitled by the law or regulations for the time being in force in such district to have his services accepted; or

(c) having signalled for a pilot does not accept the services of any licensed pilot offering the same in consequence to such signal,

shall be liable to pay to the pilotage authority of the district, as pilotage dues, the same sum as would have been payable to such pilot, if his services had been accepted. R.S., c. 186, s. 462.

Application of sums payable.

422. (1) All sums received by any pilotage authority in pursuance of the three last preceding sections shall be applied by it

(a) in paying all expenses incurred in obtaining payment of the same;

(b) in paying to the pilot who offered his services to the ship, and, if two pilots offered, to that one who was

entitled to have his services accepted, such amount, if any, as it, by any by-laws made under this Part from time to time, makes payable to such pilot.

Residue.

(2) The residue shall be carried to and form part of the pilot fund of the district. R.S., c. 186, s. 463.

No exemption from payment of dues when pilot taken voluntarily.

423. No ship shall be exempted on any ground whatever from the liability to pay pilotage dues earned by any licensed pilot voluntarily taken on board of such ship by the master for the purpose of piloting her, whether the payment of pilotage dues is or is not, for the time being, otherwise compulsory in the district in which such pilotage dues are earned. R.S., c. 186, s. 464.

Signals to Indicate that a Pilot is Required.

Signals to be displayed by ships requiring pilots.

424. If any ship requiring the services of a pilot, or not having a pilot, has entered or is in any district or part of a district where such ship is subject to a compulsory payment of pilotage dues, the master of such ship shall display such signals, both by day and by night as are required by regulations of the Governor in Council. R.S., c. 186, s. 466.

Pilotage Certificates to Masters and Mates.

White Flag certificates.

425. A master or mate of any ship registered in Canada may receive from the pilotage authority of any district other than Quebec, Montreal, Halifax or Saint John, a certificate entitling him to pilot the ship of which he is master or mate or any class or description of ships named or described in the certificate within the district or part of the district of such pilotage authority. R.S., c. 186, s. 467.

Form of certificate.

426. Such certificate shall enable the person therein named to pilot the ship or any of the ships therein described, of which he is acting as master or mate at the time, but no other, within the limits therein described as if he were a licensed pilot, and may be in form R in the tenth schedule or any like form. R.S., c. 186, s. 468.

Renewal of same.

427. Such pilotage certificate shall not be in force for more than one year, unless renewed, from time to time, by an endorsement of the authority by whom such certificate was granted. R.S., c. 186, s. 469.

Application of fees.

428. Fees derived by a pilotage authority from granting or renewing such certificates may be applied to the payment of expenses of the examinations, or paid into the pilot funds of the district, if any, or disposed or for the benefit of the

pilots licensed by such authority in such other way as the pilotage authority shall deem advisable. R.S., c. 186, s. 471.

Pilot Vessels.

Pilot vessels to be licensed.

429. Every pilot vessel regularly employed in any pilotage district, shall be approved and licensed by the pilotage authority of the district in which it is employed. R.S., c. 186, s. 474.

Flag or light.

430. When afloat, such pilot vessel shall have during the daytime a pilot flag, and at night, pilot lights, such pilot flag or pilot lights respectively to be placed at the mast head, or on a sprit or staff, or some equally conspicuous situation. R.S., c. 186, s. 477.

Licensed pilot to exhibit pilot flag or light though not in pilot vessel.

431. Whenever a licensed pilot, in the exercise of his calling as such, goes off in a vessel not in the pilotage service, he shall exhibit during the daytime a pilot flag, and at night, the pilot lights. R.S., c. 186, s. 482.

Penalty.

Penalty: two hundred dollars.

Pilot flag under ensign of ship piloted.

432. Every pilot, when on board and in charge of any ship as such pilot, shall display a pilot flag in some conspicuous situation and the person in charge of the ship shall permit such flag to be displayed. R.S., c. 186, ss. 483 and 524.

Penalty.

Penalty: twenty dollars.

Pilot Funds for Superannuation Purposes.

Pilot funds for superannuation purposes.

433. All superannuation, retirement and annuity funds in pilotage districts for which the Minister is the pilotage authority, except the pilotage district of Quebec; or any other pilotage district which may so elect, after sanction by the Governor in Council; shall be administered by the Ministers of Marine and Finance and any funds on deposit with the Receiver General shall draw interest at the rate fixed by that Department from time to time.

Contribution to the pilot fund of Quebec.

434. At such times as are decided by the pilotage authority for the pilotage district of Quebec, there shall be set aside such sums as the pilotage authority may determine not less than five per cent of all sums received by it for pilotage dues or dues for other services provided by the tariff and by-laws, and all sums so set aside by the said pilotage authority under this section shall be paid to the treasurer of the Quebec Pilot's Corporation and shall form part of the Quebec Pilots' Fund. R.S., c. 186, s. 485.

Pilots fund transferred to Quebec Pilots' Corporation.

435. The administration of the fund created by the Act of the late province of Canada, passed in the twelfth year of Her late Majesty Queen Victoria's reign, chaptered one hundred and fourteen, and other Acts relating thereto, shall be vested in the Quebec Pilots' Corporation, which shall have the same rights and powers as the Trinity House of Quebec possessed on the eighth day of April, one thousand eight hundred and seventy-five, in relation to the said fund, and shall administer the same conformably to the said Acts. R.S., c. 186, s. 486.

Investments of moneys.

436. The said corporation shall not invest any moneys belonging to the said fund otherwise than in such securities as are by law approved for the investments of money by Trustees. R.S., c. 186, s. 487.

Corporation to account to Minister for pilot fund.

437. The Quebec Pilots' Corporation shall, within seven days after the first day of January in each year, make a report to the Minister of their doings in relation to the Pilots' Fund, with an account of the assets and liabilities of the said fund, and showing in detail their receipts and expenditures with respect to the same, and their investments of any moneys belonging thereto, with such further information and in such manner and form as the Minister, from time to time directs. R.S., c. 186, s. 488.

Application of pilot funds.

438. Every pilot fund shall be applied as follows and in the following order, that is to say:—

(a) in payment of expenses properly incurred in the administration of such fund;

(b) In payment of superannuation allowances, or other relief, for the benefit of such pilots licensed by the pilotage authority of the district, as are incapacitated by reason of age, or infirmity, and of the widows and children of pilots so licensed, or of such incapacitated pilots only. R.S., c. 186, s. 489.

(c) In payment of such allowances as the pilotage authority may decide to make to any pilot who has had his licence cancelled by commissioners after their investigation of a Marine casualty, pursuant to this Act.

Unlicensed pilot piloting a ship.

439. If any person pilots a ship in any pilotage district for which he is not a licensed pilot, he shall forfeit to the pilotage authority a sum equal to the pilotage dues he would have been entitled to if he had been licensed in that district; except,

Exceptions.

(a) when no licensed pilot for such district has offered to pilot such ship, or made a signal for that purpose, although the master of the ship has displayed and

continued to display the signal for a pilot in this Part provided, whilst within the limits prescribed for that purpose; or

(b) when a ship is in distress, or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time. R.S., c. 186, s. 515.

Continuing in charge after arrival of licensed pilot.

440. Every unlicensed pilot who continues in the charge of a ship in any district after a licensed pilot has offered, by showing his proper signal and exhibiting his licence, to take charge of her, shall be guilty of an offence.

Penalty.

Penalty: not exceeding one hundred dollars and, in default of payment, one month's imprisonment. R.S., c. 186, s. 516.

Making a false declaration of draught of ship.

441. Every master of a ship, who, upon a licensed pilot offering or beginning to pilot the same, refuses or neglects to declare to such pilot her draught of water, or makes or is privy to any other person making a false declaration to such pilot as to such draught, shall be guilty of an offence.

Penalty.

Penalty: double the amount of pilotage dues payable. R.S., c. 186, s. 517.

Master or mate hoisting white flag without authority or neglecting to hoist such flag.

442. (1) Every master or mate who hoists a white flag not less than four feet by six feet at the main top mast head, with the number of a certificate, in black figures six inches long, in the centre as a signal that the ship has a certificated master or mate on board, without being authorized so to do at the time and place and on board the ship when and where he hoists the same, and every master or mate who neglects to hoist such flag when and where he is authorized so to do and does not accept the services of a licensed pilot, shall be guilty of an offence.

Penalty.

Penalty: twenty dollars.

Pilotage dues payable.

(2) Every ship in respect of which such penalty is incurred shall be liable to pay as pilotage dues the same sum as would have been payable to a licensed pilot if the services of a licensed pilot had been obtained or accepted.

Disposal of penalties.

(3) All such penalties shall be imposed by and payable to the pilotage authority of the district. R.S., c. 186, s. 518.

Neglect to deliver up pilotage certificate when withdrawn.

443. Any master or mate to whom a pilotage certificate has been granted by a pilotage authority, who, when such certificate has been withdrawn under this Part, neglects forthwith to produce and deliver up such certificate to such pilotage authority, shall be guilty of an offence.

Penalty.

Penalty: forty dollars.

Offences of pilots.

444. Every licensed pilot or apprentice pilot who, either within or without the district for which he is licensed,

(a) commits any fraud or offence in respect to the revenues of Customs or Excise, or the laws relating thereto; or

(b) is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, cargoes, crews or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods or chattels; or

(c) lends his licence; or

(d) acts as pilot or apprentice pilot whilst suspended; or

(e) acts as pilot or apprentice pilot while under the influence of intoxicating liquor or narcotic drugs, while on duty or about to go on duty; or

(f) who is guilty of insubordination, misbehaviour, or malingering, or who pilots a vessel beyond the limits of the pilotage district without the consent of the pilotage authority; or

(g) employs or causes to be employed on behalf of any ship of which he has the charge, any ship, boat, anchor, cable, or other store, matter or thing, beyond what is necessary for the service of such ship, with the intent to enhance the expenses of pilotage for his own gain, or for the gain of any other person; or

(h) refuses or delays, when not prevented by illness or other reasonable cause, proof of which to the satisfaction of the pilotage authority shall lie on him, to take charge of any ship within the limits of his licence, upon the signal for a pilot being made by such ship, or upon being required so to do by the master, owner, agent or consignee thereof, or by any officer of the pilotage authority of the district for which such pilot is licensed, or by any principal officer of Customs; or

(i) upon being signalled or required, attempts to make any special bargain for salvage; or

(j) unnecessarily cuts or slips, or causes to be cut or slipped any cable belonging to any ship; or

(k) refuses, when requested by the master to conduct the ship on board of which he is into any port or place into which he is licensed to conduct the same, except on reasonable ground of danger to the ship; or

(l) quits the ship which he has undertaken to pilot, before the service for which he was hired has been performed, without the consent of the master;

shall be guilty of an offence.

Penalty.

Penalty: (in addition to any civil liability existing by law)—two hundred dollars or suspension or cancellation of his licence by the proper pilotage authority or both. R.S., c. 186, s. 530.

Aiding or abetting such offences.

445. Every person who procures, abets or connives at the commission of any of the offences mentioned in the last preceding section, shall, for each offence, in addition to any liability for damages, be liable to a penalty not exceeding two hundred dollars, and, if he is a licensed pilot or licensed apprentice pilot, to suspension or dismissal by the pilotage authority of the district for which he is licensed. R.S., c. 186, s. 531.

Penalty.

Pilots endangering ship or life or limb of any person on board.

446. Every pilot, who, when on board any ship for the purpose of piloting her, by breach or neglect of duty, or by reason of being under the influence of intoxicating liquor or narcotic drugs, either

(a) does any act tending to the immediate loss, destruction or serious damage to such ship, or tending immediately to endanger the life or limb of any person on board such ship; or

(b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from loss, destruction, or serious damage, or for preserving any person belonging to or on board such ship from danger to life or limb;

is guilty of an indictable offence.

Penalty.

Penalty: twelve months imprisonment with or without hard labour. R.S., c. 186, s. 532.

Evidence of guilt of offence.

447. A pilot shall be liable to suspension or cancellation of his licence by the pilotage authority of the district, for any of the offences mentioned in the last preceding section, upon such evidence as the said authority deems sufficient, and whether he has or has not been convicted of or indicted for such offence. R.S., c. 186, s. 533.

Endangering ship by misrepresentation of circumstances, etc.

448. Every person who, by any misrepresentation of circumstances upon which the safety of a ship depends, or by using a licence to which he is not entitled, becomes employed or endeavours to be employed to pilot a ship, or enables or endeavours to enable any other person to be so employed, or obtains or endeavours to obtain for himself or any other person the charge of a ship shall be guilty of an offence.

Penalty.

Penalty: (in addition to any liability in damages)—two hundred dollars and if he is a licensed pilot, to suspension or cancellation of his licence by the proper pilotage authority. R.S., c. 186, s. 535.

Demanding or receiving more than legal dues.

449. Every licensed pilot or apprentice pilot who demands or receives any sum in respect of pilotage services greater than the dues for the time being demandable by law, shall be guilty of an offence.

Penalty.

Penalty: two hundred dollars and suspension or cancellation of his licence by the proper pilotage authority. R.S., c. 186, s. 536.

Recovery and Application of Penalties.

Recovery of penalties.

450. Every penalty imposed by this Part, or by by-law made thereunder, or by any by-law now in force, may be recovered or enforced with costs

(a) by civil action or proceeding at the suit of the Crown only, or of any person suing as well for the Crown as for himself, before any court having jurisdiction to the amount of the penalty; or

(b) in a summary manner under the provisions of the *Criminal Code* relating to summary convictions before a stipendiary magistrate, a police magistrate, or two justices of the peace. R.S., c. 186, s. 540.

Penalties paid by pilots to go to pilot fund.

451. (1) Every pecuniary penalty paid by a licensed pilot or apprentice pilot, for an offence against the provisions of this Part, or a breach of any by-law made thereunder or any by-law now in force, shall be paid into and form part of the pilot fund of the pilotage district in which the offence or breach is committed.

If no fund.

(2) If there is no such fund in such district, such penalty shall be paid into and form part of the fund used for the operating expenses of the district. R.S., c. 186, s. 542.

Payments into Consolidated Revenue Fund.

452. Every pecuniary penalty paid by any person, other than a licensed pilot or apprentice pilot, for any such offence or breach, shall be applied to help defray the cost of prosecution or paid into and form part of the Consolidated Revenue Fund of Canada. R.S., c. 186, s. 543.

Steamship Inspection Service.

Appointment of steamship inspectors.

453. The Governor in Council may, from time to time, appoint at such places in Canada as he deems advisable, persons competent to inspect the machinery of steamships, and persons competent to inspect the hulls and equipment of steamships. A person so appointed may be referred to as a steamship inspector. The same person may be appointed to both positions. R.S., c. 186, s. 550.

Examination of steamship inspectors.

454. No person shall be appointed a steamship inspector unless he has passed a satisfactory examination before the Board of Steamship Inspection, and has obtained a certificate to that effect from the chairman of the Board, and no person after appointment as a steamship inspector shall be financially interested in the construction or sale of steamships, their equipment or machinery. R.S., c. 186, s. 551 and s. 552.

Oath of office.

455. (1) A steamship inspector before entering upon his duties shall take and subscribe an oath before a person authorized to administer oaths, well, faithfully and impartially to execute the duties assigned to him by this Act, in the form or to the effect following:—

"I, A.B., do solemnly swear that I will well, faithfully and impartially, to the best of my judgment, skill and understanding, execute the duties assigned to the office of steamship inspector. So help me God". R.S., c. 186, s. 553.

Forwarded to the Minister.

(2) The oath taken by a steamship inspector shall be forwarded forthwith to the Minister. R.S., c. 186, s. 544.

Board of Steamship Inspection.

456. (1) There shall be a Board of Steamship Inspection, composed of the steamship inspectors and such other persons as the Minister may appoint.

Chairman.

(2) The Governor in Council may appoint any member of the Board to be chairman.

Quorum.

(3) Three members of the Board, one of whom shall be the chairman, shall form a quorum.

Casting vote.

(4) The chairman shall have the right to vote at meetings of the Board, and, in the case of an equal division, shall also have a casting vote. R.S., c. 186, ss. 560, 561.

Sittings and records.

457. (1) The Board shall sit at the direction of the chairman, and a record of the proceedings thereof shall be kept by the chairman.

Duties.

(2) It shall be the duty of the Board:—

(a) to give decisions in respect of the structural strength, and suitability from the point of view of safety of hulls, machinery and equipment where unusual features are presented;

(b) to give decisions on such matters arising under this Part as may be referred to them by the chairman;

(c) to examine candidates for the position of steamship inspector.

Rules and regulations.

(3) The Board may make rules and regulations for their own conduct, for the uniform inspection of steamships, and for such other purposes as are necessary under this Part, and such rules and regulations shall have force and effect as if in this Part enacted after they are approved by the Governor in Council. R.S., c. 186, ss. 563, 564.

Duties of chairman.

458. The chairman shall supervise the steamship inspectors, receive and examine all their reports and accounts, and shall be responsible to the Minister for the administration of the law relating to steamship inspection in this Act imposed. R.S., c. 186, s. 565, ss. (2).

Matters in dispute.

459. (1) Any matter in dispute arising under this Act between the owner of a ship, or any other interested party and a steamship inspector, may be referred by either of them to the chairman, who shall decide on the matter himself, or, if he considers that the circumstances warrant it, shall refer it to the Board for a decision. Where the matter in dispute involves the issue or withholding of a certificate of inspection, the decision of the chairman or of the Board that a certificate do issue shall be sufficient authority to the inspector to issue it.

Appeal to the Minister.

(2) If the owner of a ship, or any interested party, is dissatisfied with any decision given by the chairman, or by the Board, as provided for under subsection one of this section, or if any matter in dispute arises under this Part between a ship owner or any other interested party and the chairman or the Board, such owner or party may refer the matter to the Minister, who shall finally decide the same.

In writing.

(3) Any reference of a matter in dispute and any decision given in respect thereof made under the provisions of this section shall be in writing. R.S., c. 186, s. 572.

Deputy chairman.

460. The Minister may appoint any member of the Board to act as deputy chairman, and he shall exercise all the functions of the chairman during the absence of the chairman. R.S., c. 186, s. 562.

Chairman may inspect steamships.

461. The chairman may at any time inspect the hull, equipment or machinery of any ship, and if he suspects a steamship inspector of having neglected his duty in respect

of that ship, or in any other respect, he may call a meeting of the Board to investigate the case, or he may investigate it himself, and the result of the investigation shall be communicated forthwith, in writing, to the Minister. R.S., c. 186, s. 565, ss. 1.

Right of inspector to board steamships.

462. (1) A steamship inspector, in the exercise of his duties, may go on board any ship at all reasonable times and inspect the same, or any of the machinery, or equipment thereof, or any certificate of a master, mate or engineer, and if he considers such ship unsafe, or, if a passenger ship, unfit to carry passengers, or the machinery or equipment defective in any way so as to expose persons on board to serious danger, he shall detain that ship. A steamship inspector may also detain any ship in respect of which any of the provisions of this Act have not been complied with, if, in his opinion, such detention is warranted in the circumstances.

Owners and officers of steamships to answer questions.

(2) When, under the provisions of this section, a steamship inspector visits any ship, he may ask of the owner or his agent, the master or chief engineer, or any other person on board and in charge, or appearing to be in charge, any pertinent question concerning the same, or concerning any accident that has happened thereto, as he thinks fit, and every such person shall fully and truly answer every such question.

Putting machinery in motion.

(3) A steamship inspector may require that the machinery be put in motion so that he may satisfy himself as to its condition. R.S., c. 186, ss. 578 and 570.

Inspector to see that steamships have proper lights.

463. (1) A steamship inspector when he inspects any steamship shall satisfy himself that such steamship has the navigation lights and other equipment required under the Collision Regulations, and has the proper certificated officers, navigating and engineering, required under the provisions of this Act, and a certificate shall not be given to any steamship unless she has the navigating equipment and certificated officers as above described. R.S., c. 186, s. 577, subs. 1.

Production of certificate of registry.

(2) A steamship inspector shall demand of the owner or master of every steamship which he inspects the production of the certificate of registry, and the owner or master shall produce such certificate on demand. R.S., c. 186, s. 571.

Reasonable assistance.

(3) A steamship inspector may demand all reasonable assistance from the owner or master of a ship for the purpose of making inspection or obtaining information. R.S., c. 186, s. 572.

Record of inspections and certificates.

464. A steamship inspector shall keep a record of the inspections he makes and certificates he issues, in such form and with such particulars respecting them as the chairman

from time to time directs, and shall furnish copies thereof, and any other information pertaining to the duties of his office which the chairman may require. R.S., c. 186, c. 580.

Owner to pay expenses of inspection.

465. (1) The expenses or any part of such expenses incurred by a steamship inspector in respect of any inspection he may make, or be requested to make, under the provisions of this Part, shall be paid by the owner of a ship in such manner as the Minister may direct, if:—

(a) inspection be made at a place outside of Canada;

(b) the Minister decides in respect of any inspection made in Canada that, due to the fault, or default, of the owner of any ship, his agent, the master, or any other servant of the owner, the expenses incurred by any steamship inspector were in whole or in part thrown away or wasted or unreasonably increased.

Seizure of vessel.

(2) If such expenses be not paid forthwith, the ship in respect of which they were incurred shall be liable to be detained until they are paid. R.S., c. 186, s. 568.

Regulations to give effect to the Safety Convention.

466. The Governor in Council may, subject to the provisions of this Act, make such regulations as may be necessary to give effect to the provisions of the Convention known as the International Convention for the Safety of Life at Sea signed at London on the 31st day of May, 1929 (in this Act referred to as the Safety Convention) and set out in the Fourth Schedule to this Act and the Convention known as the International Convention respecting Load Lines together with the Final Protocol signed at London on the 5th day of July, 1930 (in this Act referred to as the Load Line Convention) and set out in the Fifth Schedule to this Act. Such regulations shall conform in all respects to the requirements of the said Conventions and shall have the same force and effect as if enacted herein. 1931, c. 49, s. 4.

Countries to which Safety Convention applies.

467. The Governor in Council, if satisfied:—

(a) That the Government of any country has ratified, acceded to, or denounced, the Safety Convention; or

(b) That the Safety Convention has been applied or has ceased to apply to any country in pursuance of the provisions of Article sixty-two thereof;

may make a declaration to that effect.

Inspection.

Inspection at least once yearly.

468. (1) Every steamship registered in Canada, which goes from any place in Canada shall, subject to the provisions of sections five hundred and seventy-two, five hundred and seventy-three, and five hundred and seventy-four, have the hull and equipment, and machinery inspected

at least once in each year by a steamship inspector. R.S., c. 186, s. 566 and s. 636.

Steamship not to be used without certificate.

(2) It shall be the duty of the owner to have such inspection made, and no such steamship shall be so used unless there is on board and in force a certificate or certificates issued under sections four hundred and sixty-eight and four hundred and sixty-nine hereof, applicable to the voyage on which the steamship is about to proceed, and the trade in which she is engaged.

Offence and penalty.

(3) The owner or person in charge for the time being of any steamship which makes any voyage contrary to the provisions shall be guilty of an offence.

Penalty: one thousand dollars and not less than one hundred dollars. R.S., c. 186, s. 639, ss. 1.

If penalty and costs not paid forthwith.

(4) If such penalty and the costs of conviction are not paid forthwith, the steamship shall, subject to the direction of the Minister, be liable to be seized and sold by a Chief Officer, or any person thereto directed by the Minister, and the said penalty and the costs of conviction, and the costs of such seizure and sale shall be paid out of the proceeds of such sale, and the surplus, if any, shall be paid over to the owner of the steamship. R.S., c. 186, s. 639, ss. 2.

Inspector's report to the chairman.

469. A steamship inspector, if satisfied, on inspection, that he can, with propriety, do so, shall forward a report to the chairman, which shall contain statements showing:—

(a) that the hull and machinery are sufficient for the service intended and in good condition;

(b) that the hull and machinery are constructed, arranged and fitted in accordance with the regulations made under this Part;

(c) that the equipment which is required under the regulations is on board and in good condition;

(d) that the master, mates and engineers, are persons duly certificated as required under the provisions of this Act, and that the crew is sufficient and efficient;

(e) the class of voyage on which the steamship if fit to ply, and the time, if less than one year, for which the hull, equipment and machinery will be sufficient;

(f) if the steamship is a passenger steamship, the number of passengers which she may carry;

(g) the steam pressure which may be carried on the boilers. R.S., c. 186, s. 666.

Safety and Inspection Certificates.

Issue of certificate.

470. Where a steamship registered in Canada is intended to carry more than twelve passengers on an international voyage, if, on receipt of the report of inspection provided for in the preceding section and upon the receipt of a report of a radio inspector the chairman is satisfied

that all relevant provisions of this Act have been complied with, there shall be issued such appropriate certificate or certificates, as may be required to comply with the provisions of the Safety Convention, and an inspection certificate, and such certificates shall be issued under and subject to the provisions of section four hundred and seventy-two of this Act. 1931, c. 49, s. 7.

Steamships not intended to carry more than twelve passengers.

471. (1) Where a steamship is not intended to carry more than twelve passengers on an international voyage, an appropriate inspection certificate shall be issued after inspection, as prescribed in section four hundred and sixty-eight, and such certificate may be issued by any steamship inspector who:—

(a) has inspected the hull, equipment and machinery in accordance with the provisions of any regulations which may be made in respect of inspection under the provisions of this Part, or has had presented to him proper documentary evidence that such inspection has been made by another inspector, and

(b) is satisfied that he can with propriety do so, having due regard to the sufficiency and condition of the hull, equipment and machinery, and

(c) is satisfied that all relevant provisions of this Act have been complied with.

Particulars as set out in s. 467.

(2) The inspection required for the issue of a certificate under this section shall cover all the particulars set out in section four hundred and sixty-seven applicable in the case of any particular ship.

Governor in Council may direct inspection by exclusive surveyor.

(3) *(a)* For the purposes of this section the Governor in Council may direct that survey or inspection by an exclusive surveyor to a society or association for the classification and registry of shipping, approved by the Minister, if made at a port or place outside Canada (other than a port in the United States of America on the Great Lakes and connecting waters, and other than at any port, place or territory that the Governor in Council may direct) may, subject to any regulations he may make, be deemed to have been made by a steamship inspector, and the report of the surveyor to any such classification society may be delivered to a steamship inspector who shall be entitled to act upon it and issue the necessary inspection certificate which shall be in a special form as directed by the Minister.

(b) This subsection shall not apply to passenger steamships. R.S., c. 186, s. 575.

Form and particulars of inspection certificate.

472. (1) An inspection certificate given under the provisions of either of the two preceding sections shall be in a form and shall give such particulars as are prescribed

in regulations which the Governor in Council may make, and shall show the number of persons, including the master, comprising the crew, and, in the case of a passenger steamship, the number of passengers which may be carried, distinguishing, if necessary, the number to be carried in each part of the steamship, and any conditions and variations to which the number is subject. The certificate shall also show the steam pressure allowed to be carried on the boilers.

Signature of certificate.

(2) An inspection certificate given under the provisions of section four hundred and seventy of this Act shall be signed by the chairman. A certificate given under the provisions of section four hundred and seventy-one shall be signed by a steamship inspector.

Contents of certificates.

(3) The certificates required to comply with the requirements of the Safety Convention which shall be issued under the provisions of section four hundred and seventy of this Act, shall be as follows:—

General safety certificate.

(a) in the case of a steamer which complies with all the construction regulations, rules for life saving appliances and radiotelegraphy rules applicable to passenger steamers plying on international voyages, a safety certificate stating that the steamer complies with the requirements of the Safety Convention and any such certificate shall be known as a "General Safety Certificate."

Short voyage safety certificate.

(b) in the case of a steamer in respect of which the Governor in Council has modified the construction regulations or the rules for life saving appliances in pursuance of the provisions of this Part relating to steamers plying on short international voyages, if such steamer complies with the said regulations and rules as so modified, and also complies with the radiotelegraphy rules applicable to steamers plying on international voyages, a Safety Certificate stating that the steamer complies with the requirements of the Safety Convention applicable to a short international voyage, and any such certificate shall be known as a "Short Voyage Safety Certificate".

Qualified safety certificate and passenger steamer's Exemption Certificate.

(c) in the case of a passenger steamer which complies with all the construction regulations and rules for life saving appliances applicable to passenger steamers plying on international voyages, or with those regulations and rules as modified in her case in pursuance of the provisions of this Part relating to steamers plying on short international voyages, and also is exempt under this Act from the obligation to have a radiotelegraphy installation, or complies with the construction regulations and the rules for life saving appliances applicable to steamers plying on any international coasting voyage, or steamers engaged in any special passenger trade, and also either complies

with the radiotelegraphy rules applicable to steamers plying on international voyages, or is exempt from the obligation to have a radiotelegraphy installation, a Safety Certificate stating in what respects the steamer complies with the requirements of the Safety Convention, and an Exemption Certificate stating that so long as the steamer plies on the voyages and is engaged in the trades and complies with the conditions (if any) specified in the certificate, the steamer is exempt in other respects from the requirements of the said Convention.

Safety and exemption certificates.

(d) Any Safety Certificate and Exemption Certificate issued under paragraph *(c)* of this subsection shall be known as a "Qualified Safety Certificate," and a "Passenger Steamer's Exemption Certificate."

Form of certificates.

(4) Every certificate mentioned in the preceding subsection of this section shall be in such form as may be prescribed by regulations made by the Governor in Council, and these regulations shall make such provision as appears to the Governor in Council to be necessary in respect of Safety Certificates and Exemption Certificates to give effect to the provisions of Article fifty-one of the Safety Convention, and may provide for combining a Safety Certificate in one document with an Inspection Certificate. A General Safety Certificate, or a Short Voyage Safety Certificate, or a Qualified Safety Certificate and a Passenger Steamer's Exemption Certificate shall be given over the seal of the Minister, and shall be registered by the Chairman and shall be marked to show that it was so registered. 1931, c. 49.

Modification of safety certificates as respects life saving appliances.

473. (1) If, on any international voyage, a British passenger steamer registered in Canada in respect of which a safety certificate is in force has on board a total number of persons less than the number stated in that certificate to be the number for which the life saving appliances on the steamer provide, the Minister, or any other person authorized by him for the purpose, may, at the request of the master of the steamer, issue a memorandum stating the total number of persons carried on the steamer on that voyage, and the consequent modifications which may be made for the purpose of that voyage in the particulars with respect to life saving appliances stated in the certificate, and that memorandum shall be annexed to the certificate.

Memorandum to be returned.

(2) Every such memorandum shall be returned to the Minister at the end of the voyage to which it relates, and, if it is not so returned, the master of the steamer shall be liable to a fine not exceeding one hundred dollars.

Penalty.

Posting of certificate.

474. (1) On receipt of a certificate, the owner or master shall cause it to be posted up in some conspicuous place on

board the steamship for the information of all on board, and it shall be kept so posted whilst it remains in force and the steamship is in use. R.S., c. 186, s. 574, ss. 4.

Duration certificate.

(2) A certificate shall not be in force for more than one year from the date of issue or for any shorter time specified therein, or after notice has been given by the chairman to the owner or master that it has been cancelled. R.S., c. 186, s. 567.

Extension may be granted.

(3) If a British ship registered in Canada in respect of which any certificate has been issued under sections four hundred and seventy and four hundred and seventy-one hereof, is absent from Canada at the date when the certificate expires, the Minister or any person authorized by him for the purpose, may, if it appears proper and reasonable so to do, grant such an extension of the certificate as will allow the ship to return to Canada, but no such extension shall have effect for a period exceeding five months from the said date.

Cancellation.

(4) A certificate may be cancelled by the Minister if there be reason to believe that it was obtained fraudulently, or on wrong information, or that, since it was issued, the hull, equipment or machinery has sustained any injury or is otherwise insufficient. A certificate may also be cancelled if any structural alterations have been made in the steamship which would alter the essential conditions under which such certificate was issued.

Certificate delivered up.

(5) A certificate which has been cancelled shall be delivered up on demand to an Inspector.

General safety certificate.

475. The Minister may request the Government of a country to which the Safety Convention applies to issue a general safety certificate, a short voyage safety certificate or safety radiotelegraphy certificate in respect of a British ship registered in Canada, and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purpose of this Act as if it had been issued under section four hundred and seventy of this Act.

Provisions as to Safety Convention Ships not Registered in Canada.

Certificates to ships not registered in Canada.

476. (1) The Minister may, at the request of the Government of a country to which the Safety Convention applies cause an appropriate Safety Convention Certificate or a Safety Radio-telegraphy certificate to be issued in respect of a ship of that country if he is satisfied in like manner as in the case of a British ship registered in Canada that such certificate can properly be issued, and, where a certificate is issued at such a request, it shall contain a statement that it has been so issued.

Regulations.

(2) With a view to determining the validity in Canada of certificates purporting to have been issued in accordance with the Safety Convention in respect of Safety Convention ships not registered in Canada the Governor in Council shall make such regulations as appear to him to be necessary for the purpose of giving effect to Article fifty-five of the Safety Convention, and, for the purpose of the provisions hereafter contained in this Part of this Act relating to Safety Convention ships not registered in Canada the expression "a valid Safety Convention certificate" means a certificate or certificates complying with such of those regulations as are applicable in the circumstances.

Effect of certificates.

(3) Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer, not registered in Canada and there is attached to the certificate a memorandum which—

(a) has been issued by or under the authority of the Government of the country to which the steamer belongs;

(b) modifies for the purpose of any particular voyage, in view of the number of persons actually carried on that voyage, the particulars stated in the certificate with respect to life-saving appliances;

the certificate shall have effect for the purpose of that voyage as if it were modified in accordance with the memorandum.

Application of Part.

477. (1) The provisions of this Part relating to Safety Convention steamships registered in Canada shall apply to Safety Convention ships registered elsewhere than in Canada, which are at a place in Canada, provided that:—

Modifications as to survey of passenger steamers holding Convention certificates.

(2) Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in Canada—

(a) Subsection one of section four hundred and sixty-eight of this Act relating to inspection of machinery and section four hundred and ninety-six as to the inspection of the radiotelegraphy installation shall be deemed to have been complied with in the case of the steamer;

(b) the inspection of the hull and equipment under said subsection one of section four hundred and sixty-eight of this Act shall be limited to ascertaining the number of passengers which the steamer is fit to carry, and it shall not be necessary for the report of the inspector to contain a statement of any further particulars than those set out in paragraph *(f)* of section four hundred and sixty-nine of this Act;

(c) on receipt of such a report there shall be issued a certificate indicating that this section has been complied with.

Inspection dispensed with in certain cases.

(3) Where there is produced in respect of any such passenger steamer a valid Safety Convention certificate, and also a certificate issued by or under the authority of the Government of the country to which the steamer belongs, showing the number of passengers which the steamer is fit to carry, and the Minister is satisfied that that number has been determined substantially in the same manner as in the case of a British steamer registered in Canada the Minister may if he thinks fit dispense with the inspection of the steamer mentioned in the last foregoing subsection and direct that the last mentioned certificate shall have effect.

Miscellaneous privileges of passenger steamers holding Convention certificate.

478. Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in Canada—

(a) the steamer shall be exempt from compliance with the regulations made under this Act as to life-saving appliances.

(b) the steamer shall not be deemed to be unsafe for the purposes of section five hundred and forty-one of this Act by reason of the defective condition of her hull, equipment or machinery, unless it appears that the steamer cannot proceed to sea without danger to the passengers or crew owing to the fact that the actual condition of the steamer does not correspond substantially with the particulars stated in the certificate.

General.

Voyages between two places.

479. (1) If the inspection certificate issued to any steamship shows that she is allowed to make voyages between any two places, and such certificate be qualified to show that the voyage is to be made with calls at one or more intermediate places specified, such certificate shall only be valid on a voyage where such calls are made.

Certificates not valid beyond limits.

(2) Where the owner of a steamship requests the issue of an inspection certificate allowing the steamship to make voyages between two places, such certificate shall not be valid if, in the course of any voyage, the ship be taken beyond the limits of voyages allowed by her certificate.

Penalty for carrying passengers in excess.

480. The owner or master of any passenger steamship shall not receive on board thereof, or on or in any part thereof, any number of passengers which, having regard to the time, occasion, and circumstances of the case, is greater than the number allowed by the passenger steamer's certificate.

Penalty: one hundred dollars; and also an additional fine not exceeding one dollar and twenty-five cents for every

passenger above the number so allowed, or if the fare of any passenger on board exceeds one dollar and twenty-five cents, not exceeding double the amount of the fares of all passengers above the number so allowed, reckoned at the highest rate of fare payable by any passenger on board.

Steamers not to submerge load-lines.

481. (1) Where—

(a) a British passenger steamer registered in Canada has been marked with subdivision load lines, that is to say, load lines indicating the depth to which the steamer may be loaded having regard to the extent to which she is subdivided and to the space for the time being allotted to passengers; and

(b) the appropriate subdivision load line, that is to say, the subdivision load line appropriate to the space for the time being allotted to passengers on the steamer, is lower that the load line indicating the maximum depth to which the steamer is for the time being entitled under sections five hundred and four to five hundred and twenty-six of this Act to be loaded;

the steamer shall not be so loaded as to submerge the appropriate subdivision load line on each side of the steamer when the steamer has no list.

Offence and penalty.

(2) If any such steamer is loaded in contravention of this section, the owner or master of the steamer shall for each offence be liable to a fine not exceeding five hundred dollars and to such additional fine, not exceeding the amount hereinafter specified, as the court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submersion.

Maximum additional fine.

(3) The said additional fine shall not exceed five hundred dollars for every inch or fraction of an inch by which the appropriate subdivision load line on each side of the ship was submerged, or would have been submerged if the ship had had no list.

Steamer to be detained.

(4) Without prejudice to any proceedings under the foregoing provisions of this section, any such steamer which is loaded in contravention of this section shall be detained until she ceases to be so loaded.

To apply also to steamers not registered.

(5) The foregoing provisions of this section shall apply to passenger steamers not registered in Canada, while they are within any place in Canada, as they apply to British passenger steamers registered in Canada.

Crew to be sufficient and efficient.

482. (1) Every steamship registered in Canada shall be manned with a crew sufficient and efficient from the point of view of safety of life for the purpose of her intended voyage, and shall, during such voyage, be kept so manned.

Lifeboat men.

(2) Every steamship registered in Canada, which carries more than twelve passengers on international voyages, shall be provided with a sufficient number of certificated

lifeboat men for each lifeboat or life raft carried as part of her obligatory life saving equipment.

Offence and penalty.

(3) If any of the provisions of this section are not complied with in the case of any steamship, the owner, if in fault, shall be liable, in respect of each offence, to a fine not exceeding five hundred dollars, and the master, if in fault, shall be liable, in respect of each offence, to a fine not exceeding two hundred and fifty dollars.

Signalling lamps.

483. No ship registered in Canada, being a ship of over one hundred and fifty tons, gross tonnage, shall proceed or attempt to proceed to sea on an international voyage, unless it is provided with a signalling lamp of a type approved by the Board, and, if the provisions of this section are contravened in the case of any such ship, the owner, if in fault, shall be liable to a fine not exceeding one hundred dollars, and the master, if in fault, shall be liable to a fine not exceeding fifty dollars.

Printed notices and diagrams as to location of life boats, etc.

484. (1) In every passenger steamship ample provision shall be made, to the satisfaction of a steamship inspector, by printed notices, and by diagrams where necessary, to acquaint the passengers as to the location of life boats, life jackets and other life saving apparatus, and as to the position of fire buckets, axes and fire extinguishers. There shall also be exhibited in each stateroom, and throughout the ship to the satisfaction of a steamship inspector, notices showing the method of adjusting life jackets to the body.

Printed copy of this Part.

(2) There shall be carried on board every passenger ship, in some conspicuous place accessible to all the passengers a printed copy of this Part.

Regulations by the Governor in Council.

485. (1) The Governor in Council may make regulations:—

(a) respecting the construction of hulls, including their subdivision into water-tight compartments, and the fitting of double bottoms and fire-resisting bulkheads;

(b) respecting the construction of machinery;

(c) respecting the construction of equipment and the class and quantity of various types of equipment to be carried in any steamship including the marking of boats, life boats, life rafts and buoyant apparatus so as to show the dimensions thereof and the number of persons authorized to be carried thereon;

(d) respecting compasses, sounding apparatus and other navigating appliances;

(e) respecting propelling power, and the appliances and fittings for steering;

(f) respecting stability, and the data in regard thereto to be supplied to the master of a steamship;

(*g*) respecting the marking of subdivision load lines on passenger steamships;

(*h*) respecting the provisions to be made for mustering the passengers and crew for abandoning ship, including the lighting of decks, passageways, and similar parts of the ship, and the provision of proper means for escape from various parts of a steamship;

(*i*) respecting passenger accommodation and the number of passengers allowed to be carried;

(*j*) respecting the production of plans and documentary evidence showing the construction of hulls, machinery and equipment, the subdivision of hulls into watertight compartments, the arrangement of passenger accommodation, and like information necessary to decide on the fitness of a steamship for any particular service;

(*k*) respecting the inspection of the hulls, equipment and machinery of steamships and the extent to which inspection shall be carried out at intervals of twelve months, or at longer intervals, having due regard to the class of voyage on which a steamship is to be engaged, and the trade in which she is employed;

(*l*) respecting the subdivision of home-trade voyages and inland voyages into classes, having regard to the degree of risk which may be encountered on any such voyages;

(*m*) respecting the manning of steamships, the number of certificated lifeboat men to be carried, and the qualifications for and the granting of certificates to lifeboat men;

(*n*) respecting the carrying of line-throwing apparatus;

(*o*) respecting precautions against fire;

Regulations to implement certain provision of Safety Convention.

(2) The regulations which the Governor in Council may make under subsection one of this section shall, inasfar as they are applicable to passenger steamships, plying on international voyages, which carry more than twelve passengers, include such requirements as appear to him to be necessary to implement the provisions of chapters two and three of the Safety Convention, and article forty-eight of that Convention.

Regulations may order further subdivision of steamships.

(3) The regulations which the Governor in Council may make under the provisions of subsection one of this section in respect of the subdivision of passenger steamships into watertight compartments shall be such that, if it appears to the Minister

(*a*) that any such ship plying on any international voyage, and carrying more than twelve passengers incurs exceptional risks owing to weather and traffic conditions; and

(*b*) that owing to the small proportion of space allotted to cargo in any such ship constructed after the thirtieth day of June, one thousand nine hundred and thirty-one, or converted to passenger service after that date,

the ship can be subdivided to a greater extent than is required by the Safety Convention;

he may direct that such steamship shall be subdivided to such greater extent as appears to him to be practicable and expedient in the interests of safety.

Extension and application of Act to certain territories.

486. (1) Should His Majesty at any time by Order in Council direct that the provisions of Part I of the *Merchant Shipping* (Safety and Load Line Conventions) *Act, 1932*, 22 Geo. V, ch. 9, of the United Kingdom including any enactments of the Parliament of the United Kingdom for the time being in force amending or substituted for the said provisions, shall extend, with any exceptions, adaptations, or modifications as may be specified in the Order, to the Isle of Man, any of the Channel Islands or to any colony, the provisions of this Act dealing with the promotion of Safety of Life at Sea and referring to the United Kingdom and to ships registered in the United Kingdom shall extend and apply to the territories named in the Order in Council.

Extension to foreign countries.

(2) Should His Majesty at any time by Order in Council under section five of the *Foreign Jurisdiction Act, 1890*, of the Parliament of the United Kingdom, 63 & 64 Vic., c. 37, extend Part I of the *Merchant Shipping* (Safety and Load Line Conventions) *Act 1932*, to foreign countries in which for the time being His Majesty has jurisdiction, the provisions of this Act dealing with the promotion of Safety of Life at Sea and referring to the United Kingdom and to ships registered in the United Kingdom shall extend and apply to the foreign countries named in the Order in Council.

Reference to ships registered in any country or in a port in United Kingdom.

(3) Should His Majesty at any time by Order in Council direct:—

(a) that any provision of Part I of the said *Merchant Shipping* (Safety and Load Line Conventions) *Act 1932*, which is expressed to apply only to British ships registered in the United Kingdom shall apply to British ships registered in any country or part of His Majesty's dominions to which the provisions of said Part can be extended by virtue of subsections (1) and (2) of section thirty-six of said Act.

(b) that any reference in the said Part I of said Act to a port in the United Kingdom shall be construed as including a reference to a port in any such country or part of His Majesty's dominions as aforesaid,

all provisions of this Act dealing with the promotion of Safety of Life at Sea and referring to British ships registered in the United Kingdom and all provisions referring to a port in the United Kingdom shall refer also to ships and ports in such country or part of His Majesty's dominions.

Radio-telegraph installation.

487. (1) *(a)* All British passenger ships and other British ships of sixteen hundred tons gross or upwards, registered in Canada plying on international voyages shall, unless exempted under the provisions of this Act or of the regulations made hereunder, be fitted with a radiotelegraph installation complying with the provisions of Article thirty-one of the Safety Convention and shall carry such operators with such qualifications as are prescribed in the regulations issued hereunder;

(b) The Governor in Council may exempt from the obligations imposed by paragraph *(a)* of this subsection any ship or class of ships if he is of the opinion that, having regard to the nature of the voyage in which the ship is engaged or other circumstances of the case, the provision of a radiotelegraph installation is unnecessary or unreasonable;

(c) Such exemptions shall not exceed those provided in paragraph two of Article twenty-seven, or in Article twenty-eight of the said Convention;

(d) This subsection shall apply to all ships engaged on international voyages, belonging to countries not parties to the Safety Convention, whilst such ships are at any place in Canada, in like manner as it applies to ships registered in Canada.

Other passenger steamers.

(2) *(a)* All passenger steamers, whether registered in Canada or not, which are not within subsection one of this section

(i) carrying or certified to carry fifty or more persons, including passengers and crew, and going on any voyage which is or which includes a voyage of more than two hundred nautical miles from one place to another place; or

(ii) carrying or certified to carry two hundred and fifty or more persons, including passengers and crew, and going on any voyage which is or which includes a voyage of more than ninety nautical miles from one place to another place; or

(iii) carrying or certified to carry five hundred or more persons, including passengers and crew, and going on any voyage which is or which includes a voyage of more than twenty nautical miles from one place to another place;

shall before leaving any place in Canada be fitted with a radiotelegraph installation complying with the provisions of Article thirty-one of the Safety Convention and shall carry such operators with such qualifications as are prescribed in the regulations issued hereunder;

(b) This subsection shall apply to all steamers (other than passenger ships or Safety Convention ships) of five thousand tons gross tonnage and upwards going on any voyage which is or which includes a voyage of more than two hundred nautical miles from one place to another place;

(c) This subsection shall not apply to steamers plying on the rivers of Canada, including the river St. Lawrence as far seaward as a line drawn from Father Point to Point Orient or on the lakes of Canada other than lakes Ontario, Erie, Superior, Huron and the Georgian bay.

Exception.

(3) This section shall not apply to ships calling at Canadian ports solely for the purpose of obtaining fuel, stores or provisions for the use of such ships or through stress of weather or for repairs.

Penalty.

Penalty: payable by owner or master of any ship leaving or attempting to leave any place in Canada in contravention of this section—one thousand dollars. The said penalty shall constitute a lien on such ship.

Prohibition on proceeding to sea without certificate.

488. (1) No ship of more than sixteen hundred tons gross not being a passenger steamer shall proceed to sea on an international voyage from a port in Canada after the expiration of twelve months from the passing of this Act, unless there is in force in respect of the ship—

(a) a Safety Radiotelegraphy certificate; or

(b) a Radiotelegraphy exemption certificate which by the terms thereof is applicable to the voyage on which the ship is about to proceed.

Contravention and penalty.

(2) If any ship to which this section applies proceeds, or attempts to proceed, to sea in contravention of this section the master or owner of the steamer shall, without prejudice to any other remedy or penalty under this Act be liable for each offence to a fine not exceeding five hundred dollars.

Powers of Governor in Council.

489. The Governor in Council may make regulations in respect to the matters following, that is to say:—

(a) for the censorship and controlling of radiotelegraph signals and messages to and from ships in case of actual or apprehended war, rebellion, riot or other emergency. R.S., c. 195, s. 3 *(a)*.

(b) the delaying of the application of paragraph one *(c)* of Article twenty-seven of the Safety Convention to cargo ships registered in Canada of less than two thousand tons gross tonnage for a period not exceeding five years from the date of the coming into force of said Convention.

(c) the exemption (so far as permitted by this Act) of ships or classes of ship from the obligation of being fitted with a radiotelegraphy installation.

(d) prescribe the tariff of fees to be paid for licences issued under authority of this Act.

(e) authorize the imposition of a penalty not exceeding fifty dollars and costs or three months' imprisonment for the violation of any regulation made under this section and any such penalty may be recovered upon summary conviction. R.S., c. 195, s. 4 (2).

(f) the imposition of penalties not exceeding fifty dollars and costs on persons found guilty of any breach of any regulation made by the Minister under this Part.

Regulations by Minister.

490. The Minister may make regulations in respect of the matters following, that is to say:—

(a) prescribing the form of licences to be issued for ship stations. The condition and restriction to which they shall be subject. The period for which they shall continue in force and the form of application therefor.

(b) classifying ship stations and prescribing the type and range of the regular and the emergency radiotelegraphy installation and associated equipment including direction finding apparatus to be installed in ship stations. R.S., c. 195, s. 4 *(c)*.

(c) prescribing the watches to be kept at the different classes of ship stations and the number and qualifications of operators and watchers to be carried on such stations. R.S., c. 195, s. 4 *(g)*.

(d) making provision as to the certificates to be held by and the duties of operators and watchers.

(e) generally for the inspection of radiotelegraph ship stations. R.S., c. 195, s. 4 *(h)*.

(f) provide how radiotelegraph apparatus installed upon any foreign or British ship, whether such British ship is registered in Canada or elsewhere, shall be operated while such ship is within Canadian jurisdiction. R.S. c. 195, s. 4 *(i)*.

(g) compel all radiotelegraph ship stations to receive, accept, exchange and transmit signals and messages with other radiotelegraph stations on ship and shore, and in such manner as he may prescribe. R.S., c. 195, s. 4 *(j)*.

(h) requiring the master of a ship to enter in the official log book such particulars relating to the operation of the radiotelegraph installation and as to the maintenance of the radiotelegraph service, as may be specified in the regulations; and

(i) requiring the operator on a ship station to keep a radio log and to enter therein such particulars as may be prescribed in the regulations.

(j) for the effective carrying out of sections four hundred and eighty-seven to five hundred and three inclusive of this Act. R.S., c. 195, s. 4 *(k)*.

Radio-telegraph rules to implement Chapter IV of Safety Convention.

491. The regulations to be made by the Governor in Council pursuant to this Act applicable to ships plying on international voyages shall include such requirements as appear to him to be necessary to implement the provisions of Chapter IV of the Safety Convention (except insofar as the said provisions are otherwise implemented by this Act).

Radio-telegraph stations and apparatus to be licensed.

492. No person shall establish any radiotelegraph station or install or work any radiotelegraphy apparatus on board any ship registered in Canada except under and in accordance with a licence granted in that behalf by the Minister. R.S., c. 195, s. 6.

Penalty for establishing stations and apparatus illegally.

493. (1) Every one who establishes a radiotelegraph station or installs or works any radiotelegraph apparatus on any ship in violation of the provisions of this Act, or of any regulation made hereunder, shall be liable on summary conviction to a penalty not exceeding fifty dollars, and on conviction on indictment to a fine not exceeding five hundred dollars and to imprisonment for a term not exceeding twelve months, and in either case shall be liable to forfeit to His Majesty, any radiotelegraphy apparatus installed or worked without a licence.

Proceedings.

(2) No proceedings shall be taken against any person under this section, except by order of the Minister.

Radio inspections.

494. Radio inspections shall be carried out by Radio Inspectors authorized by the Minister for that purpose.

Inspection of Radiotelegraph Apparatus.

Annual inspection to include radio inspection.

495. (1) The annual inspection of a passenger steamer required under section four hundred and sixty-eight of this Act or the regulations obliged to be fitted with a radiotelegraph installation shall include an inspection by a radio inspector.

Report.

(2) The report of the radio inspector shall contain statements of the following particulars, namely:—

(a) The voyages or class of voyages on which, as regards radiotelegraphy, the steamer is fit to ply;

(b) That, having regard to the tonnage of the steamer and the voyages or class of voyages on which she is declared to be fit to ply, the radiotelegraphy installation complies with the provisions of this Act and the regulations issued thereunder;

(c) That the certificates of the radiotelegraphy operators and watchers are such as are required by this Act and the regulations issued thereunder.

Certificates.

Survey of ships other than passenger steamers by radio-telegraph surveyors.

496. The owner of every British ship of sixteen hundred tons gross tonnage or upwards registered in Canada, not being a passenger steamer or a ship exempted in pursuance of this Act from the obligations of being fitted with a radio-telegraphy installation, shall before the ship first proceeds to sea on an international voyage from a port in Canada after the expiration of twelve months from the passing of this Act and once in each year thereafter, cause the ship to be inspected by a radiotelegraphy inspector in the same manner as if she were a passenger steamer required to be provided with a radiotelegraphy installation.

Issue of radio-telegraphy certificates and radio telegraphy exemption certificates.

497. (1) If a radio inspector in respect of a British ship registered in Canada not being a passenger steamer which receives a Safety Certificate is satisfied that the ship complies with the provisions of this Act and the regulations made hereunder applicable to ships (other than passenger steamers) plying on international voyages he shall issue a certificate stating that the ship complies with the requirements of the Safety Convention relating to Radiotelegraphy, and any certificate issued under this subsection is in this Act referred to as "a Safety Radiotelegraphy certificate."

(2) Where any such ship is exempted pursuant to this Act from the obligations of being fitted with a radio-telegraph installation, then on the application of the owner of the ship an exemption certificate shall be issued by a radio inspector stating that the ship is exempted from the requirements of the Safety Convention relating to Radiotelegraphy and specifying the voyages on which, and conditions (if any) on which, the ship is so exempted, and any certificate issued under this subsection is hereafter in this Part of this Act referred to as "a Radio-telegraphy exemption certificate."

Radio-telegraphy provisions applicable to ships holding Convention certificate.

498. (1) Where a valid Safety Convention certificate or a valid Safety Radiotelegraphy certificate as the case may be is produced in respect of a Safety Convention ship not registered in Canada, being a passenger steamer or being a ship of sixteen hundred tons gross tonnage or upwards, then—

(a) if the certificate shows that the ship is wholly exempt from the provisions of the Safety Convention relating to Radiotelegraphy, the ship shall be exempt from the provisions of this Act relating to radiotelegraphy;

(b) if the certificate shows that the ship is not wholly exempt from the said provisions of the Safety Con-

vention, the following provisions of this section shall apply to the ship in lieu of the other provisions of this Act relating to radiotelegraphy.

Corrections of particulars on certificate.

(2) A radio inspector may inspect the ship for the purpose of seeing that the radiotelegraphy installation and the number of certified operators and watchers carried on the ship correspond substantially with the particulars stated in the certificate.

Notice of deficiency.

(3) If it appears to the radio inspector that the ship cannot proceed to sea without danger to the passengers or crew owing to the fact that the radiotelegraphy installation or the number of operators or watchers does not correspond substantially with the said particulars, the inspector shall give to the master notice in writing pointing out the deficiency and also pointing out what, in his opinion, is requisite to remedy the deficiency.

Notice to chief officer of customs.

(4) Every notice so given shall be communicated in manner directed by the Minister to the chief officer of customs of any port at which the ship may seek to obtain a clearance and to the consular officer for the country to which the ship belongs at or nearest to the port where the ship is for the time being, and a clearance shall not be granted to the ship, and the ship shall be detained, until a certificate under the hand of a radio inspector of ships is produced to the effect that the deficiency has been remedied.

Duration of certificate.

499. (1) A radiotelegraphy certificate, or exemption certificate shall not be in force for more than one year from the date of its issue, nor after notice is given by the Minister to the owner, agent, or master of the ship in respect of which it has been issued, that he has cancelled the certificate.

Extension.

(2) If a British ship registered in Canada in respect of which any such certificate has been issued, is absent from Canada at the date when the certificate expires, the Minister or any person authorized by him for the purpose, may, if it appears proper and reasonable so to do, grant such an extension of the certificate as will allow the ship to return to Canada, but no such extension shall have effect for a period exceeding five months from the said date.

Operators to be British subjects.

500. (1) All radiotelegraphy operators on ship stations on board any vessel registered in Canada, shall be British subjects and shall take and subscribe a declaration of

Declaration of secrecy.

secrecy in the form set forth in the tenth schedule to this Act, before a judge of any court, a notary public, a justice of the peace or a commissioner for taking affidavits, having authority or jurisdiction within the place where the oath is administered.

Divulging information.

(2) Every person who has made the declaration of secrecy and who, either directly or indirectly divulges to any person, except when lawfully authorized or directed so to do, any information which he acquired by virtue of his employment, is guilty of an offence and shall be liable on summary conviction to a penalty not exceeding one hundred dollars and to imprisonment for a term not exceeding six months. R.S., c. 195, s. 9.

Station under control of master.

501. The operation of the radiotelegraph station on any vessel shall be under the control of the master of such vessel.

Right of master to censor messages.

502. (1) The master of a vessel shall have the right to censor all messages addressed to or transmitted by a radiotelegraphy station on board his vessel, but such master shall not divulge to any person (other than the properly authorized officials of the Government or a competent legal tribunal), or make any use whatever of any message coming to his knowledge through the exercise of such censorship, nor shall the master or any operator divulge to any person (other than the properly authorized officials of the Government or a competent legal tribunal), or make any use whatever of any message (other than a message of distress), coming to his knowledge and not intended for the said station.

Secrecy of messages.

(2) No message shall be delivered, or its contents divulged, to any person except the addressee, his accredited agent, or such properly authorized persons as are essential for the forwarding of such messages to its destination.

Making use of message divulged.

(3) Any person who makes any use of any message or the contents thereof which has been delivered or divulged to him in violation of the above shall be liable on a summary conviction to a penalty not exceeding one hundred dollars and to imprisonment for a term not exceeding six months.

Search for stations and apparatus illegally established.

503. (1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for supporting that a radiotelegraphy station has been established without licence in that behalf, or that any apparatus for radiotelegraphy has been installed or worked on board any ship registered in Canada within his jurisdiction without a licence in that behalf, he may grant a search warrant to any police officer or any officer appointed in that behalf by the Minister and named in the warrant.

Warrant to enter and seize.

(2) A warrant so granted shall authorize the officer named therein to enter and inspect the ship and to seize any radiotelegraph apparatus which appears to him to be there used or intended to be there used for radiotelegraphy. R.S., c. 195, s. 11.

Countries to which the Load Line Convention applies.

504. The Governor in Council if satisfied,

(a) that the government of any country has ratified, acceded to, or denounced the Load Line Convention; or

(b) that the Load Line Convention has been applied or has ceased to apply to any country in pursuance of the provisions of Article twenty-one thereof;

may by Order in Council make a declaration to that effect.

Load line ships.

505. (1) For the purposes of this Part relating to load lines, ships of 150 tons, gross tonnage, and upwards, which carry cargo or passengers from any place in Canada to any place not in Canada, or between any places not in Canada, which are not by subsections two or three hereof exempted from the provisions of this Part relating to load lines, shall hereafter be referred to as Load Line Ships, and Load Line Ships belonging to countries to which the Load Line Convention applies shall hereafter be referred to as Load Line Convention Ships.

Load line Convention Ships.

Fishing vessels.

(2) The provisions of this Part relating to load lines shall not apply to ships engaged solely in fishing, or to ships making voyages between Canada and the United States of America on any lakes or rivers.

Other ships may be exempted.

(3) The Governor in Council may, on such conditions as he thinks fit, exempt from the provisions of this Part relating to load lines,—

(a) any ship plying on international voyages between the near neighbouring places of two or more countries, if the Governor in Council and the Governments of those countries are satisfied that the sheltered nature and conditions of the voyages make it unreasonable or impracticable to apply the provisions of this Part relating to load lines to ships so plying, and

(b) any ship plying on any other voyage between near neighbouring places if the Governor in Council is satisfied as aforesaid.

Load lines rules.

506. (1) The Governor in Council shall make such rules (hereafter in this Act referred to as "the load line rules") as appear to him to be necessary for the purpose of giving effect to the provisions of Articles 6 to 10 of the Load Line Convention and Annex I and Annex II thereto.

Conditions of assignment.

(2) Such of the load line rules as are made to give effect to Part II of Annex I to the said Convention are hereafter in this Act referred to as "the conditions of assignment."

Marking of deck-line and load lines.

507. (1) No British load line convention ship registered in Canada, being a ship constructed after the thirtieth day of June, nineteen hundred and thirty-two, shall proceed to sea unless—

(a) the ship has been surveyed by a steamship inspector in accordance with the load line rules; and

(b) the ship complies with the conditions of assignment; and

(c) the ship is marked on each side with a mark (hereafter in this Act referred to as a "deck-line") indicating the position of the uppermost complete deck as defined by the load line rules, and with marks (hereafter in this Act referred to as "load lines") indicating the several maximum depths to which the ship can be safely loaded in various circumstances prescribed by the load line rules; and

(d) the deck-line and load lines are of the description required by the load line rules, the deck-line is in the position required by those rules, and the load lines are of the number required by such of those rules as are applicable to the ship; and

(e) the load lines are in the position required by such of the load line rules as are applicable to the ship.

Ships constructed before 1932.

(2) No British load line convention ship registered in Canada, being a ship constructed before the first day of July, nineteen hundred and thirty-two, shall proceed to sea unless—

(a) the ship has been surveyed and marked in accordance with paragraphs *(a)*, *(c)* and *(d)* of the last foregoing subsection; and

(b) the ship complies with the conditions of assignment in principle and also in detail, so far as, in the opinion of the Chairman, is reasonable and practicable having regard to the efficiency of the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters provided by the arrangements, fittings and appliances existing on the ship at the time when she is first surveyed under this section; and

(c) the load lines are either in the position required by paragraph *(e)* of the last foregoing subsection or in the position required by the tables used by the Board of Trade in the United Kingdom on the thirty-first day of December, nineteen hundred and six, for fixing the position of load lines, subject to such modifications of those tables and of the application thereof, approved by the Board of Trade under section four hundred and thirty-eight of the *Merchant Shipping Act*, as were in force immediately before the fifth day of July, nineteen hundred and thirty.

Ship proceeding to sea in contravention.

(3) If any ship proceeds or attempts to proceed to sea in contravention of this section, the master or owner thereof shall for each offence be liable to a fine not exceeding five hundred dollars.

Ship deemed unsafe.

(4) Any ship attempting to proceed to sea without being surveyed and marked as required by this section shall be detained until she has been so surveyed and marked, and any ship which does not comply with the conditions of assignment to the extent required in her case by this section shall be deemed to be unsafe for the purpose of section five hundred and forty-one of this Act.

Submersion of load lines.

508. (1) A British load line convention ship registered in Canada shall not be so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line indicating or purporting to indicate the maximum depth to which the ship is for the time being entitled under the load line rules to be loaded.

Offence and penalty.

(2) If any such ship is loaded in contravention of this section, the owner or master of the ship shall for each offence be liable to a fine not exceeding five hundred dollars and to such additional fine, not exceeding the amount hereinafter specified, as the court thinks fit to impose having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submersion.

Maximum penalty.

(3) The said additional fine shall not exceed five hundred dollars for every inch or fraction of an inch by which the appropriate load line on each side of the ship was submerged, or would have been submerged if the ship had been in salt water and had had no list.

Defence.

(4) In any proceedings against an owner or master in respect to a contravention of this section, it shall be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

Ships to be detained.

(5) Without prejudice to any proceedings, under the foregoing provisions of this section, any ship which is loaded in contravention of this section shall be detained until she ceases to be so loaded.

Miscellaneous offences in relation to marks.

509. If

(a) the owner or master of a British load line ship registered in Canada, which has been marked in accordance with the foregoing provisions of this Part of this Act, fails without reasonable cause to keep the ship so marked; or

(b) any person conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate any mark placed on any such ship in accordance with the foregoing provisions of this Part of this Act, except

with the authority of a person entitled under the load line rules to authorize the alteration of the mark or except for the purpose of escaping capture by an enemy;

he shall for each offence be liable to a fine not exceeding five hundred dollars.

Issue of load line certificates and effect thereof.

510. (1) Where a British load line convention ship registered in Canada has been surveyed and marked in accordance with the foregoing provisions of this Part of this Act and complies with the conditions of assignment to the extent required in her case by those provisions, there shall be issued to the owner of the ship on his application and on payment of the prescribed fee a load line certificate in this Act referred to as "a Load Line Convention certificate".

Form of certificate.

(2) Every such certificate shall be issued in such form and manner as may be prescribed by the load line rules, and those rules shall make such provision with respect to load line convention certificates as appears to the Governor in Council to be necessary, having regard to the provisions of Rules IV and LXVIII of the Load Line Convention, for the purpose of giving effect to the provisions of Article thirteen of that Convention.

Issue of certificates.

(3) Load line convention certificates, except as herein otherwise provided, shall be issued under the seal of the Minister, when the chairman is satisfied from reports of survey that all the provisions of this Act applicable in any particular case have been complied with. Such certificates shall be registered by the chairman and shall be marked to shew that they have been so registered.

Certificate issued by another country.

(4) The Minister may request the Government of a country to which the Load Line Convention applies to issue a load line convention certificate in respect of a load line convention ship registered in Canada, and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Part of this Act as if it had been issued under the seal of the Minister.

Ship deemed to have been surveyed.

(5) Where a load line convention certificate, issued in pursuance of sub-section four of this section and for the time being in force, is produced in respect of a ship, the ship shall, for the purpose of the foregoing provisions of this Part of this Act, be deemed to have been surveyed as required by those provisions, and, if the deck-line and load lines on the ship are of the number and description required by the load line rules and the position of the deck-line and load lines corresponds with the position specified in the certificate, the ship shall be deemed to be marked as required by those provisions.

Certificates may be issued by society for the survey of shipping.

511. The Governor in Council may authorize, subject to such conditions as he may deem fit, any corporation or society for the survey or registry of shipping, approved by the Minister, to survey ships in respect of load lines, to assign load lines to ships, and to issue load line certificates, and any certificate so issued shall have effect in place of the certificate provided for under section five hundred and ten.

Duration, renewal and cancellation of certificates.

512. (1) Every load line convention certificate shall, unless it is renewed in accordance with the provisions of subsection two of this section, expire at the end of such period, not exceeding five years from the date of its issue, as may be specified therein.

Renewal of certificate.

(2) Any such load line convention certificate may, after a survey not less effective than the survey required by the load line rules before the issue of the certificate, be renewed from time to time by the authority by which it was granted, for such period (not exceeding five years on any occasion) as the authority renewing the certificate thinks fit.

(3) The Minister shall cancel any such load line convention certificate in force in respect of a ship, if he has reason to believe that,

Cancellation of certificate.

(a) material alterations have taken place in the hull or superstructures of the ship which affect the position of the load lines; or

(b) the fittings and appliances for the protection of openings, the guard rails, the freeing ports or the means of access to the crew's quarters have not been maintained on the ship in as effective a condition as they were in when the certificate was issued.

Owner to have ship surveyed at least once a year.

(4) The owner of every ship in respect of which any such certificate has been issued shall, so long as the certificate remains in force, cause the ship to be surveyed in the prescribed manner once at least in each year after the issue of the certificate for the purpose of seeing whether the certificate should remain in force, having regard to the last foregoing subsection, and if the ship is not so surveyed, the Minister shall cancel the certificate:

Penalty. Exception.

Provided that if the Minister thinks fit in any particular case, he may extend the said period of one year.

Certificate to be delivered up and ship may be detained.

(5) Where any such load line convention certificate has expired or been cancelled, the Minister may require the owner or master of the ship to which the certificate relates to deliver up the certificate as he directs and the ship may be detained until such requirement has been complied with, and if the owner or master fails without reasonable cause to comply with such requirement, he shall for each offence be liable to a fine not exceeding fifty dollars.

Ships not to proceed to sea without certificate.

513. (1) No British ship registered in Canada, being a load line convention ship, shall proceed to sea on an international voyage unless there is in force in respect of the ship a Load Line Convention certificate.

Master to produce certificate.

(2) The master of every British load line convention ship registered in Canada shall produce to the officer of Customs, from whom a clearance for the ship is demanded, the certificate which is required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and a clearance shall not be granted, and the ship shall be detained, until that certificate is so produced.

Offence and penalty.

(3) The master of every ship which proceeds or attempts to proceed to sea in contravention of this section shall for each offence be liable to a fine not exceeding five hundred dollars.

Publication of load line certificate and particulars relating to depth of loading.

514. (1) When a load line convention certificate has been issued in pursuance of the foregoing provisions of this Part of this Act in respect of a British load line convention ship registered in Canada—

(a) the owner of the ship shall forthwith on the receipt of the certificate cause it to be framed and posted up in some conspicuous place on board the ship, and to be kept so framed and posted up and legible so long as the certificate remains in force and the ship is in use; and

(b) the master of the ship, before making any other entry in any official log-book, shall enter therein the particulars as to the position of the deck-line and load lines specified in the certificate.

Duties of master before leaving dock.

(2) Before any British load line convention ship registered in Canada leaves any dock, wharf, harbour or other place for the purpose of proceeding to sea on any international voyage, the master thereof shall—

(a) enter in the official log-book such particulars relating to the depth to which the ship is for the time being loaded as the Governor in Council may by regulations prescribe; and

(b) cause a notice, in such form and containing such of the said particulars as may be required by the said regulations, to be posted up in some conspicuous place on board the ship and to be kept so posted up and legible until the ship arrives at some other dock, wharf, harbour or place.

Offence and penalty.

(3) If the master or owner of any British load line convention ship registered in Canada fails to comply with the provisions of this section, he shall for each offence be liable to a fine not exceeding one hundred dollars.

Insertion of particulars as to load line in agreements with crew.

515. (1) Before an agreement with the crew of any British load line convention ship registered in Canada, in respect of which a load line convention certificate is in force, is signed by any member of the crew, the master of the ship shall insert in the agreement the particulars as to the position of the deck-line and load lines specified in the certificate, and if he fails to do so, he shall for each offence be liable to a fine not exceeding one hundred dollars.

Duties of shipping master before engagement of the crew.

(2) In the case of a British load line convention ship registered in Canada, being a foreign-going ship, a shipping master shall not proceed with the engagement of the crew until—

(a) there is produced to him a load line convention certificate for the time being in force in respect of the ship; and

(b) he is satisfied that the particulars required by this section have been inserted in the agreement with the crew.

Special Provisions as to Load Line Convention Ships not Registered in Canada.

Load line certificates of Convention ships not registered in Canada.

516. (1) The Minister may, at the request of the Government of a country to which the Load Line Convention applies, cause to be issued a Load Line Convention certificate in respect of a load line convention ship of that country if he is satisfied in like manner as in the case of a British ship registered in Canada that the certificate can properly be issued, and where a certificate is issued at such a request, it shall contain a statement that it has been so issued.

Regulations to determine the validity of certificate.

(2) With a view to determining the validity in Canada of certificates purporting to have been issued in accordance with the Load Line Convention in respect of Load Line Convention ships not registered in Canada, the Governor in Council may make such regulations as appear to him to be necessary for the purpose of giving effect to Article seventeen of the Load Line Convention, and, for the purpose of the provisions hereafter contained in this Part of this Act relating to Load Line Convention ships not registered in Canada, the expression "a valid Load Line Convention certificate" means a certificate complying with such of those regulations as are applicable in the circumstances.

Provision applicable.

517. (1) The provisions of this Part relating to Load Line Convention ships registered in Canada shall apply to Load Line Convention ships registered elsewhere than in Canada which are at a place in Canada.

Inspection and control of Convention ships not registered in Canada.

(2) A steamship inspector may go on board any such ship for the purpose of demanding the production of any load line certificate for the time being in force in respect of the ship.

Limitation of powers of inspector.

(3) If a valid Load Line Convention certificate is produced to the inspector on any such demand, the inspector's powers of inspecting the ship with respect to load line shall be limited to seeing—

(a) that the ship is not loaded beyond the limits allowed by the certificate;

(b) that the position of the load lines on the ship corresponds with the position specified in the certificate;

(c) that no material alterations have taken place in the hull or superstructure of the ship which affect the position of the load lines.

(d) that the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were in when the certificate was issued.

Ship may be detained if loaded in excess of limits allowed by certificate.

(3) If it is found on any such inspection that the ship is loaded beyond the limits allowed by the certificate, the ship may be detained and proceedings may be taken against the master or owner thereof under the provisions hereafter contained in this Part of this Act relating to the submersion of load lines on ships not registered in Canada.

If load lines not in the position specified.

(4) If it is found on any such inspection that the load lines of the ship are not in the position specified in the certificate, the ship may be detained until the matter has been rectified to the satisfaction of the inspector.

Alteration of ship.

(5) If it is found on any such inspection that the ship has been so materially altered in respect of the matters referred to in paragraphs *(c)* and *(d)* of subsection (2) of this section that the ship is manifestly unfit to proceed to sea without danger to human life, the ship shall be deemed to be unsafe for the purpose of section five hundred and thirty-nine of this Act:

Provided that where the ship has been detained under said section five hundred and thirty-nine, the Minister shall order the ship to be released as soon as he is satisfied that the ship is fit to proceed to sea without danger to human life.

If valid certificate not produced.

(6) If a valid Load Line Convention certificate is not produced to the inspector on such demand as aforesaid, the inspector shall have the same power of inspecting the ship, for the purpose of seeing that the provisions of this Part of this Act have been complied with, as if the ship were a British ship registered in Canada.

When ship deemed loaded beyond limits allowed.

(7) For the purposes of this section a ship shall be deemed to be loaded beyond the limits allowed by the certificate if she is so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded.

Certificates of Convention ships to be produced to Customs.

518. The master of every Load Line Convention ship not registered in Canada shall produce a valid Load Line Convention certificate to the officer of Customs from whom a clearance for the ship from any port in Canada is demanded, and a clearance shall not be granted, and the ship may be detained, until the certificate required by this section is so produced.

General Provisions as to Load Line Ships Not Registered in Canada.

Survey, marking and conditions of assignment in case of ships not registered in Canada.

519. The provisions of section five hundred and seven of this Act shall apply to load line ships not registered in Canada proceeding or attempting to proceed to sea from places in Canada, as they apply to British load line Convention ships registered in Canada, subject to the following modification, namely:—

(a) the said section shall not apply to a Load Line Convention ship not registered in Canada, if a valid Load Line Convention certificate is produced in respect of the ship; and

(b) subject to the provisions of paragraph *(a)* of this section, a foreign ship which does not comply with the conditions of assignment to the extent required in her case by the said section five hundred and five shall be deemed to be unsafe for the purpose of section five hundred and thirty-nine of this Act.

Submersion of load line on ships not registered in Canada.

520. The provisions of section five hundred and eight of this Act shall apply to load line convention ships not registered in Canada, while they are within any port in Canada, as they apply to British load line ships registered in Canada, subject to the following modifications, namely:—

(a) no Load Line Convention ship shall be detained, and no proceedings shall be taken against the owner or master thereof, by virtue of the said section, except after an inspection by a steamship inspector as hereinbefore provided; and

(b) the expression "the appropriate load line," in relation to any ship not registered in Canada, shall mean—

(i) in the case of a Load Line Convention ship in respect of which there is produced on such an inspec-

tion as aforesaid a valid Load Line Convention certificate the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded;

(ii) in any other case, the load line which corresponds with the load line indicating the maximum depth to which the ship is for the time being entitled under the load line rules to be loaded or, if no load line on the ship corresponds as aforesaid, the lowest load line thereon.

Ships registered outside of Canada.

521. (1) The Minister may cause a load line certificate to be issued, in a form approved by him, in respect of any load line ship registered elsewhere than in Canada, and not being a Load Line Convention ship. Such certificate may be known as a Special Load Line Certificate.

This Act to govern special Certificates.

(2) The provisions of this Act relating to the issue, duration, renewal and cancellation of Load Line Convention Certificates, shall apply to Special Load Line Certificates.

Effect of special certificates issued in respect of British ships.

(3) Where the Minister certifies—

(a) either—

(i) that by the law in force in any part of His Majesty's dominions outside Canada provision has been made for the fixing, marking and certifying of load lines on British ships (or any class or description of British ships) registered in that part of His Majesty's dominions; or

(ii) that provision has been made as aforesaid by the law in force in any foreign country with respect to ships (or any class or description of ships) of that country and has also been so made (or has been agreed to be so made) for recognizing load line convention certificates issued in Canada as having the same effect in ports of that country as certificates issued under the said provision; and

(b) that the said provision for the fixing, marking and certifying of load lines is based on the same principles as the corresponding provisions of this Part of this Act and is equally effective;

the Governor in Council may direct that load line certificates issued in pursuance of the said provision in respect of British ships (or that class or description of British ships) registered in that part of His Majesty's dominions, or in respect of ships (or that class or description of ships) of that foreign country, as the case may be, shall have the same effect for the purpose of this Part of this Act as special load line certificates issued in Canada pursuant to subsections one and two hereof.

Provision applicable.

(4) Subparagraph (i) of paragraph *(a)* of the last foregoing subsection shall apply with respect to any foreign country in which for the time being His Majesty has jurisdiction, as if that country was a part of His Majesty's dominions.

Certificates to be produced to Customs by ships not registered in Canada.

522. Subject to the next following section the master of every load line ship, other than a British ship registered in Canada or a Load Line Convention ship not registered in Canada, shall produce to the officer of Customs, from whom a clearance for the ship from any port in Canada is demanded, either a special load line certificate or a certificate having effect under this Act as such a certificate, being a certificate for the time being in force in respect of the ship, and a clearance shall not be granted, and the ship may be detained, until the certificate required by this section is so produced.

Minister may authorize clearance.

523. The Minister may authorize the clearance of any ship to which section five hundred and twenty-two applies without the certificate therein provided for upon the following conditions:—

Conditions.

(a) that only such amount of cargo be carried, as in the opinion of a Port Warden or other competent person directed by the Minister to examine the ship, is sufficient to allow the ship to make a voyage in safety, and

(b) that, in the opinion of a steamship inspector, the hull, boilers, machinery and equipment of such ship are in good order and sufficient for the voyage contemplated.

Loading of Timber.

Carriage of timber deck cargo.

524. (1) The Governor in Council may make regulations (hereafter in this section referred to as the "timber cargo regulations") as to the conditions on which timber may be carried as cargo out of Canada in any uncovered space on the deck of any load line ship.

Effect to be given to regulations.

(2) The timber cargo regulations shall contain such regulations as appear to the Governor in Council to be necessary for the purpose of giving effect to paragraph two of Article six of the Load Line Convention.

What regulations may prescribe generally.

(3) Subject to the provisions of the last foregoing subsection, the timber cargo regulations may prescribe generally the conditions on which timber may be carried as aforesaid in any load line ship either on all voyages or on any particular class of voyages and either at all seasons or at any particular season, and in particular may prescribe the manner and position in which the timber is to be stowed and the provision which is to be made on the ship for the safety of the crew.

Inspection by port warden.

(4) Where a load line ship is about to make a voyage carrying a deck cargo of timber from Canada, the owner or master shall have her inspected by a port warden, or other person directed thereto in writing by the Minister, who, if satisfied that he can with propriety so do, shall give a certificate showing that such ship is suitable for the carriage of deck cargoes of timber, and that such cargo is properly stowed and secured in accordance with the timber cargo regulations.

No to proceed without certificate.

(5) No such ship shall proceed to sea unless she has on board such certificate, which shall be produced on demand of any Collector of Customs.

Offence and penalty.

(6) For any contravention or attempted contravention of this section the owner or master of any ship shall be liable to a fine of not more than five hundred dollars and not less than one hundred dollars.

Defence.

Provided that in any proceedings against a master in respect of a contravention of the timber cargo regulations, it shall be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

Ships loaded with a timber deck cargo.

(7) The regulations made under this section may contain appropriate provisions applying to any load line ship loaded with a timber deck cargo which after the passing of this Act is at any place in Canada.

Supplemental.

Power to amend rules to correspond with amendments of Load Line Convention.

525. If any provision of the Load Line Convention to which the Governor in Council is required by this Part of this Act to give effect by any rules or regulations is amended in pursuance of Article twenty of that Convention, the Governor in Council may amend the rules or regulations accordingly.

Provisions of Act may be extended and applied to certain territories.

526. (1) Should His Majesty at any time by Order in Council direct that the provisions of Part II of the *Merchant Shipping* (Safety and Load Line Conventions) *Act 1932*, 22 Geo. V, ch. 9, of the United Kingdom including any enactments of the Parliament of the United Kingdom for the time being in force amending or substituted for the said provisions, shall extend, with any exceptions, adaptations, or modifications specified in the Order, to the Isle of Man, any of the Channel Islands or to any colony, the provisions of this Act dealing with the Load Lines of ships and referring to the United Kingdom and to ships registered in the United Kingdom shall extend and apply to the territories named in the Order in Council.

Extension to foreign countries.

(2) Should His Majesty at any time by Order in Council under section five of *The Foreign Jurisdiction Act, 1890,* of the Parliament of the United Kingdom, 63 and 64, Vic., c. 37, extend said Part II of the *Merchant Shipping* (Safety and Load Line Conventions) *Act 1932,* to foreign countries in which for the time being His Majesty has jurisdiction, the provisions of this Act dealing with the Load Lines of ships and referring to the United Kingdom and to ships registered in the United Kingdom shall extend and apply to the foreign countries named in the Order in Council.

Ships registered in the other dominions.

(3) Should His Majesty at any time by Order in Council direct:—

(a) that any provision of Part II of the said *Merchant Shipping* (Safety and Load Line Conventions) *Act 1932,* which is expressed to apply only to British ships registered in the United Kingdom shall apply to British ships registered in any country or part of His Majesty's dominions to which the provisions of said Part can be extended by virtue of subsections (1) and (2) of section sixty-four of the said Act.

(b) that any reference in the said Part II of said Act to a port in the United Kingdom shall be construed as including a reference to a port in any such country or part of His Majesty's dominions as aforesaid,

all provisions of this Act dealing with the Load Lines of ships and referring to British ships registered in the United Kingdom and all provisions referring to a port in the United Kingdom shall refer also to ships and ports in such country or part of His Majesty's dominions

Changes Affecting Certificate.

Damage affecting seaworthiness.

527. (1) Where a ship registered in Canada has received any material damage affecting her seaworthiness or her efficiency, either in her hull, machinery or equipment, the owner or master shall, as soon as possible, forward a report to the Chairman, giving full particulars in the matter, and such ship shall not go from any place in Canada until she has been put in good seaworthy condition to the satisfaction of a steamship inspector as regards the hull, machinery or equipment, as the case may be.

Alteration of hull, equipment or machinery.

(2) Where, in the case of any ship registered in Canada, any part of the hull, equipment, or machinery has been altered or renewed so as to affect its compliance with the regulations made under the provisions of this Part, in accordance with which any certificate has been issued in respect of such ship, the owner or master shall forthwith report the matter to the Chairman, and such ship shall not go from any place in Canada until she has been re-inspected and a certificate issued in accordance with the conditions found to exist.

Failure to report.

(3) If the owner or master of a ship fails, without reasonable cause, to report to the Chairman as required under the provisions of this section, the master shall be deemed to be guilty of misconduct, and the owner shall be liable to a penalty not exceeding five hundred dollars and not less than fifty dollars, and if the ship goes on any voyage she shall be deemed to be making a voyage without having a certificate, or certificates, as may be required under the provisions of this Part.

Application of this section.

(4) The provisions of this section shall have effect in respect of any ship registered in Canada which is at a port out of Canada, except that where it would be impracticable or unreasonable to have inspection by a Steamship Inspector, such inspection may be postponed until the ship returns to Canada, but the master of such ship shall not be relieved from the obligation of putting the ship in good seaworthy condition for any voyage contemplated, as regards the hull, machinery or equipment as the case may be.

Ships registered elsewhere.

(5) This section applies to every ship registered elsewhere than in Canada with respect to which any certificate has been issued under this Part.

Change of officers.

528. If, after a certificate of inspection has been issued to a steamship, any of the officers required under the provisions of this Act cease to be employed in that steamship, the owner shall forthwith report to the Chairman, giving the name, grade of certificate, and number of certificate of the person taking his place.

False report.

529. If any person knowingly and wilfully makes or assists in making, or procures to be made, a false or fraudulent report of inspection or survey with the object of having issued in respect of any ship any certificate provided for under the provisions of this Part, or forges or assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such report or certificate, or anything contained in, or any signature to such report or certificate, such person shall, in respect of each offence, be liable to a fine not exceeding five hundred dollars, or to imprisonment for not more than six months, or to both.

Safety of Ships.

Regulations restricting safety.

530. (1) The Governor in Council may make regulations in respect of passenger steamships registered in Canada, requiring:—

(a) that hinged watertight doors and other appliances for closing openings in watertight bulkheads, side scuttles, gangway doors and like appliances shall be closed before a steamship proceeds to sea, and shall be kept closed whilst the steamship is at sea;

(*b*) that watertight doors shall be kept closed whilst a steamship is at sea, other than when it may be necessary, for the working of the ship to have them open;

(*c*) that ash chutes, rubbish chutes, or similar appliances shall be kept securely closed except when in use;

(*d*) that there shall be periodic drills of the opening and closing of watertight doors, and periodic inspections of such doors and other appliances fitted in watertight bulkheads;

(*e*) that there shall be periodic boat drills;

(*f*) that the master of a steamship shall keep a record, entered in the official log-book, of

(i) the time of opening and closing of watertight doors or other appliances required to be kept closed at sea;

(ii) the time of opening and closing of watertight doors which may be required to be opened at sea for the working of a steamship, and

(iii) of every occasion on which watertight doors are opened, closed or inspected and on which boat drills take place.

(*g*) that specific duties to be carried out by each member of the crew in an emergency shall be assigned;

(*h*) that an efficient fire patrol system shall be maintained while a steamship is at sea.

Provisions of Safety Convention to be complied with.

(2) The regulations to be made under this section shall provide that the provisions of the Safety Convention as to watertight doors and other contrivances shall be complied with in every British passenger ship registered in Canada.

Offence and penalty.

(3) If any such regulations are contravened, the master shall be liable to a fine not exceeding fifty dollars in respect of each offence.

Information to be sent as to derelicts, etc.

531. (1) The master of any ship registered in Canada, on meeting with dangerous ice, a dangerous derelict, a tropical storm, or any other direct danger to navigation, shall send information accordingly, by all means of communication at his disposal, and in accordance with regulations which the Governor in Council may make for the purposes of this section, to ships in the vicinity, or to such authorities on shore as may be prescribed by these regulations. Such regulations shall contain such clauses as appear to the Governor in Council to be necessary for the purpose of giving effect to the provisions of Article forty-four (so far as relates to safety signals) and of Regulation XLVI of the Safety Convention.

Failure. to comply

Penalty.

(2) If the master of a ship fails to comply with the provisions of this section, or with the regulations made thereunder, he shall be liable in respect of each offence to a fine not exceeding two hundred and fifty dollars.

Tropical storm, defined.

(3) For the purposes of this section a tropical storm means a hurricane, typhoon, cyclone, or other storm of a similar nature, and a master of a ship shall be deemed to have met with a tropical storm if he has reason to believe there is such a storm in the vicinity.

Transmission of messages to be free.

(4) The transmission of messages in pursuance of this section shall be free of cost to the steamships concerned, and any expense of the transmission of these messages which would, but for this provision, fall on the ship, shall, so far as they are not otherwise defrayed, be defrayed out of moneys provided by Parliament.

Signals.

532. (1) The Governor in Council may make regulations as to what signals shall be signals of distress and urgency, and the signals prescribed by the regulations shall be deemed to be signals of distress and urgency respectively.

What regulations shall prescribe.

(2) Such regulations shall further prescribe, so far as is necessary and expedient, the circumstances in which, and the purposes for which any signals prescribed by such regulations are to be used, the circumstances in which they are to be revoked, and the speed at which any message sent by radio telegraphy in connection with a signal is to be transmitted; and those regulations shall make such provision as appears to the Governor in Council to be necessary for the purpose of giving effect to Articles forty-two and forth-three of the Safety Convention and to Article forty-four thereof so far as it relates to signals of distress and urgency.

Displaying signals contrary to provisions of this section.

(3) If a master of a ship uses or displays, or causes or permits any person under his authority to use or display—

(a) any signal prescribed by regulations made under this section, except in the circumstances and for the purposes prescribed by the said regulations; or

(b) any private signal, whether registered or not, which is liable to be mistaken for any signal so prescribed

he shall be liable, in respect of each offence, to a fine not exceeding two hundred and fifty dollars and shall further be liable to pay compensation for any labour undertaken, risk incurred, or loss sustained, in consequence of the signal having been supposed to be a signal of distress or urgency, and that compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable.

Penalty.

Special signals may be registered.

533. (1) If a ship owner desires to use for the purposes of a private code any rockets, lights or other similar signals which are not such as are liable to be mistaken for a signal of distress or urgency, he may register these signals with the Minister who shall give proper notice of the signals so registered.

Refusal of Minister to register certain signals.

(2) The Minister may refuse to register any signals which, in his opinion, cannot easily be distinguished from signals of distress, signals for pilots, signals of urgency or signals prescribed for indicating that a message is about to be sent relating to a danger.

Special signals may be used.

(3) The registration of any signal shall not relieve any person from the obligations of complying with section five hundred and thirty-two.

M.S.A. s. 733, amended.

Answering distress signal.

534. (1) The master of a ship registered in Canada, on receiving on his ship a distress signal by radiotelegraphy, from any other ship, shall proceed with all speed to the assistance of the persons in distress unless he is unable, or, in the special circumstances of the case, considers it unreasonable or unnecessary to do so, or unless he is released under the provisions of subsection three or four of this section.

Ships requisitioned.

(2) The master of any ship in distress may, after consultation, so far as possible, with the masters of the ships which answer his distress signal, requisition such one or more of these ships as he considers best able to render assistance, and it shall be the duty of the master of any ship registered in Canada, which is so requisitioned, to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

Release from answering signal.

(3) A master shall be released from the obligation imposed by subsection one of this section as soon as he is informed by the master of the ship requisitioned, or, where more ships than one are requisitioned, all the masters of the ships requisitioned, that he or they are complying with the requisition.

Further release.

(4) A master shall be released from the obligation imposed by subsection one of this section, and, if his ship has been requisitioned, from the obligation imposed by subsection two of this section, if he receives information from a ship which has reached the persons in distress that assistance is no longer required.

Misdemeanor.

(5) If the master of a ship registered in Canada contravenes the foregoing provisions of this section he shall be guilty of an offence.

Right to salvage.

(6) Nothing in this section shall affect the provisions of section six hundred and twelve of this Act and compliance by the master of a ship with the provisions of this section shall not affect his right, or the right of any other person, to salvage.

If master is unable to assist.

535. If the master of a ship registered in Canada, on receiving on his ship, a distress signal by radiotelegraphy from another ship, is unable, or, in the special circumstances of the case, considers it unreasonable or unnecessary to go to the assistance of the persons in distress, he

shall forthwith send a message by radiotelegraphy, informing the master of the other ship accordingly, and enter in the official log book his reasons for not going to the assistance of those persons, and if he fails to do so he shall be liable to a fine not exceeding five hundred dollars.

Offence and penalty.

When ice is reported.

536. (1) The master of a ship registered in Canada, when ice is reported to be on or near his course, shall at night either proceed at a moderate speed, or change his course so as to keep amply clear of the ice reported, and of the area of danger.

Offence and penalty.

(2) If the master of a ship contravenes this section, he shall be liable, in respect of each offence, to a fine not exceeding five hundred dollars.

When words "starboard" or "port" to be used.

537. No person on any ship registered in Canada shall when the ship is going ahead give a helm order containing the word "starboard," or "right," or any equivalent of "starboard" or "right," unless he intends that the head of the ship shall move to the right, or give a helm order containing the word, "port," or "left," or any equivalent of "port" or "left," unless he intends that the head of the ship shall move to the left.

Notice of intended routes.

538. The owner of any line of passenger steamships registered in Canada, crossing the North Atlantic from or to any port in Canada, by regular routes, shall give public notice, in such manner as the Minister may direct, of the routes which it is proposed that the ships belonging to the line shall follow, and of any changes which may be made in these routes.

Penalty: one hundred dollars.

Dangerous Goods.

Dangerous goods not to be carried.

539. (1) Subject to what is hereinafter in this section provided no person shall send, or attempt to send by, carry, or attempt to carry in any passenger steamship registered in Canada, as cargo or ballast, any dangerous goods. This provision does not apply to ship's distress signals, or to the carriage of naval or military stores for the public service under conditions authorized by the Minister.

Exception.

Sending dangerous goods without marking their nature.

(2) No person shall send, or attempt to send by, or, if he be not the master or owner of a ship, carry or attempt to carry in any ship registered in Canada, any dangerous goods without distinctly marking their nature on the outside of the package containing the same, and giving written notice of the nature of such goods and of the name and address of the sender thereof to the master or owner of a ship at or before the time of sending the same to be taken on board the ship.

Refusal to take on board.

(3) The master or owner of any ship registered in Canada may refuse to take on board any package or parcel which he suspects of containing goods of a dangerous nature, and may require such package to be opened to ascertain the fact.

Such goods may be thrown overboard.

(4) When any dangerous goods, or any goods which, in the judgment of the master or owner, are dangerous goods, are sent on board any ship registered in Canada contrary to the provisions of this section, such goods may be thrown overboard, and neither the master nor the owner of the ship shall, in respect of such throwing overboard, be subject to any liability, civil or criminal, in any court.

Goods on board in contravention of regulations.

(5) If any passenger ship has on board any goods in contravention of the regulations made under this section, the master or owner, if in default, shall be liable in respect of each offence to a fine not exceeding fifteen hundred dollars, and the ship shall be deemed to be an unseaworthy ship and shall be liable to detention.

Penalty.

Offence and penalty.

(6) Any person, not being the master or owner of a ship, who is guilty of any contravention of any of the provisions of this section, is liable to a penalty not exceeding one thousand dollars and not less than fifty dollars, or to imprisonment for a term not exceeding three months, or to both.

Permit of Minister to carry explosives.

(7) The Minister may grant a permit to any steamship other than a steamship carrying more than twelve passengers on an international voyage, which is engaged chiefly in the carriage of freight, and only incidentally in the carriage of passengers, and which is specially fitted for the carriage of explosives, to carry explosives upon such terms and conditions and in such manner as are specified in the said permit; but if the terms and conditions of such permit are not performed and complied with, this section shall apply to such steamship as if the said permit had not been granted.

Consent of Minister for prosecution.

(8) No prosecution under this section shall be instituted except by or with the consent of the Minister. R.S., c. 186, s. 703 and s. 704.

Goods may be forfeited by order of the court.

540. When any dangerous goods are sent, or attempted to be sent, carried, or attempted to be carried on board any ship registered in Canada contrary to the provisions of the preceding section, any court of record, on application by, or on behalf of the owner, charterer, or master, of the ship, may declare such goods forfeited, and direct that they shall be disposed of as the court directs. R.S., c. 186, s. 703, subs. 4.

Unseaworthiness.

Unseaworthy ships to be detained.

541. If on complaint made to him pursuant to the provisions hereinafter contained or without any complaint a collector of Customs has reason to believe that any ship at a port or place in Canada is an unsafe ship, that is to say, is, by reason of the defective condition of her hull, equipment or machinery, or by reason of overloading or improper loading, unfit to proceed to sea or to make any voyage or trip, without serious danger to life, he shall detain such ship until he is satisfied that she is a safe ship.

Ship to be inspected.

542. (1) If any ship be detained under the provisions of the preceding section, the collector of Customs may, before releasing her, demand that the owner or master have her inspected by a steamship inspector touching any defects believed to exist, or by a port warden or other competent person named by the Minister in a case where overloading or improper loading is believed to exist.

Inspector may be accompanied.

(2) The owner or master may require that a person, whom he may choose, shall accompany the person making inspection under the provisions of this section.

Report to the Collector of Customs.

(3) The steamship inspector, port warden or other person named by the Minister, who makes inspection under the provisions of this section, shall report fully to the collector of Customs who has detained a ship under the provisions of section five hundred and forty-one, and the collector of Customs shall report fully to the Minister, setting out all the particulars in regard to any such detention, and his report shall be accompanied by a copy of the report of the steamship inspector, port warden or other person who has made inspection.

Report to be in writing.

543. Any complaint in respect of the seaworthiness of a ship shall be in writing, stating the name and address of the complainant, and a copy of such complaint, including the name and address of the complainant, shall be given to the owner or master of the ship at the time of detention if the ship be detained.

If complaint of a trivial nature.

544. Before a ship is detained under the provisions of section five hundred and forty-one, a collector of Customs shall assure himself by all means at his disposal that the complaint is not of a trivial or vexatious nature, and if he thinks fit so to do, he may, exact from the complainant a deposit of money to defray the expenses of inspection and to pay any loss which may be sustained by the owner on account of detention of a ship, or he may exact such security for the payment of such expenses or loss as he deems sufficient.

Complainant if not successful to pay the costs.

545. (1) If, on inspection, it is determined that any ship detained under the provisions of section five hundred and forty-one was not an unseaworthy ship, the expenses in connection with the inspection shall be paid to the Minister by the person making complaint, which payment shall not prejudice any right of suit or action against such complainant by any persons aggrieved by the complaint. R.S., c. 186, s. 689.

Where complaint made by members of the crew.

(2) The provisions of this section in respect of payment of the cost of inspection shall not have effect where complaint is made by members of the crew of the ship complained of, provided that, in the opinion of the Minister, such complaint was not vexatious.

Expenses to be paid by owner if complaint founded.

546. If, on inspection, it be found that any complaint in respect of an unseaworthy ship was well-founded, any expenses in connection with the inspection shall be paid by the owner, and the ship shall not be released until they are paid. R.S., c. 186, s. 689.

Appeal to Exchequer Court by owner dissatisfied.

547. (1) Any owner who is dissatisfied with the decision of any person who makes inspection under the provisions of section five hundred and forty-two may appeal to the Exchequer Court on its Admiralty side for the district where such ship was inspected, and such court may, if it thinks fit, appoint a competent person, or persons to inspect such ship anew.

Order by the court.

(2) Upon such appeal such court may make such order as to the detention or discharge of the ship, as to the payment, whether by the Crown or otherwise, of any costs or damages covered by her detention, and as to the payment of the expenses of the original inspection and of the inspection anew, as to such court seems just. R.S., c. 186, s. 690.

Inspector may board ship.

548. Any person who makes inspection under the provisions of section five hundred and forty-two, or under the provisions of section five hundred and forty-seven, may, in the execution of his duty, go on board any ship at all reasonable times and inspect the same, or any part thereof, or any of the equipment, cargo or articles on board thereof, or the certificate of registry thereof, but shall not for such inspection unnecessarily detain or delay a ship in proceeding on a voyage, and if such person considers it necessary so to do, he may require the ship to be so dealt with that he may be able to inspect every part of the hull thereof.

Inspection Fees, Duties of Customs Officers, and General.

Annual fee.

549. (1) *(a)* The Governor in Council may, from time to time, fix a fee to be paid yearly by the owner of every ship registered in Canada, which is required to have a certificate of inspection, or a load line certificate, under the provisions of this Part.

Amount and how paid.

(b) The amount of fee shall, in each case, be paid at such times and in such manner and to such officers as the Governor in Council may direct, and shall be paid into the Consolidated Revenue Fund of Canada.

Certificate not to be issued till fees are paid.

(c) A certificate shall not be issued under the provisions of this Part to any ship registered in Canada until the fees applicable in the case for the current year have been paid.

Regulations as to scale of fees and collection thereof.

(2) The Governor in Council may make regulations for the establishment of a scale of fees, and the collection thereof, for examining plans of ships, their machinery and equipment, for the inspection of steamships, their machinery and equipment during construction, for assigning and marking load lines, for the testing of material, and for such other examinations and inspection under the provisions of this Part as he may deem fit.

Production of certificates.

550. A Collector of Customs shall demand of the owner or master of every ship entered, cleared or otherwise officially dealt with by him, the production of any certificate of inspection, safety certificate, load line certificate, certificate respecting stowage of a deck cargo of timber, or other such certificate required to be held by any ship under the provisions of this Part, and if such certificate or certificates is or are not produced, he shall detain the ship until the same is or are produced and until any penalty incurred and lawfully imposed on such ship under the provisions of this Part has been paid.

Notice of non-compliance.

551. Whenever a steamship inspector gives notice in writing to a chief officer of Customs that any of the provisions of this Part, or any Order in Council made thereunder, have not been fully complied with in respect of any ship, or that any ship in respect of the hull, machinery or equipment has, in the opinion of the Inspector, become unseaworthy, the collector of Customs shall detain that ship until he receives notice in writing from the Inspector concerned that he may release the ship.

Preventing violation of this Part.

552. (1) A collector of Customs, or other person directed thereto by the Minister, may take action, by detention of a ship, or by other reasonable and appropriate means

at his disposal, to prevent any violation of any of the provisions of this Part.

Collector may go on board, etc.

(2) For the purposes of this section, such Collector or other person, in the discharge of his duty, may go on board any ship, make any examination which he deems fit, and may ask any pertinent question of, and demand all reasonable assistance from the owner or master or any person in charge thereof, or appearing to be in charge.

Impeding inspector or collector.

553. Any person who impedes, prevents, obstructs, or resists any steamship inspector or chief officer of Customs, or other person acting with the written authority of the Minister in the performance of any duty under any of the provisions of this Part, or of any Order in Council made thereunder, or who refuses to answer any pertinent question put to him, or who falsely answers any such question, or who refuses to give assistance to such steamship inspector, collector of Customs, or other person in the discharge of his duty, shall be liable to a penalty not exceeding five hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding three months, or to both.

Penalty.

Removing ship.

554. Any person who knowingly removes, or causes to be removed, or is a party to removing any ship which has been running in violation of any of the provisions of this Part, or of any Order in Council made thereunder, and has been detained by any collector of Customs, or by a steamship inspector or other person thereunto directed in writing by the Minister, shall be liable to a penalty of not more than five hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months.

Penalty.

Suitable gangway to be provided.

555. (1) The master of every ship carrying passengers shall, on stopping at any wharf, dock or landing place for the purpose of putting passengers ashore or taking them on board, provide a suitable gangway, properly secured to the ship, for the safe and convenient transit of passengers, and shall cause to be fixed to such gangway at night, good and sufficient lights.

Lights on wharf.

(2) The owner or occupier of every dock, wharf or landing place at which passengers are put on shore or taken on board, shall also, at night, cause to be shown conspicuously on such dock, wharf or landing place, at every angle or turn thereof, during the whole of the time that any such ship is approaching, or alongside, good and sufficient lights.

(3) Any person who fails to comply with the provisions of this section, shall, for each offence, be liable to a fine not exceeding fifty dollars and not less than twenty dollars. R.S., c. 186, s. 635.

Offence and penalty. Tampering with safety valves to increase pressure.

556. Any owner, master or engineer of a steamship who alters or deals with the safety valves, or allows them to be altered or dealt with, whereby a greater pressure of steam may be obtained on a boiler than the pressure allowed by the inspector who last inspected the boilers of such steamship, shall be liable, for each offence, to a penalty not exceeding one hundred dollars and not less than fifty dollars, and, in the case of an engineer, shall be liable to have his certificate suspended. R.S., c. 186, s. 643.

Penalty.

Ships may be seized and sold.

557. (1) In every case in which a conviction has been secured against the owner of a ship for violation of any of the provisions of this Part, and a money penalty imposed, such ship, shall, if the penalty is not paid forthwith, be liable to be seized, and, after such reasonable notice as the Minister may, in each case, prescribe, may be sold by any collector of Customs, or any other person authorized for such purpose, in writing, by the Minister, and such collector of Customs or person may, by bill of sale, give the purchaser a valid title to such ship free from any mortgage or other claim on the vessel which, at the time of such sale, may be in existence.

Surplus to be paid to owner.

(2) Any surplus remaining from the proceeds of sale after paying the amount of the said penalty and the costs of conviction, together with the costs of such seizure and sale, shall be paid over to the owner of such ship, or the mortgagee, as the case may be. R.S., c. 186, s. 656.

Penalty for violation of any provision of this Part.

558. Except where otherwise specially provided in this Part, the owner or master of any ship registered in Canada shall be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars for any violation of any provision of this part or regulation made thereunder. R.S., c. 186, s. 657.

Penalties how recovered.

559. (1) All penalties incurred under this Part may be recovered with costs in a summary manner under the provisions of the *Criminal Code* relating to summary convictions, in the name of His Majesty, by a steamship inspector or any person aggrieved by any act, neglect or omission, or by any person named in writing for the purpose by the Minister.

Before what judge, etc.

(2) Any prosecution for any penalty under this Part may be brought before any judge of a county court, judge of the sessions of the peace, stipendiary or police magistrade, or two justices of the peace, and, in default of immediate payment of any penalty and costs, such judge, magistrate or justices may commit the offender to gaol for any term not exceeding three months, unless such penalty and costs are sooner paid. R.S., c. 186, s. 660.

Disposal of penalties.

560. All penalties recovered under this Part, shall be paid to the Minister of Finance, and shall be placed by him to the credit of the Consolidated Revenue Fund of Canada, provided that the Governor in Council may, if he sees fit, authorize the payment of a portion of any such penalty to the informer, if he is not a steamship inspector. R.S., c. 186, s. 661.

Limitation of time for suits, etc.

561. Any information or complaint in respect of any offence against the provisions of this Part may be laid or made within twelve months after the time when the matter of the information or complaint arose. R.S., c. 186, s. 662.

Investigation into accidents.

562. (1) The Minister may order an investigation to be made by any person or persons into the cause of any accident on any ship, whether attented with loss of life or not.

Power to summons and swear witnesses.

(2) The person or persons so appointed may summon witnesses and compel their attendance by the same process as courts of justice, and may administer oaths and examine witnesses touching the cause of such accident, and shall report thereon to the Minister. R.S., c. 186, s. 664.

Inspection of Ships' Tackle.

Inspection of ships' tackle.

563. (1) The Governor in Council may, from time to time, appoint at such places in Canada as he deems advisable a person or persons to inspect ships' tackle and to keep supervision over the loading and unloading of ships as far as may be necessary for the protection of those employed in such work.

Inspectors and chairman.

(2) Such person may be known as an inspector of ships' tackle and shall carry out his duties under the direction of the Chairman and in accordance with regulations which the Governor in Council may make.

Regulations in respect of loading and unloading.

564. (1) The Governor in Council may make regulations in respect of the loading and unloading of ships, having regard in particular to the following,

(a) the strength of machinery, tackle and gear, and their fitness for the purpose for which they are intended;

(b) the provision of proper safe gangways, stagings and matters of a like character;

(c) protection in the way of rails or other sufficient protection at openings through decks and around wharves and docks;

(d) illumination of holds and decks of ships, and docks or wharves at which ships may be loading or unloading;

(e) provision of means for attending to persons injured.

Regulations to give effect to Convention.

(2) The regulations to be made by the Governor in Council shall be such as will give effect to the Convention concerning the protection against accident of workers employed in loading or unloading ships signed at Geneva on the twenty-seventh day of April, one thousand nine hundred and thirty-two.

Penalty for contravention.

(3) Any person who contravenes any of the regulations made under this section shall be liable to a fine not exceeding one hundred dollars and not less than fifty dollars.

Weight of packages of more than one ton to be marked.

565. (1) No shipper or consignor shall deliver to any owner, master or agent of any ship in Canada to be carried in any ship any package or object of a gross weight of one ton or more without plainly and durably marking its weight on the outside of such package or object and no owner, master or agent of any ship shall in Canada receive for carriage any such package or object not so marked and if the shipper or consignor fails to mark any such package or object in the manner indicated in this section the owner, master or agent of a ship who becomes aware that any such package or object is not so marked shall mark the said package or object before loading it in the ship.

Approximate weight.

Provided, however, that in the case of a package or object of such a shape or character it is difficult to ascertain its exact weight an approximate weight may be marked accompanied by the word "approximate" or any reasonable abbreviation thereof.

Offence and penalty.

(2) If any shipper or consignor or the owner, master or agent of any ship fails to comply with the provisions of the preceding sub-section he shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred dollars.

Inspector of ships' tackle may go on board.

566. (1) An inspector of ships' tackle, in the exercise of his duties, may go on board any ship, or on any wharf or dock at which a ship is alongside for the purpose of loading or unloading, at all reasonable times, and may demand all reasonable assistance from the owner or master of a ship, or from the person in charge of the loading or unloading thereof, and may ask any such person any pertinent question in regard to the machinery or tackle, and in regard to any accident which may have happened.

Obstructing inspector.

(2) Any person who impedes, obstructs or prevents any inspector of ships' tackle in the discharge of his duties, or refuses to assist him or refuses to answer any pertinent question put to him, in regard to any machinery or tackle, or in regard to any accident, shall be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars.

Risk on account of defective machinery, etc.

567. (1) If an inspector of ships' tackle is of the opinion that any person employed in the loading or unloading of any ship is exposed to undue risk, on account of the condition of any machinery, tackle, stagings or such like, or on account of the way in which the work is being carried on, or if he finds that any regulations which the Governor in Council may make in respect of the loading or unloading of ships are not being complied with, he shall order that the work of loading or unloading shall cease.

If work does not cease.

(2) If any person so instructed continues the operation of loading or unloading, or allows it to be continued, he shall be liable to a fine not exceeding five hundred dollars and not less than one hundred dollars.

Extent and Application.

Application of Part.

568. The Governor in Council may direct that this Part or any of the provisions thereof shall apply to any ship or class of ship registered elsewhere than in Canada whilst within the territorial waters of Canada.

Agreement may be made applicable.

569. Where Canada shall enter into any international agreement, or convention respecting navigation and shipping, the Governor in Council may substitute the provisions of such agreement or convention in respect of any ship subject to the same in place of any relevant provision imposed in this Part, and contravention of any such substituted provision shall be deemed to be a contravention of this Act.

Force majeure.

570. No person shall be liable to any penalty for contravention of any provision of this Part if such contravention be due to force majeure or is not due to the fault or default of such person.

Unregistered ship.

571. For the purpose of this Part any unregistered ship, which is at a port or place in Canada, shall be deemed to be registered in Canada.

Barge used to carry passengers.

572. (1) Where any barge or scow or like vessel is used to carry passengers, and is towed by a steamship, or is operated on a cable, and is not moved by sails or oars, such barge, scow or like vessel shall be amenable to all the provisions of this Part in so far as they are applicable to that type of vessel.

"Passenger" defined.

(2) In this section the word "passenger" shall have the same meaning as when used in reference to a ship.

Boilers on dredges, etc., subject to inspection.

573. Where any dredge, rock drill, floating elevator, floating pile driver, or like ship, which is not self-propelling, has a boiler fitted for power purposes, the boiler shall be

subject to inspection in like manner and under the same conditions as the boiler in a steamship, and such dredge or other such vessel shall carry life saving equipment in accordance with regulations in respect thereof which the Governor in Council may make. Such vessels shall be required to have certificates of inspection, in a form approved by the Minister and shall be subject to all the provisions of this Part in respect of the payment of fees, detention and penalties.

Yachts.

574. Pleasure yachts in excess of five tons, gross tonnage, which are fitted with boilers for propelling purposes, shall be exempt from the provisions of this Part relating to annual inspection, except as regards inspection of their boilers and equipment for life saving and fire extinguishing.

Steamships not in excess of five tons, and others used for pleasure purposes only.

575. Steamships not in excees of five tons, gross tonnage, and pleasure yachts not fitted with boilers for propelling purposes, shall be exempt from annual inspection, and from the regulations the Governor in Council may make under the provisions of section four hundred and eighty-five except as concerns life saving equipment, fire extinguishing equipment and precautions against fire.

Certain ships exempted.

576. (1) Steamships not in excess of one hundred and fifty tons gross tonnage, which are not passenger steamships and are not propelled by steam shall be exempt from the provisions of this Part relating to annual inspection and in lieu thereof shall be inspected every fourth year.

If propelled by steam power.

(2) The aforesaid steamships if propelled by steam shall in addition to the inspection every fourth year provided for in subsection one of this section, be subject to inspection of their boilers and lifesaving equipment annually in like manner as are steamships in excess of one hundred and fifty tons gross tonnage.

Application of this Part.

(3) The inspection certificates to be granted in accordance with the inspections made under subsections one and two shall be in a form provided in regulations to be made by the Governor in Council.

If not propelled by steam power.

(4) In respect of steamships not propelled by steam the provisions of this section shall have effect *(a)* in respect of ships constructed on or before the first day of June, 1926, not later than the first day of June, 1934, and *(b)* in respect of ships constructed after the first day of June, 1926, not later than the first day of June, 1935.

Voyages similar to home trade voyages.

577. The Minister may direct that any voyage between places not in Canada which is similar in characteristics to a home-trade voyage as defined in this Act shall be deemed to be a home-trade voyage for the purpose of the granting

of a certificate of inspection under this Act provided that during the course of any such voyage the ship does not go more than two hundred miles off shore.

Voyage from a place in Canada and returning to the same place.

578. A steamship which makes a voyage from a place in Canada, returning to the same place without calling at another place, shall be deemed to be making a foreign voyage, if, during the course of such voyage, she is more than two hundred sea miles from shore, and shall be deemed to be making a home-trade voyage if, during the course of such voyage, she is not more than two hundred sea miles from shore, and such voyage is not an inland voyage.

Fish not to be considered cargo.

579. Fish and the products of whaling trips shall not, for the purposes of this Part, be considered cargo of steamships employed in fishing or whaling.

Provisions as to rules and regulations.

580. (1) Notwithstanding any rules or regulations made in pursuance of this Act for the purpose of giving effect to, or implementing, any provision of the Safety Convention or Load Line Convention, which requires a particular fitting, appliance, or apparatus or type thereof, to be fitted or carried in a ship, or any particular provision to be made in a ship, the Chairman may allow any other fitting, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made if he is satisfied that that other fitting, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by the Convention.

Authority to the Governor in Council to make rules and regulations.

(2) Where under this Act the Governor in Council is empowered to make such regulations or rules as appear to him to be necessary for the purpose of giving effect to any of the provisions of the Safety Convention or Load Line Convention, the requirement shall, in the case of a provision the terms of which are such as to vest in the several Governments who are parties to the Convention a discretion as to whether any or what action should be taken thereunder, be construed as an authority to the Governor in Council to make by regulations or rules such provision (if any) with respect to the matter in question as he in the exercise of that discretion thinks proper.

Notice to be given to Consular officer where proceedings taken in respect of of foreign ships.

581. Where any foreign ship is detained under this Act, and where any proceedings are taken under this Act, against the master or owner of any such ship, notice shall forthwith be served on the Consular Officer for the country to which the ship belongs at or nearest to the port where the ship is for the time being, and such notice shall specify the grounds on which the ship has been detained or the proceedings have been taken.

Construction before a certain date; how interpreted.

582. In this Act references to a ship constructed before or after any date shall be construed as references to a ship the keel of which has been laid before or after that date, as the case may be.

Obligation not to arise before 1934.

583. Notwithstanding the provisions of sections four hundred and sixty-eight, four hundred and seventy-seven and four hundred and eighty-eight, the obligation to obtain and have on board any Safety Convention ship a Safety Convention Certificate or a Safety Radiotelegraphy Certificate shall not arise until the first day of January one thousand nine hundred and thirty-four and in the meantime any ship registered in Canada shall be deemed to comply with this Part so far as concerns inspection certificates if she is provided with an appropriate inspection certificate granted under the provisions of Part VII of chapter one hundred and eighty-six of the Revised Statutes.

PART IX—SECTIONS 584-684

WRECKS, SALVAGE AND INVESTIGATIONS INTO SHIPPING CASUALTIES.

Superintendence.

Minister to have superintendence.

584. The Minister shall, throughout Canada, have the general superintendence of all matters relating to wrecks, salvage and shipping casualties. R.S., c. 186, s. 714.

Appointment of Receivers of Wrecks.

Appointment of receivers of wreck.

585. The Governor in Council may, from time to time,

(a) establish, alter or abolish districts for the purposes of this Part,

(b) appoint any officer of Customs, or, when it appears to him more convenient, any other person to be a receiver of wrekcs;

(c) make regulations for the conduct of receivers, subject to the provisions of this Part. R.S., c. 186, s. 715.

Where no receivers, who to act.

586. (1) If, at any time, there is not any receiver for any district included within the limits of an Agency of the Department then the agent of the Department of such district shall be the receiver for such district.

(2) If, at any time, there is not a receiver for any other district, then the principal officer of Customs, at the principal port in such district shall be the receiver for such district. R.S., c. 186, s. 716.

Powers of Receivers as to Inquiries.

Powers.

587. A receiver acting in execution of his duties in pursuance of this Part shall have all the powers and authorities of a principal officer of Customs. R.S., c. 186, s. 717.

Vessels Wrecked or in Distress.

Powers as to vessels wrecked, etc.

588. When any British or foreign vessel is wrecked stranded or in distress at any place within Canada or on or near the coasts of Canada, the receiver shall, upon being made acquainted with such stranding or distress, forthwith proceed to such place; and, upon his arrival there, he shall take the command of all persons present and assign such duties and issue such directions to each person as he thinks fit for the preservation of such vessel and of the wreck, and of the lives of shipwrecked persons. R.S., c. 186, s. 718.

Penalty for not complying with any such direction: two hundred dollars.

Not to take charge contrary to wish of owner.

589. Nothing in this Part shall be construed to authorize the receiver to take charge of any ship, cargo, or materials contrary to the expressed wish of the master or owner of such ship or cargo, or of their agents. R.S., c. 186, s. 719.

Powers of Receivers.

Further powers.

590. The receiver may, with a view to the preservation of the vessel, or of the shipwrecked persons or wreck,

(a) require such persons as he thinks necessary to assist him;

(b) require the master of any vessel near at hand to give such aid with his men or vessel as is in his power;

(c) demand the use of any wagon, cart, horses, tackle, ropes or appliances that are near at hand. R.S., c. 186, s. 720.

Penalty.

Penalty for contravention of any of the preceding clauses: twenty dollars.

Power of receiver to suppress plunder and disorder by force.

591. The receiver may cause to be apprehended and kept in custody, until he can be conveniently taken before a justice of the peace to be dealt with according to law, any person who plunders, creates disorder or obstructs the preservation of a vessel wrecked, stranded or in distress within the limits of, or on or near the coasts of Canada, and may use force for the suppression of any such plundering, disorder or obstruction and may command all His Majesty's subjects to assist him in the use of such force. R.S., c. 186, s. 721.

Persons killed, etc., while resisting.

Protection of receiver.

592. If, when the receiver or any person acting under his orders is engaged in the execution of the duties by this Part committed to the receiver, any person who resists such receiver or person, and is killed, maimed or hurt by reason of such resistance, no action, suit or prosecution against such receiver or other person for or by reason of or on account of such killing, maiming or hurting, shall be instituted or maintained, either on behalf of His Majesty or of the person so maimed or hurt, or the representatives of any person so killed. R.S., c. 186, s. 722.

Passage over Adjoining Lands.

Passage over adjoining lands.

593. Whenever any vessel is wrecked, stranded or in distress within the limits of or on or near the coasts of Canada, all persons for the purpose of rendering assistance to such vessel, or of saving any wreck or the lives of any shipwrecked persons, may, unless there is some public

road equally convenient pass and repass, either with or without conveyances or horses, over any adjoining lands, without being subject to interruption by the owner or occupier, if they do so with as little damage as possible; and may also, on the like condition, deposit on such lands any wreck saved. R.S., c. 186, s. 723.

Penalty.

Penalty for hindering or preventing or obstructing the carrying out of this section: four hundred dollars.

Damage by such passage.

594. (1) All damage sustained by any owner or occupier in consequence of any such passing, repassing or deposit, shall be a charge on the vessel or wreck in respect of which such damage was occasioned.

How recoverable.

(2) Such damage shall, in default of payment, be recoverable and, in case of dispute, the amount thereof be determined, in the same manner as salvage may by this Part be recovered and, in case of dispute as to amount, be determined.

No compensation in certain cases.

(3) No such compensation shall be recoverable in respect of damage to any gate, wall, fence or other obstruction which has been erected or placed by such owner or occupier so as to impede such passing, repassing or deposit. R.S., c. 186, s. 724.

Power of Master.

Unauthorized person may be repulsed by force.

595. Every person, not being a receiver or a person acting for or under the orders of a receiver, who endeavours to board any vessel or aircraft wrecked, stranded or in distress within the limits of or on or near the coasts of Canada, without the leave of the person in charge of such vessel or aircraft, may be repelled by force; and the person in charge of such vessel and every person under his orders so repelling such person by force are hereby indemnified for so doing. R.S., c. 186, s. 725.

Officers Acting as Receivers.

Certain officers to exercise powers of receiver in his absence.

596. (1) When a receiver is not present, any principal officer of Customs, fishery officer, or stipendiary magistrate on board any vessel belonging to or in the service of the Government of Canada and employed in the service of protecting the fisheries, officer of Customs, sheriff, justice of the peace, commissioned officer on full pay in the naval service of His Majesty, or commissioned officer on full pay in the military service of His Majesty, or lighthouse keeper employed by the Government of Canada, may do all matters and things by this Part authorized to be done by the receiver, for the preservation of vessels, shipwrecked persons and wreck.

Priority where more than one present.

(2) If any two or more of such officers or persons are present on any occasion, they shall respectively have priority in relation to any such act in the order in which they are named in this section.

Fees and right to salvage.

(3) Any officer or person so acting shall, in respect to any wreck the delivery of which to the receiver is hereby required, be considered as the agent of the receiver, and shall place the same in the custody of the receiver, and he shall not be entitled to any fees payable to receivers, or be deprived, by reason of his so acting, of any right to salvage to which he would otherwise be entitled. R.S., c. 186, s. 726.

Effect of section.

(4) In its application to aircraft this section shall have effect as though the words "commissioned officer on full pay in the Canadian Air Service of His Majesty" were inserted after the words "justice of the peace" in subsection one.

Persons when deemed acting under receiver.

597. Any person acting under the orders of an officer or person acting in pursuance of the provisions of the last preceding section shall, for the purposes of this Part, be deemed to be acting under the orders of a receiver. R.S., c. 186, s. 727.

Wreck.

Duty of persons finding wreck in Canada.

598. (1) Whenever any person takes possession of wreck within the limits of Canada, he shall, as soon as possible, deliver the same to the receiver: Provided that the Minister may dispense with any such delivery in the case of any wreck, upon such conditions as he thinks fit. R.S., c. 186, s. 728.

Exception.

Aircraft.

(2) This section shall apply to any aircraft or any part thereof or cargo thereof found derelict at sea outside the limits of Canada and brought within the limits of Canada.

Penalty.

Penalty for contravention of this section: four hundred dollars *and* double the value of the wreck *and* forfeiture of any claim to salvage.

Neglect to appear and prove before justices lawful title to any wreck.

599. Every person in whose possession and on whose premises any wreck discovered by a receiver, upon search by him, under search warrant granted in that behalf by a justice of the peace, is found, who fails, on being summoned by two justices of the peace, to appear before them to prove to their satisfaction that he was lawfully entitled to the possession of such wreck, shall, if the occasion is a first offence, be guilty of an offence.

Penalty.

Penalty: eighty dollars, and if the occasion in question is not a first offence shall be guilty of an indictable offence.

Penalty: two hundred dollars or three months imprisonment with hard labour.

Notice of wreck to be given to receiver.

600. Every receiver shall, within forty-eight hours after taking possession any wreck, cause to be posted up in the custom house nearest to the place where such wreck was found or was seized by, or delivered to him, a description of the same and of any marks by which it is distinguished, and shall also transmit a similar description to the Minister, who may give such publicity to the same as he thinks fit. R.S., c. 186, s. 729.

Owner may claim wreck within one year.

601. The owner of any wreck in the possession of the receiver, upon establishing his claim to the same to the satisfaction of the Minister, within one year from the time at which such wreck came into the possession of the receiver shall, upon paying the salvage, fees and expenses due, be entitled to have such wreck or the proceeds thereof delivered up to him or his agent. R.S., c. 186, s. 730.

Foreign consul deemed agent for foreign wreck.

602. If any such wreck is proved to the satisfaction of the Minister to belong to a foreign owner, any consular officer in Canada of the country to which the owner of such wreck belongs, shall, in the absence of the owner or his agent, be deemed to be the agent of the owner so far as relates to the custody and disposal of the wreck. R.S., c. 186, s. 731.

Sale of wreck.

Sale if for general advantage, or if goods are dangerous.

603. If, in his opinion, it is for the advantage of all parties to sell wreck in his custody, or, if such wreck consists of goods of a dangerous nature, the receiver may sell the same; and the proceeds of such sale, after defraying the expenses thereof, shall be held by the receiver for the same purposes and subject to the same claims, rights and liabilities as if the wreck had remained unsold. R.S., c. 186, s. 732.

If salvage is not paid.

604. If the owner of any wreck is known or has established his title to the same, but neglects to pay the salvage, fees or expenses due thereon for twenty days after notice in writing from the receiver, the receiver may sell such wreck, or a sufficient part thereof, and may, out of the proceeds of such sale, after defraying the expenses of sale, pay the salvage, fees and expenses due, and shall deliver any remaining portion of the wreck and pay the surplus proceeds, if any, of such sale to the persons entitled to receive the same. R.S., c. 186, s. 733.

Unclaimed wreck.

Sale of unclaimed wreck.

605. (1) If no owner establishes a claim to wreck before the expiration of a year from the date at which the same has come into the possession of the receiver, such wreck, if

unsold, shall be sold by such persons and in such manner as the Minister directs.

Disposal of proceeds.

(2) The proceeds of such sale shall, after payment of expenses, costs, fees and salvage, be paid over to the Receiver General, to form part of the Consolidated Revenue Fund of Canada. R.S., c. 186, s. 734.

Claims to Wreck.

Delivery of wreck by receiver not to prejudice title.

606. Upon delivery of wreck or payment of the proceeds of wreck by a receiver, in pursuance of the provisions of this Part, such receiver shall be discharged from all liability in respect thereof; but such delivery or payment shall not prejudice or affect any question which is raised by third parties concerning such wreck. R.S., c. 186, s. 735.

Interpleader in case of wreck.

607. (1) Whenever two or more persons claim any wreck or proceeds of wreck of any value or amount in the possession of a receiver, any court sitting and having jurisdiction in civil matters to the value or amount of the wreck or proceeds in question, in the district of such receiver, may, on the application of such receiver, or of any of such persons, summon such persons before it, and may hear and adjudicate upon their claims, and make such order between the parties in respect thereof and of the costs of the proceedings as to such court seems fit.

Enforcement of order.

(2) Such order may be enforced in like manner as any order made in any action brought in the same court. R.S., c. 186, s. 736.

Impending receiver.

608. Every person who wilfully impedes a receiver in the execution of his duty, or makes default in appearing or giving evidence before him, shall be guilty of an offence.

Penalty.

Penalty: four hundred dollars. R.S., c. 186, s. 793.

Law to apply to aircraft over the sea, etc.

609. The law relating to wreck and to salvage of life and property including the provisions in regard to wreck and salvage contained in this Part and to the duty of rendering assistance to vessels in distress as provided in this Act and any other Act relating to these subjects shall apply to aircraft on or over the sea and over waters within Canadian jurisdiction as they apply to vessels, and the owner of an aircraft shall be entitled to a reasonable reward for salvage services rendered by the aircraft to any property or persons in any case where the owner of a ship would be so entitled.

Provided, however, that the Governor in Council may make modifications of and exemptions from the provisions of such law and Acts as aforesaid in their application to aircraft to such extent and in such manner as appears necessary or expedient.

Marine Store Dealers.

Regulations for junk dealers.

610. Every person dealing in, buying and selling any old anchors, cables, sails, junk or iron, or marine stores of any kind, shall

(a) have his name, together with the words dealer in marine stores distinctly painted in letters of at least three inches in length and two inches in breadth, on some conspicuous part of each warehouse, shop, store or place of deposit belonging to him;

(b) keep a book or books fairly written in which shall be entered an account of all such articles as he, from time to time, becomes possessed of, and the time at which and the person from whom he purchased or received the same, and a description of the business and place of abode of such person, and of the character of every such article and of the marks thereon; and

(c) produce and deliver up to the receiver for the district in which he carries on business, at all times when required by him so to do, with or without a warrant for search or inspection, every book kept in pursuance of the provisions of this Part, and allow him to inspect and take copies of the same. R.S., c. 186, s. 737.

Penalty.

Penalty: First offence forty dollars; every subsequent offence—two hundred dollars.

Salvage.

Salvage payable for saving life.

611. (1) Where services are rendered wholly or in part within Canadian waters in saving life from any British or foreign vessel, or elsewhere in saving life from any vessel, registered in Canada, there shall be payable to the salvor by the owner of the vessel, cargo, or apparel saved, a reasonable amount of salvage, to be determined in case of dispute in manner hereinafter mentioned.

Priority.

(2) Salvage in respect of the preservation of life when payable by the owners of the vessel shall be payable in priority to all other claims for salvage.

Award to salvor if ship lost or value too small to pay salvage.

(3) Where the vessel, cargo, and apparel are destroyed or the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage payable in respect of the preservation of life, the Minister may, in his discretion award to the salvor, out of any funds at his disposal, for that purpose, such sum as he thinks fit in whole or part satisfaction of any amount of salvage so left unpaid. M.S.A., s. 544; R.S., c. 186, ss. 738, 739.

Assistance to persons in danger of being lost at sea.

612. (1) The master or person in charge of a vessel shall, so far as he can do so without serious danger to his own vessel, her crew and passengers (if any), render assistance to every person, even if that person be a subject of a

foreign state at war with His Majesty, who is found at sea in danger of being lost, and, if he fails to do so, he shall be guilty of an offence.

Salvage not affected.

(2) Compliance by the master or person in charge of a vessel with the provisions of this section shall not affect his right or the right of any other person to salvage. R.S., c. 126, s. 7.

Salvage of cargo or wreck.

613. When, within the limits of or on or near the coasts of Canada, any vessel is wrecked, abandoned, stranded or in distress, and services are rendered by any person in assisting such vessel or in saving any wreck, there shall be payable to the salvor by the owner of such vessel or wreck, as the case may be, a reasonable amount of salvage including expenses properly incurred. R.S., 186, s. 740.

Procedure in Salvage.

Disputes as to salvage.

614. Disputes as to salvage, whether of life or property, shall be heard and determined by and before the receiver or the court as provided for respectively by this Part, and not otherwise. R.S., c. 186, s. 741.

If amount claimed does not exceed $100 or value $250.

615. If either, the amount claimed does not exceed one hundred dollars, or the value of the property liable or alleged to be liable for the salvage does not exceed two hundred and fifty dollars, or if the parties consent in writing, the dispute shall be heard and determined by the receiver of the district where the services were rendered or where the property liable is, at the time of the making of the claim, and his award shall include fees and costs. R.S., c. 186, s. 742.

Appeals to Minister.

616. Any party who feels aggrieved by the award of such receiver, may appeal to the Minister, within thirty days after the decision of the receiver from which the appeal is made; and, in such case, the appellant shall, within seven days after the cause of appeal has arisen, give notice to the other party and to the receiver of his intention to appeal, and of the grounds of such appeal. R.S., c. 186, s. 743.

In other cases.

617. In other cases, the dispute may be heard and determined by any court having jurisdiction in civil matters to the amount of the claim or value of the property liable, in the place where the services were rendered, or where the property is at the time of the making of the claim. R.S., c. 186, s. 744.

As to costs.

618. If, in any suit or proceeding for salvage in any court, the claimant recovers an amount less than the maximum amount which might be claimed before the receiver,

then, unless the court certifies that such suit or proceeding was unfit to be determined by the receiver, the claimant shall have no costs, charges or expenses incurred by him in the prosecution of his claim, and shall pay to the other party such costs, charges and expenses, if any, as the court directs. R.S., c. 186, s. 745.

Proceedings as to salvage how to be conducted.

619. Every dispute as to salvage which arises in Canada, when the services have been rendered therein, or on or near the coasts thereof, may be heard and determined, on the application either of the salvor or of the owner of the property liable to the claim for salvage, or when the property is in the custody of the receiver, on his application, and, if no proceedings to determine any dispute as to salvage have been taken by the salvor, the owner may make application as aforesaid to the receiver or court having jurisdiction, according to the value of the property liable. R.S., c. 186, s. 746.

Valuation of property.

620. (1) When any dispute as to salvage arises in Canada, the receiver of the district where the property liable is situate shall, on the application of either party, appoint a valuer to value such property, and shall give copies of the valuation to both parties.

Evidence of valuation.

(2) Any copy of such valuation purporting to be signed by the valuer, and to be certified as a true copy by the receiver, shall be admissible as evidence in any subsequent proceeding and shall, for the purpose of giving jurisdiction in salvage, be conclusive evidence of the value at the time of such valuation.

Fees.

(3) There shall be paid in respect of such valuation such fee as the Minister, from time to time, directs. R.S., c. 186, s. 747.

Seizure and detention of property liable for salvage.

621. A receiver may seize any property found within his district and alleged to be liable for salvage and detain such property until either the salvage, fees and costs due thereon are ascertained and paid, or process is issued for the arrest or detention thereof by some competent court, or security is given to his satisfaction for such salvage, fees and costs. R.S., c. 186, s. 748.

Security if value under $250.

622. (1) If the value of the property does not exceed two hundred and fifty dollars, any question as to the amount of the security to be given or as to the sufficiency of the sureties, may be determined by the receiver.

(2) If such value exceeds two hundred and fifty dollars, any such question may be determined upon the application either of the owner of the property or of the salvors or any of them, or of such receiver, by any court having, in the district of such receiver, jurisdiction in civil matters to the amount of the value of the property in question.

Valuation of property.

(3) If the property has not been valued, the value, for the purposes of this section, shall be determined by such receiver or by a valuer appointed by him as aforesaid. R.S., c. 186, s. 749.

Enforcing security.

623. Security given for salvage in pursuance of the two sections last preceding may be enforced by a court competent to entertain a suit for such salvage in the same manner as if bail had been given in such court; and, whenever, under the provisions of this Part, the determination of disputes as to such salvage is to be made by a receiver, any such security may be enforced in the manner aforesaid by any court competent to entertain a suit for such salvage, having jurisdiction in the district of such receiver. R.S., c. 186, s. 750.

Procedure in disputes as to salvage before a receiver.

624. Whenever any dispute as to salvage arises before a receiver under this Part, the receiver shall hear and determine the same; and if, after he has made and published his award, the salvage, fees and costs by him awarded to be paid are not paid within fourteen days, he may sell the property liable for such salvage, fees and costs or a sufficient part thereof, and, out of the proceeds, defray the expenses of the sale and the salvage, fees and costs awarded, and shall pay or deliver up the surplus, if any, to the owners of the property or other persons entitled thereto. R.S., c. 186, s. 751.

Apportionment of salvage.

625. (1) Whenever the aggregate amount of salvage payable in respect of any services has been finally determined, such amount may be apportioned and distributed

(a) by the receiver, if the amount has been determined by him, among the persons entitled thereto, in such manner as he thinks just, subject to an appeal to the Minister by any person aggrieved; or

When determined by a court.

(b) by the court, when the amount has been determined by such court, among the persons entitled thereto in such manner as such court thinks just, which court may appoint any person to carry the apportionment into effect and may compel any person in whose hands or under whose control such amount is to distribute the same, or to bring the same into court, to be dealt with as the court directs, and may, for the purposes aforesaid, issue such orders, as the court thinks fit.

When disputes arise after admission or agreement.

(2) If the amount has been finally ascertained by admission or agreement, but a dispute arises or is apprehended as to the apportionment thereof among several claimants, the person liable to pay such amount may pay the same, if it exceeds one hundred dollars, into a court having jurisdiction, or, if the amount does not exceed one hundred dollars, or if the claimants so agree, it may be paid to the receiver.

Apportionment by receiver.

(3) Such receiver or court shall receive and apportion the same and grant to the person paying the same a certificate of the amount paid and the services in respect of which it is paid which shall be a full discharge and indemnity to such person, and to all his property liable in respect of such services, against all persons, parties to or bound by such admission or agreement.

Apportionment under law of country of foreign ship.

(4) Where any dispute arises as to the apportionment of any amount of salvage among the owners, master, pilot, crew, and other persons in the services of any foreign vessel, the amount shall be apportioned by the court or person making the apportionment in accordance with the law of the country to which the vessel belongs. R.S., c. 186, s. 752; R.S., c. 126, s. 8.

Enforcement of salvage where the property is under arrest in another suit.

626. When any salvage, fees, charges or costs in relation to salvage, are awarded or declared to be due by a receiver or any court having jurisdiction in salvage, and the property liable or the proceeds thereof is or are under arrest in a different suit, in a court not being the same court by which such salvage, fees, charges or costs have been awarded, then such salvage, fees, charges and costs shall be enforced against the property or proceeds so under arrest, by the court in which the property or proceeds is or are under arrest. R.S., c. 186, s. 753.

Salvage by Government Ships.

Salvage by Government ships.

627. (1) Where salvage services are rendered by any Government ship (other than a tug), or by the commander or crew thereof, no claim shall be allowed for any loss, damage, or risk caused to the ship or her stores, tackle, or furniture, or for the use of any stores or other articles belonging to His Majesty, supplied in order to effect those services, or for any other expense or loss sustained by His Majesty by reason of that service, and no claim for salvage services by the commander or crew, or part of the crew of any Government ship shall be finally adjudicated upon, unless the consent of the Minister to the prosecution of that claim is proved.

Evidence of consent.

(2) Any document purporting to give the consent of the Minister for the purpose of this section, and to be signed by himself or his deputy, shall be evidence of that consent.

Effect if consent not proved.

(3) If a claim is prosecuted and the consent is not proved, the claim shall stand dismissed with costs.

Aircraft.

(4) This section shall apply to aircraft and the word "ship" shall include aircraft, provided that with respect to claims by aircraft the consent referred to herein shall be the consent of the Minister of National Defence.

Salvage by His Majesty's ships abroad.

628. (1) Where services are rendered at any place out of the limits of Canada or the territorial waters thereof by the commander of any of the crew of a Government ship in saving any vessel, or cargo, or property belonging to a vessel, the vessel, cargo or property, alleged to be saved shall, if the salvor is justified by the circumstances of the case in detaining it, be taken to some port in Canada or in some other part of His Majesty's dominions where there is a consular officer or a court having Admiralty jurisdiction.

Statement of particulars.

(2) The salvor and the master, or other person in charge of the vessel, cargo, or property, saved shall within twenty-four hours after arriving at the port each deliver to the consular officer or judge of such court, as aforesaid or in Canada to a judge of the Exchequer Court on its Admiralty side, as the case may be, a statement on oath, specifying so far as possible, and so far as those particulars are applicable, the particulars set out in the first part of the Tenth Schedule to this Act, and also in the case of the master or other person his willingness to execute a bond in the form, so far as circumstances will permit, set out in the second part of that schedule.

Amount of bond.

629. (1) The bond shall be in such sum as the consular officer or judge thinks sufficient to answer the demand for salvage service, but the sum fixed shall not exceed one half of the amount which, in the opinion of the consular officer or judge, is the value of the property in respect of which salvage has been rendered.

Sureties.

(2) Where the vessel, cargo, or property in respect of which salvage services are rendered is not owned by persons domiciled in His Majesty's dominions, the master shall procure such security for the due performance of the bond as the consular officer or judge thinks sufficient to be lodged with that officer or judge, or with that officer or judge and such other persons jointly as the salvor may appoint.

Time for execution.

(3) The consular officer or judge shall fix the amount of the bond within four days after the receipt of the statements required by this Part of this Act, but if either of those statements is not delivered within the time required by this Part of this Act, he may proceed *ex parte*.

Affidavits.

(4) A consular officer may for the purposes of this section take affidavits.

Cargo not unladen.

(5) Nothing in this section shall authorize the consular officer or judge to require the cargo of any ship to be unladen.

Execution of bond.

630. (1) The consular officer or judge on fixing the sum to be inserted in the bond shall send notice thereof to the salvor and master, and on the execution of the bond by the master in the sum fixed in the presence of the consular officer or judge (who shall attest the same), and upon

delivery thereof to the salvor, and in cases where security is to be lodged, on that security being duly lodged, the right of the salvor to detain the vessel, cargo, or property shall cease.

Effect of bond.

(2) The bond shall bind the respective owners of the vessel cargo, and freight, and their heirs, executors, and administrators, for the salvage adjudged to be payable in respect of the vessel, cargo, and freight respectively.

Enforcement of bond.

631. (1) The bond shall be adjudicated on and enforced in the Exchequer Court on its Admiralty side, unless the salvor and master agree at the time of the execution of the bond that the bond may be adjudicated on and enforced in any other specified court, bus that court shall in that case have the same power and authorities for the purpose as the Exchequer Court on its Admiralty side.

By Exchequer Court.

(2) The Exchequer Court on its Admiralty side shall have power to enforce any bond given in pursuance of this Part of this Act in any part of His Majesty's dominions.

Security subject to order of court.

(3) Where security has been given for the performance of a bond, the persons with whom the security is lodged shall deal with the same as the court adjudicating upon the bond direct.

Transmission of documents.

(4) The consular officer or judge shall at the earliest opportunity transmit the statements and documents delivered to him, and the notice of the sum fixed in the bond, to the Exchequer Court on its Admiralty side or the other court in which the bond is to be enforced, as the case may be.

Saving for other salvage rights.

632. (1) Nothing contained in this Part of this Act shall prejudice the right of the salvor, where salvage services have been rendered by any Government ship, or by the commander or any of the crew thereof, to proceed for the enforcement of the salvage claim otherwise than in manner provided by this Act, but the salvor shall have no right to detain the vessel, cargo, or property saved, unless he elects to proceed under this Part of this Act.

Rights of salvor protected.

(2) Nothing contained in this Part of this Act shall affect the right of the salvor, where salvage services have been rendered by a Government ship or by the commander or any of the crew thereof, in any case which is not provided for therein.

Proceedings must be taken within two years.

633. No action shall be maintainable in respect of any salvage services, unless proceedings therein are commenced within two years from the date when the salvage services were rendered:

Extension of period by court.

Provided that any court having jurisdiction to deal with an action to which this section relates may, in accordance with the rules of court, extend any such period, to such extent and on such conditions as it thinks fit, and shall,

if satisfied that there has not during such period been any reasonable opportunity of arresting the defendant vessel within the jurisdiction of the court, or within the territorial waters of the country to which the plaintiff's ship belongs or in which the plaintiff resides or has his principal place of business, extend any such period to an extent sufficient to give reasonable opportunity. R.S., c. 126, s. 9.

Fees of Receivers.

Receiver's fees.

634. (1) There shall be paid to every receiver the expenses properly incurred by him in the performance of his duties, and in respect of the several matters specified in form V in the Tenth Schedule; such fees, chargeable as therein mentioned, and not exceeding the amounts therein mentioned, as are, from time to time, directed by the Governor in Council.

Recovery of fees.

(2) The receiver shall, in addition to all other rights and remedies for the recovery of such expenses or fees, have the same rights and remedies which a salvor has in respect of salvage due to him; and may, if the property in respect of which any such expenses or fees are due, is not under arrest in any court, seize or detain such property until such expenses and fees are paid, or until security is given for the same to his satisfaction. R.S., c. 186, s. 754.

Disputes as to fees, how settled.

635. Whenever any dispute arises in any part of Canada as to the amount payable to any receiver in respect of expenses or fees, such dispute shall be determined by the Minister, whose decision shall be final. R.S., c. 186, s. 755.

Fees to receiver under schedule.

636. All fees received by any receiver in respect of any of the matters specified in form V may be retained by him for his own remuneration. R.S., c. 186, s. 756.

Shipping Casualties.

Shipping casualties.

637. A shipping casualty shall be deemed to occur

(a) whenever any ship is lost, abandoned, stranded or damaged in any of the inland waters of Canada or on or near the coasts of Canada, or on a voyage to or from a port in Canada;

(b) whenever any ship causes loss or damage to any other ship in, on or near such inland waters or coasts;

(c) whenever, by reason of any casualty happening to or on board of any ship in, on or near such inland waters or coast, loss of life ensues;

(d) whenever any such loss, abandonment, stranding, damage or casualty happens elsewhere, and any competent witness thereof arrives or is found at any place in Canada;

(e) when any loss of life occurs by reason of any casualty happening to or on board any boat belonging to a fishing vessel or other vessel registered in Canada;

(f) when any ship is lost or supposed to have been lost, and any evidence is obtainable in Canada as to the circumstances under which she proceeded to sea or was last heard of. R.S., c. 186, s. 757.

Statement of Master in Case of Casualty.

Statement where casualty has happened.

638. Whenever a shipping casualty happens, anywhere in the case of a ship registered in Canada, or within the limits of or on or near the coasts of Canada in the case of any other British ship, the master, or, if the master is dead, the chief surviving officer, and also every such other person belonging to the ship as the Minister, from time to time, directs, shall within twenty-four hours of his first landing in Canada, after the happening of such casualty, attend and submit himself for examination

(a) at the office of the principal officer of Customs residing at or near the place where such casualty occurred, if the same occurred on or near the coasts of Canada, or any island or place adjacent thereto;

(b) if the casualty occurred elsewhere, at the office of the principal officer of Customs residing at or near the place of such landing;

Exception.

unless he has been previously examined or excused from attending for examination by any other principal officer of Customs residing at or near either of such places, or by any receiver of wreck in any part of His Majesty's dominions outside of Canada. R.S., c. 186, s. 28

Examination on oath of persons belonging to ship or other witnesses, in case of British or foreign ship.

639. (1) Where any ship, British or foreign, is or has been in distress on the coasts of Canada a receiver of wreck, or at the request of the Minister, a wreck commissioner or deputy approved by the Minister, or, in the absence of the persons aforesaid, a justice of the peace, shall, as soon as conveniently may be, examine on oath (and they are hereby respectively empowered to administer the oath) any person belonging to the ship, or any other person who may be able to give any account thereof or of the cargo or stores thereof, as to the following matters; that is to say:—

(a) the name and description of the ship;

(b) the name of the master and of the owners;

(c) the names of the owners of the cargo;

(d) the ports from and to which the ship was bound;

(e) the occasion of the distress of the ship;

(f) the services rendered; and

(g) such other matters or circumstances relating to the ship, or to the cargo on board the same, as the person holding the examination thinks necessary.

Evidence sent to Minister and Lloyd's.

(2) The person holding the examination shall take the same down in writing, and shall send one copy thereof to the Minister and another to the Secretary of Lloyd's in London and such secretary may if he thinks fit place it in some conspicuous situation for inspection.

Powers of examiner.

(3) The person holding the examination shall, for the purposes thereof, have all the powers of a steamship inspector under this Act.

Penalty.

Penalty for failure to attend and answer questions unless previously examined or excused from attending for examination by a receiver of wrecks or chief officer of Customs, at or near the place where such casualty occurred, if in Canada, or otherwise at or near the place of landing: two hundred dollars.

Preliminary Inquiry.

Appointment of officer to hold preliminary inquiry.

640. (1) The Minister may appoint a chief officer of Customs or any officer of the Government of Canada, or any person to make preliminary inquiries respecting such shipping casualties, and may define the territorial jurisdiction of any such officer or person, and the persons so appointed shall make a preliminary inquiry respecting a shipping casualty wherever so directed by the Minister.

Suspension of licence of pilot in certain cases.

(2) If, upon a preliminary inquiry, the officer holding it is of opinion that any loss, or damage, or the stranding of any ship, or any loss of life has been caused by the wrongful act or default or by the incapacity of the pilot in charge, or that such pilot has been guilty of any gross act of misconduct or drunkenness, the licence of such pilot may be suspended by such officer until a formal investigation under this Part has been held and a further decision rendered upon the case, but the term of suspension shall not exceed a period of three days, unless the Minister notifies such pilot within that time that a formal investigation will be held. R.S., c. 186, s. 758.

Power as to inquiry.

641. Every such officer or person may, for the purpose of holding such preliminary inquiry,

(a) go on board any vessel or wreck, and inspect it or any part thereof, or any of the machinery, boats, equipments, lading, or articles on board thereof, the boarding or inspection of which appears to him to be requisite for the purpose of his inquiry, not unnecessarily detaining any such vessel from proceeding on any voyage;

(b) enter and inspect any premises, the entry and inspection of which appear to him requisite for the purpose of the inquiry;

(c) require by summons under his hand the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and require answers or returns to any inquiries he thinks fit to make;

(d) require and enforce the production of all books, papers or documents which he considers important for such purpose;

(e) administer oaths, or, in lieu of requiring and administering an oath, require every person examined by him to make and subscribe a solemn affirmation or declaration of the truth of the statement made by him in his examination. R.S., c. 186, s. 759.

Witnesses to be allowed expenses.

642. (1) Every witness so summoned or a witness at a formal investigation shall be allowed such expenses as would be allowed to any witness attending on subpoena to give evidence before any court of record in the province of Canada in which the preliminary inquiry is held.

Taxation of witness fees.

(2) In case of any dispute as to the amount of such expenses, the dispute shall be referred by such officer or person to the nearest prothonotary, clerk, master, or other taxing officer of any court of record within the jurisdiction of which the attendance is required, who, on a request made to him for that purpose under the hand of such officer or person, shall ascertain and certify the proper amount of such expenses. R.S., 186, 760.

Report to the Minister.

643. Upon the conclusion of any such inquiry, the officer or person who made it shall send to the Minister a report containing a full statement of the case, and of his opinion thereon, accompanied by such report of or extracts from the evidence and such observations as he thinks fit. R.S., c. 186, s. 761.

Formal Investigation.

Commissioner for formal investigations.

644. (1) The Minister may appoint any officer of the Government of Canada, or any judge of any court of record, or any local judge in admiralty of the Exchequer Court of Canada, or any stipendiary or police magistrate, to be a commissioner to hold formal investigations, or any formal investigation, and a commissioner shall for that purpose be a court.

To be a court.

Appointment of court in cases of special importance.

(2) In any case which the Minister considers to be of extreme gravity and special importance, he may appoint two or more fit persons to be commissioners to hold a formal investigation, and the commissioners so appointed shall for that purpose be a court and such court shall, in addition to its judgment, make a full and detailed report to the Minister upon the circumstances of the case, and may make such recommendations as may in its opinion be proper in the premises. R.S., c. 186, s. 762.

Investigation by request of government of any part of Commonwealth.

(3) The Minister shall not direct the holding of a formal investigation in respect to any shipping casualty occurring to or in respect of a ship registered in any part of the British Commonwealth other than Canada save at the request, or with the consent, of the Government of that part in which the ship is registered, provided, however, that this section shall not apply in the case of a shipping casualty which occurs on or near the coast of Canada or which occurs in respect of a ship wholly engaged in the coasting trade of Canada.

No investigation into case already dealt with.

645. An investigation into the occurring of a shipping casualty shall not be held under this Part into any matter which has once been the subject of an investigation or inquiry and has been reported on by a competent court or tribunal in any part of His Majesty's dominions, or with respect to which the certificate of a master, mate, pilot or engineer has been cancelled or suspended by a naval court. R.S., c. 186, s. 812.

Duty of court of investigation.

646. A court so appointed is authorized to hold a formal investigation upon one being ordered by the Minister in the following cases:—

(a) A shipping casualty;

(b) Where a master, mate, pilot or engineer has been charged with incompetency, misconduct or default whilst serving on board any British ship on or near the coats of Canada or in the course of a voyage to a port in Canada;

(c) Where a mastere, mat, pilot or engineer is charged with incompetency, misconduct or default while serving as an officer on board a British ship registered in Canada;

(d) Where a master, mate, pilot or engineer is charged with incompetency, misconduct or default while serving on board a British ship is found in Canada;

(e) Where, in case of a collision, the master or certificated officer or pilot in charge of a vessel fails, without reasonable cause, to render to the other vessel, her master, crew and passengers, such assistance as is practicable and necessary to save them from any danger caused by the collision and to stay by the vessel until he has ascertained that she has no need of further assistance, and also to give to the master or person in charge of the other vessel the name of his own vessel and of the port to which he belongs and also the names of the ports from which he comes and to which he is bound;

(f) where the Minister has reason to believe that any master, mate, pilot or engineer is from any cause unfit or incapable to discharge his duties. R.S., c. 186, s. 763.

Preliminary investigation unnecessary.

647. It shall not be necessary to hold a preliminary investigation before a formal investigation is held. R.S., c. 186, s. 764.

Assessors.

648. (1) The Minister may at any time appoint one or more assessors of nautical, engineering or other special skill or knowledge, for the purpose of assisting such courts in holding formal investigations into shipping casualties, and such appointments shall be in force for three years.

Eligible for reappointment.

(2) An assessor shall, from time to time, be eligible for reappointment; and the Minister may, at any time, cancel the appointment of an assessor. R.S., c. 186, s. 765.

Assessors.

649. (1) A court holding a formal investigation into a shipping casualty shall hold it with two or more assessors to be selected for that purpose by the Minister.

Qualification.

(2) Such assessors shall have nautical, engineering, or special skill in the matter to be inquired into. R.S., c. 186, s. 766.

Oaths of commissioners and assessors.

650. Every commissioner and assessor, before entering upon his duties, shall take and subscribe the following oath:—

"I (A. B.) do swear (*or* solemnly affirm) that I will perform the duties of commissioner (or assessor) under the *Canada Shipping Act*, and that I will act faithfully in that capacity, without partiality, fear, favour or affection. So help me God." R.S., c. 186, s. 767.

Where investigation shall be held.

651. Formal investigations shall be held in some town hall or county court house, or public building, or in some other suitable place to be determined by the court. R.S., c. 186, s. 768.

Powers of court of investigation.

652. Such court shall have the power of summoning before it any person, and of requiring him to give evidence on oath, either orally or in writing, and to produce such documents and things as such court deems requisite to the full investigation of the matters into which it is appointed to examine. R.S., c. 186, s. 770.

Penalty for non-attendance (after tender of proper expenses) or refusing to answer or produce documents: forty dollars.

Attendance of witnesses.

653. (1) Such court shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of justice in civil cases.

Proceedings of court.

(2) The proceedings of such court shall be assimilated as far as possible to those of the ordinary courts of justice, with the like publicity. R.S., c. 186, s. 771.

Power of court of investigation or inquiry as to certificates.

654. (1) The certificate of a master, mate, or engineer, or the licence of a pilot may be cancelled or suspended—

(a) by a court holding a formal investigation into a shipping casualty under this Part of this Act, or by a naval court constituted under this Act, if the court find that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default, provided that, if the court holding a formal investigation is a court of summary jurisdiction, that court shall not cancel or suspend a certificate unless one at least of the assessors concurs in the finding of the court;

(b) by a court holding an inquiry under Part III and this Part of this Act into the conduct of a master, mate, or engineer, if they find that he is incompetent, or has been guilty of any gross act of misconduct, drunkeness, or tyranny, or that in a case of collision he has failed to render such assistance or give such information as is required under Part XIII of this Act;

(c) by any naval or other court where under the powers given by this Part of this Act the holder of the certificate is superseded or removed by that court.

Decision in open Court.

(2) Where any case before any such court as aforesaid involves a question as to the cancelling or suspending of a certificate, that court shall, at the conclusion of the case or as soon afterwards as possible, state in open court the decision to which they have come with respect to the cancelling or suspending thereof.

Report.

(3) The court shall in all cases send a full report on the case with the evidence to the Minister, and shall also, if they determine to cancel or suspend any certificate, send the certificate cancelled or suspended to the Minister with their report.

Copy of report to holder of certificate.

(4) A certificate shall not be cancelled or suspended by a court under this section, unless a copy of the report, or a statement of the case on which the investigation or inquiry has been ordered, has been furnished before the commencement of the investigation or inquiry to the holder of the certificate.

Dissenting assessors.

(5) Each assessor who does not concur in and sign the finding of the court shall state in writing his dissent therefrom and the reasons for that dissent.

Certificates of another part of Commonwealth.

655. Any court holding a formal investigation pursuant to this part may cancel or suspend a certificate of competency or service granted by another part of the British Commonwealth so far only as concerns its validity within Canada.

Costs of investigation.

656. The court may make such order as it thinks fit respecting the costs of such investigation, or the rehearing thereof, or any part of such investigation of rehearing, and

such order shall be enforced by the court as an order for costs under the provisions of the *Criminal Code* relating to summary convictions. R.S., c. 186, s. 775.

Court may require delivery of certificate.

657. The court may at any time, either during or after a formal investigation, call upon any master, mate, pilot or engineer, to deliver his certificate or licence to the court. R.S., c. 186, s. 777.

Penalty.

Penalty for contravention of this section: two hundred dollars.

Copy of judgment to be given.

658. The court shall, upon application being made therefor, furnish free of charge to any master, mate, pilot or engineer, whose certificate has been cancelled or suspended, or to his agent, a copy of the judgment of the court. R.S., c. 186, s. 779.

Judgment to be sent to the Minister, also the certificate affected.

659. The court shall in all cases send the judgment in the case, with the evidence, to the Minister, and if it determines to cancel or suspend any certificate, and the certificate has been delivered to the court, the certificate shall also be sent to the Minister. R.S., c. 186, s. 780.

What to be done with certificate.

660. The Minister shall, if such certificate or licence

(a) has been issued in Canada, retain the same;

(b) has been issued by any part of His Majesty's dominions other than Canada, send the same, together with a full report upon the case and a copy of the evidence to the government of that part. R.S., c. 186, s. 781.

Certificates cancelled or suspended in other part of Commonwealth.

661. If a certificate of competency or service granted in Canada has been cancelled or suspended by any court of formal investigation into any shipping casualty in any other part of the Commonwealth the Minister may adopt and carry out said cancellation or suspension and demand the delivery up to him of such certificate of competency or service.

Rehearing of investigation.

662. (1) In any case where a formal investigation has been held, the Minister may order the investigation to be reheard, either generally or as to any part thereof; and he shall so order—

(a) if new and important evidence which could not be produced at the investigation has been discovered; or

(b) if, for any other reason, there has been in his opinion ground for suspecting that a miscarriage of justice has occurred. R.S., c. 186, s. 786.

Rehearing.

(2) The Minister may order the case to be reheard by the court by which the case was heard in the first instance,

or may appoint another commissioner and select the same or other assessors to rehear the case. R.S., c. 186, s. 787.

Appeal.

(3) Where on any such investigation a decision has been given with respect to the cancelling or suspension of the certificate of a master, mate, or engineer, or the licence of a pilot, and an application for a re-hearing under this section has not been made or has been refused, an appeal shall lie from the decision to the Exchequer Court on its Admiralty side.

Subject to conditions and regulations.

(4) Any re-hearing or appeal under this section shall be subject to and conducted in accordance with such conditions and regulations as may be prescribed by rules made in relation thereto under the powers contained in this Part of this Act.

Proceedings not to be quashed for want of form, etc.

(5) No proceeding or judgment of a court in or upon any formal investigation shall be quashed or set aside for any want of form, nor shall any such proceeding or judgment be removed by *certiorari* or otherwise into any court; and no writ of prohibition shall issue to any court constituted under this Act in respect of any proceeding or judgment in or upon any formal investigation. R.S., c. 186, s. 788.

No rehearing in Canada if dealt with in another part of Commonwealth.

663. The Minister shall not order a rehearing in Canada in connection with a shipping casualty on respect of which a formal investigation has been held in another part of the British Commonwealth.

Costs may be paid by Minister.

664. The Minister may, if, in any case, he thinks fit so to do, pay the costs of any enquiry or formal investigation. R.S., c. 186, s. 789.

Pilots' licences, how cancelled or suspended.

665. (1) The provisions of this Part relating to the manner in which such certificates shall be dealt with shall, so far as they are applicable, extend to pilots' licences which shall be subject to cancellation and suspension in the same manner as the certificate of a master, mate or engineer, is subject to cancellation and suspension under this Part.

Fine.

(2) The court may, instead of cancelling or suspending any such licence, fine any licensed pilot in any sum not exceeding four hundred dollars and not less than fifty dollars, and may make order for the payment of such fine by instalments or otherwise, as it deems expedient.

Penalty, how recoverable.

(3) Any penalty incurred under this section may be recovered in the name of His Majesty in a summary manner with costs under the provisions of the *Criminal Code* relating to summary convictions. R.S., c. 186, s. 790.

Rules for procedure, etc.

666. The Governor in Council may make rules for the carrying into effect of the enactments relating to formal

investigations or to the rehearing of or an appeal from any formal investigation, and, in particular, with respect to the appointment and summoning of assessors, the procedure, the parties, the persons allowed to appear and the notice to the parties or to persons affected. R.S., c. 186, s. 783.

Naval Courts on the High Seas and Abroad.

Cases in which naval courts may be summoned.

667. A court (in this Act called a naval court) may be summoned by any officer in command of any of His Majesty's ships or any foreign station or any of His Majesty's Canadian ships, or, in the absence of such an officer, by any consular officer, in the following cases that is to say—

(i) Whenever a complaint which appears to that officer to require immediate investigation is made to him by the master of any British ship registered in Canada or by a certificated mate, or by any one or more of the seamen belonging to any such ship;

(ii) Whenever the interest of the owner of any British ship registered in Canada or of the cargo thereof appears to that officer to require it; and

(iii) Whenever any British ship registered in Canada is wrecked, abandoned, or otherwise lost at or near the place where that officer may be, or whenever the crew or part of the crew of any such British ship which has been wrecked, abandoned, or lost abroad arrive at that place.

Constitution of naval courts.

668. (1) A naval court shall consist of not more than five and not less than three members, of whom, if possible, one shall be an officer in the naval service of His Majesty or of the Canadian Navy not below the rank of lieutenant, one a consular officer, and one a master of a British merchant ship, and the rest shall be either officers in the naval service of His Majesty or the Canadian Navy, masters of British merchant ships, or British merchants, and the court may include the officer summoning the same, but shall not include the master or consignee of the ship to which the parties complaining or complained against belong.

President.

(2) The naval or consular officer in the court, if there is only one such officer, or, if there is more than one, the naval or consular officer who, according to any regulations for settling their respective ranks for the time being in force, is of the highest rank, shall be the president of the court.

Functions of naval courts.

669. (1) A naval court shall hear the complaint or other matter brought before them under this Act, or investigate the cause of the wreck, abandonment, or loss, and shall do so in such manner as to give every person against whom any complaint or charge is made an opportunity of making a defence.

Oaths, witnesses and evidence.

(2) A naval court may, for the purpose of the hearing and investigation, administer an oath, summon parties and witnesses, and compel their attendance and the production of documents.

Powers of naval courts.

670. (1) Every naval court may, after hearing and investigating the case, exercise the following powers; that is to say:—

(a) the court may, if unanimous that the safety of the ship or crew or the interest of the owner absolutely requires it, remove the master, and appoint another person to act in his stead; but no such appointment shall be made without the consent of the consignee of the ship if at the place where the case is heard;

(b) the court may, in cases in which they are authorized by this Act and subject to the provisions of this Act, cancel or suspend the certificate of any master, mate, or engineer;

(c) the court may discharge a seaman from his ship;

(d) the court may order the wages of a seaman so discharged or any part of those wages to be forfeited, and may direct the same either to be retained by way of compensation to the owner, or to be paid to the Minister to form part of the Consolidated Revenue Fund in the same manner as fines under this Act.

(e) the court may decide any questions as to wages or fines or forfeitures arising between any of the parties to the proceedings.

(f) the court may direct that all or any of the costs incurred by the master or owner of any ship in procuring the imprisonment of any seaman or apprentice in a foreign port, or in his maintenance whilst so imprisoned, shall be paid out of and deducted from the wages of that seaman or apprentice, whether then or subsequently earned;

(g) the court may exercise the same powers with regard to persons charged before them with the commission of offences at sea or abroad as British consular officers can under section seven hundred and ninety-seven of this Act;

(h) the court may punish any master of a ship or any of the crew of a ship respecting whose conduct a complaint is brought before them for any offence against this Act, which, when committed by the said master or member of the crew, is punishable on summary

conviction, and shall for that purpose have the same powers as a court of summary jurisdiction would have if the case were tried in Canada, provided that—

(i) where an offender is sentenced to imprisonment, the senior naval or consular officer present at the place where the court is held shall in writing confirm the sentence and approve the place of imprisonment, whether on land or on board ship, as a proper place for the purpose; and

(ii) copies of all sentences passed by any naval court summoned to hear any such complaint as aforesaid, shall be sent to the commander-in-chief or senior naval officer of the station;

(j) the court may, if it appears expedient, order a survey of any ship which is the subject of investigation to be made, and such survey shall accordingly be made, in the same way, and the surveyor who makes the same shall have the same powers as if such survey had been directed by a competent court in pursuance of the Eighth Part of this Act, in the course of proceedings against a seaman or apprentice for the offence of desertion.

(k) the court may order the costs of the proceedings before them, or any part of those costs, to be paid by any of the parties thereto, and may order any person making a frivolous or vexatious complaint to pay compensation for any loss or delay caused thereby; and any costs or compensation so ordered to be paid shall be paid by that person accordingly, and may be recovered in the same manner in which the wages of seamen are recoverable, or may, if the case admits, be deducted from the wages due to that person.

Orders conclusive.

(2) All orders duly made by a naval court under the powers hereby given to it, shall in any subsequent legal proceedings be conclusive as to the rights of the parties.

Entry of orders.

(3) All orders made by any naval court shall, whenever practicable, be entered in the official log-book of the ship to which the parties to the proceedings before the court belong, and signed by the president of the court.

Report of proceedings of naval courts.

671. (1) Every naval court shall, in respect of any ship registered in Canada, make a report to the Minister containing the following particulars, that is to say:—

(a) a statement of the proceedings of the Court, together with the order made by the court, and a report of the evidence;

(b) an account of the wages of any seaman or apprentice who is discharged from his ship by the court;

(c) if summoned to inquire into a case of wreck or abandonment, a statement of the opinion of the court as to the cause of that wreck or abandonment, with such

remarks on the conduct of the master and crew as the circumstances require.

Signature and evidence.

(2) Every such report shall be signed by the president of the court, and shall be admissible in evidence in manner provided by this Act.

Penalty for preventing complaint or obstructing investigation.

672. If any person wilfully and without due cause prevents or obstructs the making of any complaint to an officer empowered to summon a naval court, or the conduct of any hearing or investigation by any naval court, he shall for each offence be liable to a fine not exceeding two hundred and fifty dollars, or be liable to imprisonment, with or without hard labour, for any period not exceeding twelve weeks.

Application of provisions as to naval courts.

673. (1) Sections four hundred and eighty-one to four hundred and eighty-six inclusive of this Act shall apply to all sea-going ships registered in Canada with the exception of fishing boats exclusively employed in fishing on the coasts of Canada when those ships are out of the jurisdiction of the government of Canada and where they apply to a ship, shall apply to the owners, master, and crew of that ship.

Construction.

(2) For the purposes of the said provisions an unregistered ship owned by a British subject domiciled in Canada shall be deemed to have been registered in Canada.

Power of naval court to send a person sentenced to imprisonment home to undergo sentence.

674. (1) The powers of a naval court under this section shall include a power to send to Canada an offender sentenced by the Court to imprisonment for the purpose of being there imprisoned, and the court may take the same steps, and for that purpose shall have the same powers, as respects the orders which may be given to masters of ships as a consular officer has for the purpose of sending an offender for trial under section
of this Act and subsections two, four, and five of that section shall apply with the necessary modification.

Delivery of offender to police.

(2) Any master of a ship to whose charge an offender is committed under this section shall, on his ship's arrival in Canada give the offender into the custody of some police officer or constable, and the offender shall be dealt with as if he had been convicted and sentenced to imprisonment by a court of competent jurisdiction in Canada.

Appeal from naval courts.

675. (1) Any person aggrieved by an order of a naval court ordering the forfeiture of wages, or by a decision of a naval court of a question as to wages, fines, or forfeitures, may appeal to the Exchequer Court, on its Admiralty side, in such manner and subject to such conditions and provisions as may be provided by the rules of that court, and

on any such appeal the Court may confirm, quash, or vary the order or decision appealed against as they think just.

Orders quashed or varied.

(2) Subsection two of section six hundred and eighty of this Act shall not have effect with respect to any order of a naval court which is quashed on an appeal under this section, and, where an order of a naval court is varied on appeal, shall apply as if the order as so varied were the order originally made by the naval court.

Removal of master by Admiralty Court.

676. (1) Any of the following courts; namely—

In Canada, the Exchequer Court on its Admiralty side,

Elsewhere in His Majesty's dominions any court having admiralty jurisdiction,

may remove the master of any ship registered in Canada whilst within the jurisdiction of that court, if that removal is shown to the satisfaction of the court by evidence on oath to be necessary.

Application for removal.

(2) The removal may be made upon the application of any owner of the ship or his agent, or of the consignee of the ship, or of any certificated mate, or of one third or more of the crew of the ship.

Appointment of new master.

(3) The court may appoint a new master instead of the one removed; but where the owner, agent, or consignee of the ship is within the jurisdiction of the court, such an appointment shall not be made without the consent of that owner, agent or consignee.

Costs.

(4) The court may also make such order and require such security in respect of the costs of the matter as the court thinks fit.

Procedure.

Venue in prosecutions.

677. Every person charged under this Part with an indictable offence may be indicted and prosecuted, and the venue may be laid in any county or district. R.S., c. 186, s. 803.

Allegations in prosecutions.

678. If any indictment or prosecution under this Part, for any indictable offence in respect of wreck, it shall not be necessary to lay the property in any person, or to identify the alleged wreck as part of any particular vessel or wreck coming from any particular vessel, or as the property of any particular person. R.S., c. 186, s. 804.

Offenders how triable.

679. Every penalty, forfeiture or punishment, for any offence against this Part, not by this Part declared to be an indictable offence, may be imposed, adjudged and recovered on summary conviction before any two justices of the peace, or any magistrate having the powers of two

justices of the peace, under the provisions of the *Criminal Code* relating to summary convictions. R.S., c. 186, s. 805.

Indictments for certain offences.

680. (1) In any indictment or prosecution for receiving, secreting or disguising any wreck, or for having the possession thereof, or for selling or dealing therewith, or for defacing or obliterating marks thereon, unless the accused shows that he was possessed of such wreck for more than twelve months before the date of the indictment or the commencement of the prosecution, it shall lie upon the accused to show that he did not know, and had not the means of knowing the same to be such wreck, or that he was lawfully possessed of, or entitled to sell or deal with the same.

Evidence of former convictions.

(2) In any indictment or prosecution for secreting, defacing, receiving, possessing, selling, dealing with or concealing the character of any wreck, evidence may be given, either before or after verdict, of any former conviction of the accused for any of the said offences. R.S., c. 186, s. 806.

Summary procedure for concealment of wreck.

681. When a receiver suspects that any wreck is secreted or concealed by or is wrongfully in the possession of any person, he may apply to any justice of the peace for a search warrant, and such justice shall have power to grant such warrant, by virtue whereof it shall be lawful for the receiver to enter, and, if necessary, by force, any house, building or place, whether inclosed or uninclosed, or any vessel, and to search for, remove and detain any wreck there kept or secreted. R.S., c. 186, s. 807.

Salvage to informer.

682. If any such discovery is made in consequence of information given by any person to the receiver, the informer shall be entitled, by way of salvage, to such sum not exceeding eighty dollars as the receiver allows under instructions from the Minister. R.S., c. 186, s. 808.

General.

Proceedings in rem or in personam.

683. The jurisdiction conferred by this Part on any civil court may be exercised either by proceedings *in rem* or by proceedings *in personam*. R.S., c. 186, s. 809.

Jurisdiction of Exchequer Court saved.

684. Nothing in this Part shall be construed to affect the jurisdiction of the Exchequer Court on its Admiralty side, in Canada as to any matter or case, civil or criminal. R.S., c. 186, s. 810.

Duties on wreck.

685. The Minister of National Revenue may permit all goods saved from any vessel stranded or wrecked within the limits of Canada on its inward voyage to be forwarded to the port of its original destination, and all goods saved from any ship stranded or wrecked within Canada on her outward voyage to be returned to the port at which the same were shipped, taking such security for the due protection of the revenue in respect of such goods as they think proper. R.S., c. 186, s. 811.

PART X—SECTIONS 686-695.

Lighthouses, Buoys and Beacons, and Sable Island.

Lighthouses, etc., to vest in His Majesty.

686. All lighthouses, lightships, floating and other lights, lanterns, and other signals, buoys and beacons, anchors and land marks acquired, constructed, repaired, maintained, improved, erected, placed or laid down for the greater security and facility of navigation at the expense of any province of the Dominion of Canada before it became a part thereof, or at the expense of the Dominion of Canada, together with all buildings and other works belonging thereto and in connection therewith, are vested in His Majesty, and shall be under the direct control and management of the Minister. R.S., c. 186, s. 814.

Control of Minister.

Provision for appointment of keepers, etc.

687. There may be appointed in the manner authorized by law such keepers, superintendents, and other officers as are necessary for the purposes of this Part. R.S., c. 186, s. 815.

Regulations by Governor in Council.

688. The Governor in Council may, from time to time, make regulations,—

(a) for the maintenance of buoys, beacons, anchors and marks vested in His Majesty;

(b) for the proper lighting and keeping of lighthouses, lightships, floating and other lights, lanterns and other signals;

(c) for the government of Sable Island and St. Paul island, and for defining the duties of the resident keepers thereon, for administering relief to shipwrecked persons and their removal, for preserving and removing shipwrecked property and for preventing persons not authorized by the Minister from taking up their residence thereon, and for the general management of the said islands;

(d) prescribing the penalties for any contravention of such regulations, but no penalty shall exceed two hundred dollars. R.S., c. 186, s. 821.

Licence to reside on Sable or St. Paul Island.

689. The Minister may give to any person a licence authorizing that person to reside on Sable island or St. Paul island, which licence shall describe the person in whose favour it is so issued. R.S., c. 186, s. 819.

People found on Sable or St. Paul's islands may be punished.

690. The superintendent, or a resident keeper or any officer of the Department of Marine, or any other person acting under the authority of the Minister, may apprehend any person residing on Sable island or St. Paul island, having voluntarily gone there for any purpose whatever, without a licence from the Minister, and bring him and

all property found in his possession to Halifax, and any stipendiary magistrate, or police magistrate or two justices of the peace, upon proof that he was so found, may commit him to the common gaol for not more than six months, and further thereafter, until ge gives security for his future good behaviour. R.S., c. 186, s. 823.

Penalty.

Disposal of their property.

691. Whatever property is found on the said islands belonging to that offender may be sold by order of the magistrate or justices, and the proceeds thereof shall be applied to pay the expense of the removal of the offender and goods, and the residue, if any, returned to the owner: Provided that any such property not sold by order of the magistrate or justice shall be deemed to be wreck and shall be dealt with as provided by Part IX. R.S., c. 186, s. 824.

Proviso.

Vessels or goods stranded on such islands; how dealt with.

692. When vessels or goods are stranded on Sable Island or St. Paul island, or on any of the bars or coasts thereof, and those vessels or goods, or any part thereof are saved by the superintendent or by any other officer of the Department, or by any person under the authority of the Minister those vessels or goods may be taken in charge by the superintendent or keeper, and unless the Minister otherwise directs, may be sent to Halifax, to be disposed of under the direction of the Minister, for the benefit of the owners, after payment of such salvage as the Minister directs to the establishment of Sable island or St. Paul island, as the case may be, and all other expenses incurred with respect to those vessels or goods. R.S., c. 186, s. 825.

Disposal of goods.

693. All goods so saved shall be held to be in possession of the Minister, and shall not, on any pretense, be taken out of the custody of the superintendent or keepers, or of any persons employed by either of them, except by order of the Minister, nor until payment of the salvage and expenses; and the goods shall be liable to Customs duties. R.S., c. 186, s. 826.

Jurisdiction of Courts and Recovery of Penalties

In what counties such islands shall be deemed to be.

694. In all proceedings in any court, Sable island shall be held to be within the county of Halifax, and St. Paul island to be within the county of Victoria, in the province of Nova Scotia; and any person charged with committing any offence committed thereon, or on the shores, banks or bars thereof, may be proceeded against and tried as if the islands were actually within the body of those counties respectively. R.S., c. 186, s. 828.

Summary recovery of penalties.

695. (1) The penalties incurred under this Part may be recovered in the name of His Majesty, on the information of any officer of the Department of Marine, or of any person aggrieved, before any stipendiary magistrate, or police magistrate, or judge of the sessions of the peace, or two justices of the peace, under the provisions of the Criminal Code.

Imprisonment.

(2) In default of payment of any penalty, the magistrate judge or justices may commit the offender to gaol for any period not exceeding three months.

Disposal of penalties.

(3) All penalties shall be paid to the Receiver General. R.S., c. 186, s. 829.

PART XI—SECTIONS 696–710.

PUBLIC HARBOURS AND HARBOUR MASTERS.

Proclamation of Public Harbours.

Public harbours, how created and extended.

696. (1) The Governor in Council may, by proclamation,

(a) declare to be a public harbour any area covered with water within the jurisdiction of the Parliament of Canada, and such proclamation shall define the limits of the harbour so proclaimed; and

(b) extend or restrict the area of any existing public harbour in Canada.

Effect of extension.

(2) Upon such proclamation being issued, all statutes, rules and regulations affecting such public harbours shall apply thereto as so extended or restricted. R.S., c. 186, s. 831.

Application of Part XI.

Exception of ports under harbour commissioners or other special authority.

697. (1) This Part applies to all Public Harbours declared as such under this or any previous Act of the Parliament of Canada, but does not apply to any harbour with respect to which there is or may be established under an Act of the Parliament of Canada a harbour commission to which has been committed the control of the harbour placed under its charge; unless and until application from such harbour commission or special authority to have this Part so apply shall have been received and granted by the Governor in Council.

When commission is abolished.

(2) If the harbour commission which has jurisdiction over any harbour is abolished the harbour shall nevertheless continue to be a public harbour within this Part. R.S., c. 186, s. 832.

Appointment of Harbour Masters.

Appointment of harbour master.

698. The Minister may from time to time appoint a fit and proper person to be harbour master for any public harbour and fix the amount of his remuneration, and may also appoint deputy harbour masters for any such harbour. R.S., c. 186, s. 833.

No pilot to be harbour master.

699. No licensed pilot shall be appointed to act or shall act as harbour master or deputy harbour master of any public harbour, unless he first surrenders his licence. R.S., c. 186, s. 834.

Rules and regulations.

700. (1) The Governor in Council may make rules and regulations for the government of harbours and defining the rights, powers and duties of harbour masters, but, in the case of any harbour to which this Part does not apply under the provisions of section seven hundred and nineteen

of this Act, any such rule or regulation which is inconsistent with any rule or regulation in force in any such harbour shall not be held to apply to the said harbour until application therefor from the harbour commission or other special authority shall have been received and granted by the Governor in Council. R.S., c. 186, s. 836.

Penalty for breach of harbour regulations increased.

(2) The Governor in Council may by said regulation impose a penalty not exceeding in any case one thousand dollars for any violation of the same. If any such violation continues for more than twenty-four hours every additional twenty-four hours during which it continues shall be deemed to be a separate and additional violation of such regulation. R.S., c. 186, s. 837.

Duties of harbour master.

701. It shall be the duty of every harbour master to see that the rules and regulations provided for the government of the harbour under his charge are complied with, and it shall be his duty to report any violation of the same that comes to his knowledge, to the Minister, and the Minister may instruct the harbour master to prosecute any person or persons responsible for such violation, and the cost of such prosecution may be defrayed from the Consolidated Revenue Fund. R.S., c. 186, ss. 839, 840.

Records and report.

702. Every harbour master shall be under the control of the Minister as to the conduct of his office and shall keep such records as the Minister may instruct, and, at the close of each fiscal year, shall furnish the Minister with a report in writing of his doings in office and of the fees received by him in such detail as the Minister may require of him. R.S., c. 186, s. 841.

Payment by fees.

703. The remuneration of the harbour master for his services shall be derived solely from his collections of the fees hereinafter mentioned and he may retain such portion of his total collections as he is from time to time authorized to retain pursuant to order in council made pursuant to this Part. R.S., c. 186, s. 843.

Harbour dues payable.

704. Every ship, except Government ships belonging to the Government of Canada, ships engaged solely in fishing (other than trawlers or steamships trading in fish) and ships exempted by treaty or regulation, which enters any public harbour for which a harbour master is appointed or acting and which discharges or takes on board cargo, ballast, ship's stores, water or fuel, or which enters the said harbour for any purpose other than for refuge in case of storm or accident shall pay harbour dues according to a scale fixed by the Governor in Council. R.S., c. 186, s. 844.

As to certain harbours.

705. Ships passing through the harbours of Sorel and St. Johns in the course of navigating the Richelieu river shall also pay harbour dues in respect to said harbours. R.S., c. 186, s. 845.

When and how often payable.

706. Such fees shall not be payable for any ship more than twice in each calendar month, whatever is the number of public harbours at which she arrives or through which she passes, or the number of times of her arriving or passing; and shall be payable by the master of the ship to the harbour master immediately on her entering or arriving at the first and second public harbours where there is a harbour master; and the collector or principal officer of Customs thereat shall not grant any clearance, or let-pass to any ship on which they are payable, until the master thereof produces to him a certificate of the payment of fees under this Part, once or twice within the then current year, as the case requires. R.S., c. 186, s. 846.

Dues payable by ship moored or anchored in harbour.

707. (1) Every ship which is moored or anchored in or otherwise occupies any portion of any public harbour for thirty consecutive days shall pay to the harbour master such charge not exceeding one-half cent per square foot of the area occupied by her in such harbour.

Regulations as to measuring area occupied.

(2) The regulations made by the Governor in Council, under section seven hundred and twenty-three hereof, may fix the method of measuring the area occupied by the ship and determine the amount to be paid for such use of a public harbour.

Balance of fees to be paid over.

708. (1) The harbour master of each public harbour shall pay over, as soon as possible after the thirty-first day of December in each year, to the Receiver General, to form part of the Consolidated Revenue Fund, all moneys received by him for fees under this Part, during such year, after deducting therefrom the salary or remuneration fixed as aforesaid.

If fees less than salary.

(2) If the moneys received by him for fees in any year amount to a less sum than is so fixed, then such less sum shall be his salary or remuneration for that year. R.S., c. 186, s. 848.

Register to be kept by harbour master.

709. The harbour master of each public harbour shall keep a register in which he shall enter, from day to day, the name of every ship entering and clearing from such harbour and such other particulars as the Minister may direct. This register shall, at all times during office hours, be open to inspection by any person, on demand, without fee or reward. R.S., c. 186, s. 849.

Recovery of Penalties.

Recovery of penalties.

710. Every penalty incurred for the violation of any regulation made by the Governor in Council under this Part may be recovered with costs by summary conviction under Part XV of the *Criminal Code* and shall belong:

(a) if the informer is not the harbour master, one-half to the informer and the other half to His Majesty; and,

(b) if the informer is the harbour master, the whole to His Majesty.

PART XII—SECTIONS 711-744.

PORT WARDENS.

Application.

Ports excepted.

711. This Part shall not apply to the harbours of Quebec or Montreal. R.S., c. 186, s. 852.

Port Wardens.

Port Wardens how appointed.

712. The Governor in Council may, from time to time, determine at what harbours or for what districts port wardens shall be appointed. The appointment of a Port Warden for a District shall define the district. R.S., c. 186, s. 853.

Power to appoint deputies.

Application of Part to deputies.

713. At and for every harbour or district so determined, a port warden may be appointed who may appoint a deputy or deputies, for whose conduct as such he shall be responsible, and every provision of this Part relating to the port wardens shall be deemed to apply to every deputy he appoints. R.S., c. 186, s. 854, 855.

Regulations.

714. (1) The Governor in Council may make regulations prescribing the manner in which grain or timber deck cargoes, or other cargoes which if improperly stowed might constitute a danger, shall be loaded in Canada on ships.

Grain cargo, how carried.

(2) No grain cargo shall be carried on any ship loaded in Canada bound to a place not within the limits of an inland voyage unless such grain cargo is loaded and secured as required by the regulations.

Inland voyages.

(3) No grain cargo shall be carried on any ship engaged on an inland voyage unless all reasonable precautions have been taken to prevent the grain cargo from shifting, by efficient means.

Customs officer to go on board on arrival of ship.

(4) When any ship arrives at any harbour in Canada with a grain cargo, any port warden or Customs officer may proceed on board and, when practicable, examine into the manner in which the cargo was stowed; and every person in charge of such ship at the time of the examination, shall render such officer the assistance he asks to enable him to make the examination. R.S., c. 186, s. 696, 697.

Office, Books and Seal of the Port Warden.

His office, books and seal.

715. The port warden shall, at his own expense, keep an office during the season of navigation, and shall have a seal of office and the necessary books in which all his acts

as port warden shall be recorded with the fee charged by him, which books shall be open for inspection on payment of a fee of fifty cents. R.S., c. 186, s. 856.

Duties and Powers of Port Wardens.

Examination and noting of condition of cargo, etc., on any vessel.

716. The port warden shall, at the request of any person interested, proceed in person on board any ship for the purpose of examining the condition and stowage of her cargo; and, if there are any goods damaged on board of such ship, he shall inquire, examine and ascertain the cause of such damage, and make a memorandum thereof, and enter the same in full on the books of his office. R.S., c. 186, s. 857.

Survey of bulk has been broken before arrival in port.

717. The master of any vessel which has broken bulk or discharged any cargo, otherwise than at a harbour or district where there is a port warden shall, on her next arrival at a harbour or district where there is a port warden, if any damage to her cargo is discovered, proceed to have a survey held on the same by the port warden at that harbour or district or by the port warden of the harbour or district where the cargo is to be discharged, in the manner prescribed in this Part, before the same is moved out of the place in which it was originally stowed. R.S., c. 186, s. 858.

What shall be *prima facie* evidence of improper stowage.

718. If, after the arrival in harbour of any ship from beyond the seas, or from a passage over any of the great lakes, which has not had occasion to break bulk or discharge any portion of her cargo before coming into the harbour, the hatches of such vessel have been first opened by any person not a port warden and the cargo or any part thereof comes from on board such ship in a damaged condition, such 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 ship; and such default shall, until the contrary is shown, be chargeable to the owner, master or other person interested in the said ship. R.S., c. 186, s. 859.

Port warden, on request, to ascertain cause of damage to goods.

719. The port warden shall, when required, proceed to any ship, warehouse, dwelling or wharf, and examine any merchandise, vessel, material, produce or other property said to have been damaged on board of any ship, 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 correct statement thereof. R.S., c. 186, s. 860.

Port warden to be surveyor of wrecked or damaged vessels.

720. (1) Whenever the services of a steamship inspector are not available the port warden shall, when required,

(a) be surveyor on any ship which has suffered wreck or damage, or which is deemed unfit to proceed on her voyage;

(b examine the hull, spars, rigging and all appurtenances thereof;

(c) specify what damage has occurred; and what repairs are necessary to render the ship seaworthy.

What assistance port warden may demand.

(2) The port warden may call to his assistance one or more marine surveyors, engineers or other persons skilled in their calling. R.S., c. 186, s. 861.

Duty of master of vessel loading with grain in bulk for port out of Canada.

721. (1) The master or agent of any ship intending to load grain consigned to any place outside of Canada and not being a place within the limits of an inland voyage, shall, before loading such grain, notify the port warden, who shall proceed on board and ascertain whether the ship is in a fit condition to carry the proposed cargo, the result of such survey to be recorded in his books, together with a statement covering the requirements which may be necessary to comply with the Regulations governing the Loading and Carriage of Grain Cargoes.

Duty of port warden.

(2) Before beginning to load any chamber or compartment in any ship, the port warden shall see that all the requirements of the regulations for the loading and carriage of grain cargoes are complied with, and issue a certificate accordingly.

Timber deck cargo.

(3) The master or agent of any ship intending to load a timber deck cargo consigned to any place outside of Canada and not being a place within the limits of an inland voyage shall, before commencing to load, notify the port warden or at places where there is no port warden, the authorized surveyor who shall supervise the loading and on completion shall issue a certificate that the regulations in this respect have been complied with, recording all particulars in his book, relative to stowage, quantities of cargo on deck and below, method of securing, height of deck loads at wings and crown on forward and after decks, with amount of water ballast carried and draft of water, with corresponding freeboard.

Concentrates.

(4) The master or agent of any ship intending to load concentrates consigned to any place outside of Canada and not being a place within the limits of an inland voyage shall make application to the port warden, who shall survey and approve stowage according to approved practice, when the quantity of concentrates proposed to be carried exceeds eighteen per cent of the total cargo-carrying capacity of the ship. The port warden shall enter in his books a statement showing manner of stowage and securing, and issue a certificate accordingly.

Limitation.

(5) The provisions of this Part shall not apply to ships carrying grain when in bags unless the quantity loaded is in excess of one-third of the dead weight carrying capacity of such ship. R.S., c. 186, s. 864.

Duty of port warden as to dunnage.

722. (1) The port warden shall, when required, decide what dunnage is necessary, also separations between cargoes.

Certificate.

(2) His certificate that such dunnage has been used or separations made shall be *prima facie* evidence of the good stowage of the cargo so far as these facts are concerned. R.S., c. 186, s. 865.

Further duties of master and port warden as to vessels laden with grain.

723. (1) The master of any ship either wholly or partly laden with grain, except as provided for in subsection five of section seven hundred and sixteen, or with a timber deck cargo, or with concentrates, when the amount of concentrates carried exceeds eighteen per cent of the total dead weight carrying capacity of the ship, consigned to any place outside of Canada and not being a place within the limits of an inland voyage, shall, before proceeding on his voyage or clearing at the custom house, notify the port warden, who shall then proceed on board such ship and examine whether she is in a fit state to proceed to sea.

Unfit vessels, how dealt with.

(2) If she is found fit the port warden shall give a certificate accordingly and if she is found unfit, the port warden shall withhold certificate and notify the master or agent of the ship, detailing his requirements in accordance with regulations and approved practice. R.S., c. 186, s. 866.

In case of refusal to comply by master.

724. If the master refuses or neglects to fulfil such conditions, the port warden shall notify the collector of Customs in order that no clearance may be granted for the ship until the same are fulfilled, and a certificate to that effect is granted by the port warden. R.S., c. 186, s. 867.

No clearance granted unless there is compliance with requirements of this Part.

725. (1) No officer of Customs shall grant a clearance to any ship wholly or partly laden with grain except as provided for in subsection five of section seven hundred and sixteen, or with a timber deck cargo, or with concentrates (as defined in subsection four of section seven hundred and sixteen) consigned to any place outside of Canada and not being a place within the limits of an inland voyage, unless the master of such vessel produces to him a certificate signed by the port warden, that the Regulations for the Loading and Carriage of Grain Cargoes, or Timber, Deck Loads as the case may be, have been complied with, or that concentrates have been loaded and secured according to approved practice. R.S., c. 186, s. 868.

Timber deck cargoes.

(2) In the case of timber deck cargoes loaded at places where there is no port warden, references in the previous sections to the port warden shall be read as referring to an authorized surveyor.

Vessel may be detained.

726. If any ship wholly or partly laden with grain, or with a timber deck cargo, or with concentrates, (as defined in subsection (4) of section seven hundred and sixteen) attempts to leave for any place not being a place within the limits of an inland voyage, without a clearance, any officer of Customs, or any person acting under the direction of the Minister, may detain such ship until such certificate is produced to him. R.S., c. 186, s. 869.

Survey and condemnation of vessles or other property before sale.

727. No goods, vessels or other property at a place where there is a port warden shall be sold as damaged for the benefit of underwriters or others concerned, unless there has been a regular survey and condemnation; and the port warden shall, in all such cases, be one of the surveyors. R.S., c. 186, s. 874.

Notice and time of sale.

728. No auction sale of any condemned vessel or ships' material or goods damaged on board a vessel whether sea-going or navigating inland waters sold for the benefit of underwriters or others concerned, shall take place until after at least two days' public advertisement or notice is given.

Penalty—Twenty dollars. R.S., c. 186, s. 871, 872.

Port warden to arbitrate between master and consignee.

729. The port warden, when required in writing by all parties in interest, shall hear and arbitrate upon any difficulty or matter in dispute between the master or charterer of any vessel and any proprietor, shipper or consignee of the cargo, and shall keep a record of the proceedings. R.S., c. 186, s. 873.

Notice by port warden.

730. Before proceeding to act in any case in the performance of his duties, the port warden shall give reasonable notice, when practicable, to all parties interested or concerned in the case. R.S., c. 186, s. 875.

All notices in writing at reasonable time.

731. All notices, requests or requirements to or from the port warden, shall be given in writing a reasonable time before action is required or taken. R.S., c. 186, s. 876.

Disputes with port warden settled by board of trade.

732. (1) If any dispute arises between the port warden and any person interested in any case where the presence of the port warden has been required, either party may appeal to the council of the board of trade or chamber of commerce, if there is one at the port.

Procedure.

(2) The secretary of such board of trade or chamber of commerce, shall in any such case summon forthwith a meeting of the said council upon being required so to do by either of the said parties; and the council, or not less than three members thereof, shall immediately investigate and report on the case submitted to them.

Decision final.

(3) The determination of a majority investigating such case made in writing, shall be final and conclusive. R.S., c. 186, s. 878.

Cost in such cases.

733. The person against whom the council of the board of trade or chamber of commerce decides, shall pay all the expenses; and the council shall determine the amount of fees or charges payable in each case; but such fees and charges shall never exceed twenty dollars. R.S., c. 186, s. 879.

Annual return of port warden to Minister.

734. The port warden shall, within seven days after the thirty-first day of December in each year, make to the Minister a certified annual return of the receipts and expenses of his office and a report of the proceedings therein. R.S., c. 186, s. 881.

RULES AND REGULATIONS.

Duties of port warden.

735. (1) The Governor in Council may make regulations prescribing the manner in which the port warden shall perform his duties, and giving him such additional duties as he may from time to time see fit, and the council of the board of trade or chamber of commerce may, from time to time, make suggestions to the Governor in Council with respect to any such other duties, or any modification of the duties in this Part assigned to the port warden for the harbour; and such other duties may be assigned or such modification made by the Governor in Council accordingly.

Effect of regulations.

(2) Every regulation made under this Part shall have the force of law. R.S., c. 186, s. 882.

Certificates and Copies.

Copies of documents.

736. At the request of any person interested, the port warden shall furnish certificates in writing, under his hand, of any matters of record in his office; and he shall also furnish, when required, copies of any entries in his books or documents filed in his office, upon payment of a reasonable compensation. R.S., c. 186, s. 883.

Certificate to be evidence.

737. All certificates issued under the hand of the port warden and sealed with the seal of his office, referring to matters recorded in his books, shall be received as *prima facie* evidence of the existence and contents of such record in any court of justice. R.S., c. 186, s. 884.

Copies of harbour regulations to be furnished.

738. On application, the port warden shall supply, once in each year, to any master of a ship arriving in the harbour, a copy of the regulations relating to the office of port warden. R.S., c. 186, s. 885.

Fees.

Fees to port warden.

739. (1) The port warden shall receive no fees other than such as strictly appertain to the business of his office.

Entry of.

(2) All such fees shall be entered in his books. R.S., c. 186, s. 886.

Fees of inspectors called by port warden.

740. Each of the surveyors called by any port warden to assist him in the survey of any vessel which has suffered wreck or damage, or which is deemed unfit to proceed on her voyage, shall be entitled to a reasonable fee fixed pursuant to this Act; but no such surveyor shall act in any case in which he is interested. R.S., c. 186, s. 887.

Tariff of fees by board of trade.

741. (1) The Council of the board of trade or chamber of commerce, if there is one at the harbour for which a port warden has been appointed, may, from time to time, establish a tariff of fees, to be paid to the port warden for services performed by him and his deputies by the masters or owners of ships in respect of which the duties of the said port warden are required to be performed, which tariff shall be subject to the approval of the Governor in Council. R.S., c. 186, s. 888.

Approval of tariff.

Tariff by Governor in Council when there is no board of trade.

(2) When there is no board of trade or chamber of commerce, the Governor in Council shall make such tariff;

Penalty for failure to notify warden.

742. (1) Every master of a ship failing to notify the port warden as required by this Part, and every port warden, who, upon such notification, fails to comply with all the provisions of this Part shall incur a penalty of eight hundred dollars.

Penalty for breach of regulations.

(2) For any breach of the regulations for the loading and carriage of cargo or for the neglect of taking all reasonable precautions incidental to the proper stowage of cargo, the master, owner or agent of the ship responsible for the breach or neglect shall be liable to a penalty not exceeding one thousand dollars.

Penalty for preventing examination.

(3) If any master or person at that time in charge of any ship previous to the final departure of such ship from a place in Canada, or after the arrival of such ship at her port of discharge in Canada, having on board a cargo which by its nature would constitute a danger if improperly stowed, prevents or attempts to prevent any port warden or collector of Customs from proceeding on board or from

examining into the manner in which the cargo is stowed, or fails or refuses to render to that officer all resonable assistance, he shall for each offence incur a penalty not exceeding two hundred dollars. R.S., c. 186, s. 891.

Application of penalties.

743. The whole of any penalty recovered under this Part shall belong to the Crown, and shall be paid over to the Receiver General by the officer or person receiving it. R.S., c. 186, s. 893.

Summary conviction.

744. Penalties under this part may be recovered on summary conviction under the provisions of the *Criminal Code* relating to summary convictions. R.S., c. 186, s. 894.

PART XIII—SECTIONS 745–769.

NAVIGATION—COLLISIONS—LIMITATION OF LIABILITY.

Collision Regulations.

Continuance of regulations.

745. (1) The Regulations for Preventing Collisions at Sea and Rules as to Signals of Distress set out as Schedule I to the Order of His Majesty in Council dated 13th October, 1910, and the Rules of the Road for navigating the Great Lakes including Georgian bay, their connecting and tributary waters and the St. Lawrence river as far east as the lower exit of the Lachine canal and the Victoria bridge at Montreal, which were annexed to the Order of the Governor in Council dated 4th February, 1916 (in this Act called the Collision Regulations) shall continue to apply to all waters within Canadian jurisdiction and to the said inland waters of Canada respectively unless and until superseded by other collision regulations.

Power of Governor in Council.

(2) The Governor in Council may make regulations for the prevention of collisions *(a)* at sea and *(b)* on the inland waters of Canada and may thereby regulate the lights to be carried and exhibited, the fog signals to be carried and used and the steering and sailing rules to be observed by ships and those regulations (in this Act referred to as the Collision Regulations) shall have effect as if enacted on this Act.

Publication in *Canada Gazette.*

(3) All such regulations shall be published in the *Canada Gazette.* R.S., c. 186, s. 895.

Local regulations.

746. No local rule or by-law, inconsistent with the collision regulations shall be of any force or effect; but, so far as not inconsistent therewith, any local rule or by-law shall be of full force within the locality to which it applies. R.S., c. 186, s. 896.

Observance of regulations.

747. All owners and masters of vessels and rafts shall obey the collision regulations as modified by any local rule made pursuant to section seven hundred and forty-one, and shall not carry or exhibit any other lights, or use any other fog signals, than such as are required by those regulations. R.S., c. 186, s. 897.

Penalty—Two hundred dollars.

Liability for damage on non-observance.

748. If any damage to person or property arises from the non-observance by any vessel or raft of any of the collision regulations, the damage shall be deemed to have been occasioned by the wilful default of the person in charge of that raft, or of the deck of that vessel at the

time, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the regulation necessary. M.S.A., s. 419 (3). R.S., c. 186, s. 899.

Powers of Governor in Council.

749. The Governor in Council may by order or regulation provide for the government and regulation of any body of water defined or described therein and may provide for the enforcement of such order or regulation, and may provide penalties for breach of such order or regulation.

PROVISIONS AS TO COLLISIONS, ETC.

Collisions.

750. (1) Where, by the fault of two or more vessels, damage or loss is caused to one or more of those vessels, to their cargoes or freight, or to any property on board, the liability to make good the damage or loss shall be in proportion to the degree in which each vessel was in fault:

Liability for loss.

Provided that

(a) if, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally;

(b) nothing in this section shall operate so as to render any vessel liable for any loss or damage to which her fault has not contributed; and

(c) nothing in this section shall affect the liability of any person under a contract of carriage or any contract, or shall be construed as imposing any liability upon any person from which he is exempted by any contract or by any provision of law, or as affecting the right of any person to limit his liability in the manner provided by law.

Definition.

(2) For the purpose of this Act, the expression "freight" includes passage money and hire, and reference to damage or loss caused by the fault of a vessel shall be construed as including references to any salvage or other expenses, consequent upon that fault, recoverable at law by way of damages. R.S., c. 126, s. 2.

Loss of life and personal injuries.

751. (1) Where loss of life or personal injuries are suffered by any person on board a vessel owing to the fault of that vessel and of any other vessel or vessels, the liability of the owners of the vessels shall be joint and several.

Defence.

(2) Nothing in this section shall be construed as depriving any person of any right of defence on which, independently of this section, he might have relied in an action brought against him by the person injured, or any person or persons entitled to sue in respect of such loss of life, or shall affect the right of any person to limit his liability in cases to which this section relates in the manner provided by law. R.S., c. 126, s. 3.

Contribution between vessels.

752. (1) Where loss of life or personal injuries are suffered by any person on board a vessel owing to the fault of that vessel and any other vessel or vessels, and a proportion of the damages is recovered against the owners of one of the vessels which exceeds the proportion in which she was in fault, they may recover by way of contribution the amount of the excess from the owners of the other vessel or vessels to the extent to which those vessels were respectively in fault: Provided that no amount shall be so recovered which could not, by reason of any statutory or contractual limitation of, or exemption from, liability, or which could not for any other reason, have been recovered in the first instance as damages by the persons entitled to sue therefor.

Additional remedy.

(2) In addition to any other remedy provided by law, the person entitled to any such contribution as aforesaid shall, for the purpose of recovering the same, have, subject to the provisions of this Act, the same rights and powers as the persons entitled to sue for damages in the first instance. R.S., c. 126, s. 4.

Duty of masters in collision to render assistance and give information.

753. (1) In every case of collision between two vessels, it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without danger to his own vessel, crew and passengers (if any),—

(a) to render to the other vessel, her master, crew and passengers (if any) such assistance as may be practicable, and may be necessary to save them from any danger caused by the collision, and to stay by the other vessel until he has ascertained that she has no need of further assistance; and also,

(b) to give to the master or person in charge of the other vessel the name of his own vessel and of the port to which she belongs, and also the names of the ports from which she comes and to which she is bound.

No presumption on failure.

(2) Failure of the master or person in charge of a vessel to comply with the provisions of this section, shall not raise any presumption of law that the collision was caused by his wrongful act, neglect or default. R.S., c. 126, s. 5. R.S., c. 186, s. 902.

Report of Accident and Loss of Ship.

Report to Minister of accidents to steamships.

754. (1) When a steamship has sustained or caused any accident occasioning loss of life or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency either in her hull or in any part of her machinery, the owner or master shall, within twenty-four hours after the happening of the accident or damage, or as soon thereafter as possible, transmit to the Minister, by letter signed by the owner or master, a

report of the accident or damage, and of the probable occasion thereof, stating the name of the ship, her official number (if any), the port to which she belongs, and the place where she is.

Penalty:—Two hundred and fifty dollars.

Application of section.

(2) This section shall apply to all British ships, and to all foreign steamships carrying passengers between places in Canada.

Notice of loss of British ship to be given to the Minister.

755. If the managing owner or, in the event of there being no managing owner, the ship's husband, of any British ship has reason, owing to the non-appearance of the ship or to any other circumstance, to apprehend that the ship has been wholly lost, he shall, as soon as conviently may be, send to the Minister, notice in writing of the loss and of the probable occasion thereof, stating the name of the ship, her official number (if any), and the port to which she belongs.

Penalty:—Two hundred and fifty dollars.

Damage to include loss of life or personal injury.

756. Any enactment which confers on any court Admiralty jurisdiction in respect of damage shall have effect as though references to such damage included references to damages for loss of life or personal injury, and accordingly proceedings in respect of such damages may be brought *in rem* or *in personam*. R.S., c. 126, s. 6.

General Provisions.

Limitation of time for proceedings.

757. No action shall be maintainable to enforce any claim or lien against a vessel or her owners in respect of any damage or loss to another vessel, her cargo or freight, or any property on board her, or for damages for loss of life or personal injuries suffered by any person on board her, caused by the fault of the former vessel, whether such vessel be wholly or partly in fault, unless proceedings therein are commenced within two years from the date when the damage or loss or injury was caused, and an action shall not be maintainable under this Part to enforce any contribution in respect of an overpaid proportion of any damages for loss of life or personal injuries unless proceedings therein are commenced within one year from the date of payment:—

Extension by court.

Provided that any court having jurisdiction to deal with an action to which this section relates may, in accordance with the rules of court, extend any such period, to such extent and on such conditions as it thinks fit, and shall, if satisfied that there has not during such period been any reasonable opportunity of arresting the defendant vessel within the jurisdiction of the court, or within the territorial waters of the country to which the plaintiff's ship belongs or in which the plaintiff resides or has his principal place of business, extend any such period to an extent sufficient to give such reasonable opportunity. R.S., c. 126, s. 9.

Construction of terms.

758. Sections seven hundred and forty-four to seven hundred and fifty inclusive shall apply to any persons other than the owners responsible for the fault of the vessel as though the expression "owners" included such persons, and in any case where, by virtue of any charter or demise, or for any other reason, the owners are not responsible for the navigation and management of the vessel, this Part shall be read as though for references to the owners there were substituted references to the charterers or other persons for the time being so responsible. R.S., c. 126, s. 10 (3).

Provisions applicable to foreign ships.

759. The Collision Regulations, together with the provisions of this Part of this Act relating thereto, or otherwise relating to collisions, shall be observed by all foreign ships within Canadian jurisdiction, and in any case arising in a Canadian court concerning matters arising within Canadian jurisdiction, foreign ships shall so far as respects the Collision Regulations and the said provisions of this Act, be treated as if they were British ships registered in Canada.

Must convey passengers and goods.

760. Carriers by water shall, at the times and in the manner and on the terms of which they have respectively given public notice, receive and convey according to such notice all persons applying for passage, and all goods offered for conveyance, unless, in either case, there is reasonable and sufficient cause for not doing so. R.S., c. 186, s. 942.

Responsibility for goods.

761. Carriers by water shall be responsible not only for goods received on board their vessels, but also for goods delivered to them for conveyance by any such vessel, and they shall be bound to use due care and diligence in the safekeeping and punctual conveyance of such goods, subject to the provisions herein made. R.S., c. 186, s. 943.

Persona baggage of passengers.

762. Carriers by water shall be liable for the loss of or damage to the personal baggage of passengers by their vessels, but such liability shall not extend to any greater amount than five hundred dollars, or to the loss of or damage to any gold or silver, diamonds, jewels, or precious stones, money or valuable securities or articles of great value, unless the true nature and value of such articles so lost or damaged has been declared to the carrier in writing. R.S., c. 186, s. 946.

When owners not liable to damage.

763. The owners of a ship, whether British or foreign, shall not, in cases where all or any of the following events occur without their actual fault or privity (that is to say)—

(i) where any loss of life or personal injury is caused to any person being carried in such ship;

(ii) where any damage or loss is caused to any goods, merchandise, or other things whatsoever, on board the ship;

(iii) where any loss of life or personal injury is, by reason of the improper navigation of the ship, caused to any person carried in any other vessel;

(iv) where any loss or damage is, by reason of the improper navigation of the ship, caused to any other vessel, or to any goods, merchandise, or other things whatsoever on board any other vessel;

be liable to damages in respect of loss of life or personal injury, either alone or together with loss or damage to vessels, goods, merchandise, or other things, to an aggregate amount exceeding seventy-two dollars and ninety-seven cents for each ton of their ship's tonnage; nor in respect of loss or damage to vessels, goods, merchandise, or other things, whether there be in addition loss of life or personal injury or not, to an aggregate amount exceeding thirty-eight dollars and ninety-two cents for each ton of the ship's tonnage.

Extension of limitation of liability.

764. The limitation of the liability of the owners of any ship set by the preceding section, in respect of loss of or damage to vessels, goods, merchandise, or other things, shall extend and apply to all cases where (without their actual fault or privity) any loss or damage is caused to property or rights of any kind, whether on land or on water, or whether fixed or movable, by reason of the improper navigation or management of the ship.

Tonnage how calculated.

765. (1) Tonnage of a steamship shall be her register tonnage with the addition of any engine-room space deducted for the purpose of ascertaining that tonnage; and the tonnage of a sailing ship shall be her register tonnage.

Not to include space occupied by seamen.

(2) There shall not be included in such tonnage any space occupied by seamen or apprentices and appropriated to their use which is certified under the regulations scheduled to this Act with regard thereto. 1923, c. 35, s. 9.

Measurement of tonnage; how made.

766. (1) The measurement of such tonnage shall be,

(a) in the case of a British ship registered elsewhere than in Canada according to the law of that part of His Majesty's dominions where the ship is registered;

(b) in the case of a ship registered in Canada or recognized as a British ship according to Canadian law;

(c) in the case of a foreign ship, according to Canadian law, if capable of being so measured, and, if not so capable, then according to the law of the United Kingdom.

Foreign ship incapable of Canadian or British measurement.

(2) In the case of any foreign ship, which is incapable of being measured under the law of Canada or of the United Kingdom, the Minister shall, on receiving from or by direction of the court hearing the case, such evidence concerning the dimensions of the ship, as it is found practicable to furnish, give a certificate under his hand stating what would, in his opinion, have been the tonnage of such ship if she had been duly measured according to Canadian law; and the tonnage so stated in such certificate shall, for the purposes of this section, be deemed to be the tonnage of such ship. R.S., c. 186, s. 905.

Recovery of penalties.

767. Unless in this Part otherwise provided, all penalties incurred thereunder may be recovered in the name of His Majesty, by any person named by the Minister or by any person aggrieved by any act, neglect or wilful omission by which the penalty is incurred. R.S., c. 186, s. 908.

Penalties sued for as for violation of by-laws of Harbour Commissioners.

768. All penalties incurred for any offence against this Part, shall, if such offence is committed within the jurisdiction of any Harbour Commissioners, be sued for, recovered, enforced and applied in like manner as penalties imposed for the violation of the by-laws of the said harbour commissioners within whose jurisdiction the offence is committed. R.S., c. 186, s. 909.

Application of penalties.

769. Except as aforesaid, all penalties recovered under this Part shall be paid over to the Receiver General and shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 186, s. 910.

PART XIV—SECTIONS 770-775.

COASTING TRADE IN CANADA.

General.

Foreign built British ships to be licensed.

770. (1) No foreign-built British ship, whether registered as a British ship in Canada or elsewhere, after the first day of September, one thousand nine hundred and two, shall be entitled to engage or take part in the coasting trade of Canada unless she has first obtained a licence for that purpose, which may be granted by the Minister of National Revenue.

Foreign built ships captured or ceded and on British registry.

(2) Any foreign-built vessel captured or seized during the war 1914-1919 by British forces or nationals and condemned as prize of war or ceded by enemy states to Great Britain or British nationals by the Reparations Commission under the peace treaties following the war, and placed on British registry, shall for the purposes of this Part and of the Customs Tariff be regarded as a British built ship and as entitled to engage in the coasting trade. R.S., c. 186, s. 933; 1924, c. 11, s. 1; 1927, c. 34, s. 5.

Duty to be paid.

771. The Minister of National Revenue shall issue a licence to any such foreign-built British ship upon application therefor and upon the payment of a duty of twenty-five per centum ad valorem on the fair market value of her hull, machinery, furniture and appurtenances. R.S., c. 186, s. 934.

British ships alone to engage in coasting trade.

772. (1) No ship other than a British ship shall engage in the coasting trade of Canada.

(2) If any ship engages in the coasting trade of Canada contrary to the provisions of this Part, the ship shall be liable to a penalty in respect of the goods so transported of fifty cents per ton of her register tonnage or of five hundred dollars, which ever is the greater, and a penalty in respect of the passengers so transported of two hundred dollars for each passenger or of five hundred dollars, whichever is the greater.

Penalty.

Forfeiture.

(3) Any goods so transported shall be forfeited as being smuggled goods.

Ship may be detained.

(4) The collector of customs at any port or place in Canada may, if he suspects that an offence against this Part has been committed detain the ship until the penalty has been paid and until the goods transported contrary to the provisions of this Part have been delivered up to be dealt with as goods forfeited hereunder.

Foreign vessel not to tow except in distress.

773. The master of any steamship, not being a British ship, engaged or having been engaged in towing any ship, vessel or raft, from one place in Canada to another, except in case of distress, shall incur a penalty of four hundred dollars; and that steamship may be detained by the collector of Customs at any port or place to or in which the ship, vessel or raft is towed, until the penalty is paid. R.S., c. 186, s. 936.

Penalty.

Power to suspend coasting laws.

774. The Governor in Council may, from time to time, by order in council declare that the foregoing provisions of this Part shall not, for the period specified in such order in council, apply, either throughout Canada, or in any specified waters of Canada, to the ships or vessels, or to any specified, ascertained or ascertainable class or number of the ships or vessels, of any foreign country. R.S., c. 186, s. 938.

Foreign ships privileged by treaty.

775. Where, by treaty made before the thirteenth day of May, one thousand eight hundred and sixty-nine, Her late Majesty, Queen Victoria, agreed to grant to any ships of any foreign state any rights or privileges in respect of the coasting trade of Canada, those rights and privileges shall be enjoyed by those ships for so long as Her late Majesty agreed, or His Majesty the King may hereafter agree to grant them. R.S., c. 186, s. 939.

PART XV—SECTIONS 776-784.

DELIVERY OF GOODS.

Delivery of Goods and Lien for Freight.

Shipowner to enter and land goods on default by owner.

776. (1) Where the owner of any goods imported in any ship into Canada fails to make entry thereof, or, having made entry thereto, to land the same or take delivery thereof, and to proceed therewith with all convenient speed, by the times severally hereinafter mentioned, the shipowner may make entry of and land or unship the goods at the following times:—

(a) If a time for the delivery of the goods is expressed in the charter party, bill of lading, or agreement, then at any time after the time so expressed;

(b) If no time for the delivery of the goods is expressed in the charter party, bill of lading, or agreement, then at any time after the expiration of seventy-two hours, exclusive of a Sunday or holiday, from the time of the report of the ship.

Goods placed on wharf or in warehouse.

(2) Where a shipowner lands goods in pursuance of this section he shall place them, or cause them to be placed,—

(a) If any wharf or warehouse is named in the charter party, bill of lading, or agreement, as the wharf or warehouse where the goods are to be placed and if they can be conveniently there received, on that wharf or in that warehouse; and,

(b) In any other case on some wharf or in some warehouse on or in which goods of a like nature are usually placed; the wharf or warehouse being, if the goods are dutiable, a wharf or warehouse duly approved by the Minister of Customs for the landing of dutiable goods.

Owner may land and enter goods.

(3) If at any time before the goods are landed or unshipped the owner of the goods is ready and offers to land or take delivery of the same, he shall be allowed to do so, and his entry shall in that case be preferred to any entry which may have been made by the ship-owner.

Assorting goods on discharge, and expense of landing and assortment.

(4) If any goods are, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the goods at the time of that landing has made entry and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, the goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment; and the expense of and consequent on that landing and assortment shall be borne by the shipowner.

Notice to owner before landing goods at wharf or warehouse not entered.

(5) If at any time before the goods are landed or unshipped the owner thereof has made entry for the landing and warehousing thereof at any particular wharf or warehouse other than that at which the ship is discharging, and has offered and been ready to take delivery thereof, and the ship-owner has failed to make that delivery, and has also failed at the time of that offer to give to the owner of the goods correct information of the time at which the goods can be delivered, then the ship-owner shall, before landing or unshipping the goods, in pursuance of this section, give to the owner of the goods or of such wharf or warehouse as last aforesaid twenty-four hours notice in writing of his readiness to deliver the goods, and shall, if he lands or unships the same without that notice, do so at his own risk and expense. M.S.A., s. 498.

Lien for freight on landing goods.

777. If at the time when any goods are landed from any ship, and placed in the custody of any person as a wharfinger or warehouseman, the ship-owner gives to the wharfinger or warehouseman notice in writing that the goods are to remain subject to a lien for freight or other charges payable to the ship-owner to an amount mentioned in the notice, the goods so landed shall, in the hands of the wharfinger or warehouseman, continue subject to the same lien, if any, for such charges as they were subject to before the landing thereof; and the wharfinger or warehouseman receiving those goods shall retain them until the lien is discharged as hereinafter mentioned, and shall, if he fails so to do, make good to the shipowner any loss thereby occasioned to him. M.S.A., s. 494.

Discharge of lien.

778. The said lien for freight and other charges shall be discharged,—

(a) upon the production to the wharfinger or warehouseman of a receipt for the amount claimed as due, and delivery to the wharfinger or warehouseman of a copy thereof or of a release of freight from the shipowner; and,

(b) upon the deposit by the owner of the goods with the wharfinger or warehouseman of a sum of money equal in amount to the sum claimed as aforesaid by the shipowner.

but in the latter case the lien shall be discharged without prejudice to any other remedy which the shipowner may have for the recovery of the freight. M.S.A., s. 495.

Deposits and notice by owners of goods.

779. (1) When a deposit as aforesaid is made with the wharfinger or warehouseman, the person making the same may, within fifteen days after making it, give to the wharfinger or warehouseman notice in writing to retain it, stating in the notice the sums, if any, which he admits to

be payable to the shipowner, or, as the case may be, that he does not admit any sum to be so payable, but if no such notice is given, the wharfinger or warehouseman may, at the expiration of the fifteen days, pay the sum deposited over to the shipowner.

Payment or tender to shipowner.

(2) If a notice is given as aforesaid the wharfinger or warehouseman shall immediately apprize the shipowner of it, and shall pay or tender to him out of the sum deposited the sum, if any, admitted by the notice to be payable, and shall retain the balance, or, if no sum is admitted to be payable, the whole of the sum deposited, for thirty days from the date of the notice.

Repayment to owner if no proceedings within thirty days.

(3) At the expiration of those thirty days unless legal proceedings have in the meantime been instituted by the shipowner against the owner of the goods to recover the said balance or sum, or otherwise for the settlement of any dispute which may have arisen between them concerning the freight or other charges as aforesaid, and notice in writing of those proceedings has been served on the wharfinger or warehouseman, the wharfinger or warehouseman shall pay the balance or sum to the owner of the goods.

Warehouseman discharged.

(4) A wharfinger or warehouseman shall by any payment under this section be discharged from all liability in respect thereof. M.S.A., s. 496.

Sale of goods by warehouseman.

780. (1) If the lien is not discharged, and no deposit is made as aforesaid, the wharfinger or warehouseman may, and if required by the shipowner, shall, at the expiration of ninety days from the time when the goods were placed in his custody, or, if the goods are of a perishable nature, at such earlier period as in his discretion he thinks fit, sell by public auction, either for home use or for exportation, the goods or so much thereof as may be necessary to satisfy the charges hereinafter mentioned.

Notice.

(2) Before making the sale the wharfinger or warehouseman shall give notice thereof by advertisement in two local newspapers circulating in the neighbourhood, and also, if the address of the owner of the goods has been stated on the manifest of the cargo, or on any of the documents which have come into the possession of the wharfinger or warehouseman, or is otherwise known to him, send notice of the sale to the owner of the goods by post.

Title to goods.

(3) The title of a bona fide purchaser of the goods shall not be invalidated by reason of the omission to send the notice required by this section, nor shall any such purchaser be bound to inquire whether the notice has been sent. M.S.A., s. 497.

Application of proceeds of sale.

781. The proceeds of sale shall be applied by the wharfinger or warehouseman as follows, and in the following order:—

(i) First, if the goods are sold for home use, in payment of any customs or excise duties owing in respect thereof; then,

(ii) in payment of the expenses of the sale; then,

(iii) In payment of the charges of the wharfinger or warehouseman and the shipowner according to such priority as may be determined by the terms of the agreement (if any) in that behalf between them; or, if there is no such agreement,—

(a) in payment of the rent, rates, and other charges due to the wharfinger or warehouseman in respect of the said goods; and then,

(b) in payment of the amount claimed by the shipowner as due for freight or other charges in respect of the said goods;

and the surplus, if any, shall be paid to the owner of the goods. M.S.A., s. 498.

Warehouseman's rent and expenses.

782. Whenever any goods are placed in the custody of a wharfinger or warehouseman, under the authority of this Part, the wharfinger or warehouseman shall be entitled to rent in respect of the same, and shall also have power, at the expense of the owner of the goods, to do all such reasonable acts as in the judgment of the wharfinger or warehouseman are necessary for the proper custody and preservation of the goods, and shall have a lien on the goods for the rent and expenses. M.S.A., s. 499.

Warehouseman's protection.

783. Nothing in this Part shall compel any wharfinger or warehouseman to take charge of any goods which he would not have been liable to take charge of if this Act had not been passed; nor shall be be bound to see to the validity of any lien claimed by any shipowner under this Part. M.S.A., s. 500.

Saving for powers under local Acts.

784. Nothing in this Part shall take away or abridge any powers given by any local Act to any harbour authority, body corporate, or persons, whereby they are enabled to expedite the discharge of ships or the landing or delivery of goods; nor shall anything in this Part take away or diminish any rights or remedies given to any shipowner or wharfinger or warehouseman by any local Act. M.S.A., s. 501.

PART XVI—SECTIONS 785–807.

LEGAL PROCEEDINGS.

Prosecutions and Penalties.

Prosecution of offences.

785. (1) Subject to any special provisions of this Act,—

(a) an offence under this Act, declared to be an indictable offence or to be punishable upon indictment, shall be punishable by penalty or by imprisonment for a term not exceeding seven years, with or without hard labour, but may, instead of being prosecuted as an indictable offence, be prosecuted summarily in manner provided by Part XV of the *Criminal Code*, and if so prosecuted shall be punishable with imprisonment for a term not exceeding twelve months, with or without hard labour, or with a penalty not exceeding five hundred dollars;

(b) all offences against this Act, other than offences expressed to be indictable, shall be punishable upon summary conviction in manner provided by Part XV of the *Criminal Code*, and the provisions of Part XV of the *Criminal Code* shall apply to those offences.

Rule or regulation.

(2) Any offence committed, or penalty recoverable, under a rule or regulation made in pursuance of this Act may be prosecuted or recovered in the same manner as an offence or penalty under this Act. M.S.A., s. 680. R.S., c. 186, s. 123, 308, 660, 709, 710, 790 (3), 805, 850.

Before whom offences may be tried.

786. (1) Any judge of the Superior Court of the Province of Quebec, judge of the sessions of the peace, judge of a county court, police magistrate or stipendiary magistrate, shall, for the purposes of all proceedings under this Act, have all the powers of two justices of the peace under the Criminal Code, and may try and determine in a summary way all offences punishable under this Act upon summary conviction whether by fine, penalty or imprisonment, or by both fine or penalty and imprisonment.

Two justices.

(2) Any two justices of the peace shall have the same jurisdiction. R.S., c. 186, s. 307.

Appeals where fine exceeds $25.

787. Where a person is convicted summarily of an offence under this Act, and the fine inflicted or the sum ordered to be paid exceeds twenty-five dollars, that person may appeal in manner provided by Part XV of the *Criminal Code*.

Limitation of time for summary proceedings.

788. Subject to any special provisions of this Act, neither a conviction for an offence nor an order for payment of money shall be made under this Act in any summary

proceeding instituted in Canada, unless that proceeding is commenced within six months after the commission of the offence or after the cause of complaint arises as the case may be; or, if both or either of the parties to the proceeding happen during that time to be out of Canada, unless the same is commenced, in the case of a summary conviction within two months, and in the case of a summary order within six months, after they both happen to arrive, or to be at one time, within Canada. M.S.A., s. 683. R.S., c. 186, s. 305, 306.

Jurisdiction.

Jurisdiction in case of offences.

789. (1) For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

Presumption of jurisdiction.

(2) If, in any legal proceeding under this Act, a question arises whether any ship or person is or is not within the provisions of this Act of or some Part thereof, the ship or person shall be taken to be within those provisions unless the contrary is proved. M.S.A., s. 684.

Jurisdiction over ships lying off the coasts.

790. (1) Where any district within which any court, justice of the peace, or other magistrate has jurisdiction either under this Act, or under any other Act or at common law, for any purpose whatever, is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, every such court, justice, or magistrate shall have jurisdiction over any vessel being on, or lying or passing off, that coast, or being in or near that bay, channel, lake, river, or navigable water, and over all persons on board that vessel or for the time being belonging thereto, in the same manner as if the vessel or persons were within the limits of the original jurisdiction of the court, justice, or magistrate. M.S.A., s. 685.

Added power of courts.

(2) The jurisdiction under this section shall be in addition to and not in derogation of any jurisdiction or power of a court under the *Criminal Code*.

Jurisdiction in case of offences on board ship.

791. Where any person, being a British subject, is charged with having committed any offence on board any British ship on the high seas or in any foreign port or harbour or on board any foreign ship to which he does not belong, or, not being a British subject, is charged with having committed any offence on board any British ship on the high seas, and that person is found within the jurisdiction of any court in Canada, which would have had cognizance of the offence if it had been committed on board

a British ship within the limits of its ordinary jurisdiction, that court shall have jurisdiction to try the offence as if it had been so committed. M.S.A., s. 686.

Offences by seamen in foreign ports.

792. All offences against property or person committed in or at any place either ashore or afloat out of His Majesty's dominions by any master, seamen, or apprentice who at the time when the offence is committed is, or within three months previous has been, employed in any British ship shall be deemed to be offences of the same nature respectively, and be liable to the same punishments respectively, and be inquired of, heard, tried, determined and adjudged in the same manner and by the same courts and in the same places as if those offences had been committed within Canada. M.S.A., s. 687.

Penalties at foot of sections or subsections.

793. The penalty, pecuniary or other, set out—

(a) at the foot of any section of this Act; or

(b) at the foot of any subsection of any section of this Act, but not at the foot of the section,

shall indicate that any contravention of the section or of the subsection respectively, whether by act or omission, shall be an offence against the Act, punishable upon conviction by a penalty not exceeding the penalty mentioned.

Provided that where the penalty is expressed to apply to a part only of the section or subsection, it shall apply to that part only. Australian Navigation Act, 1912.

Penalty where no other provision.

794. Any person who is guilty of any contravention or evasion of this Act for which no other penalty is provided shall be liable to a penalty of not more than fifty dollars. Australian Navigation Act, 1912, s. 393.

No stay of proceedings without order.

795. The proceedings upon any conviction or order shall not be stayed, by reason of any application to remove that conviction or order to a superior court or of any notice of that application, unless the court or judge to whom the application is made or is to be made shall order a stay of proceedings upon special cause shown. R.S., c. 186, s. 313.

County court judge may act.

796. In case no judge, having jurisdiction in respect of writs of *certiorari*, is resident at or near the place where any conviction or order is made, a county court judge of the county or district wherein that place is situate shall have power to hear and determine any application for a stay of proceedings upon that conviction or order. R.S., c. 186, s. 314.

Damage Occasioned by Foreign Ships.

Power to arrest foreign ship that has occasioned damage.

797. (1) Whenever any injury has in any part of the world been caused to any property belonging to His Majesty or to any of His Majesty's subjects by any foreign ship, and at any time thereafter that ship is found in any port or river of Canada or within three miles of the coast thereof, a judge of any court of record in Canada may, upon its being shown to him by any person applying summarily that the injury was probably caused by the misconduct or want of skill of the master or mariners of the ship, issue an order directed to any officer of Customs or other officer named by the judge or court, requiring him to detain the ship until such time as the owner, master or consignee thereof has made satisfaction in respect of the injury, or has given security, to be approved by the judge or court, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the injury, and to pay all costs and damages that may be awarded thereon; any officer of Customs or other officer to whom the order is directed shall detain the ship accordingly.

Detention of ship.

(2) Where it appears that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from the limits of Canada or three miles from the coast thereof, the ship may be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer shall not be liable for any costs or damages in respect of the detention unless the same is proved to have been made without reasonable grounds.

Defendant to proceedings.

(3) In any legal proceeding in relation to any such injury aforesaid, the person giving security shall be made defendant and shall be stated to be the owner of the ship that has occasioned the damage; and the production of the order of the judge or court, made in relation to the security, shall be conclusive evidence of the liability of the defendant to the proceeding. M.S.A., s. 688.

Conveyance of offenders and witnesses to Canada.

798. (1) Whenever any complaint is made to any British consular officer—

(a) that any offence against property or person has been committed at any place, either ashore or afloat, out of His Majesty's dominions by any master, seaman, or apprentice, who at the time when the offence was committed, or within three months before that time, was employed in any British ship registered in Canada; or

(b) that any offence on the high seas has been committed by any master, seaman, or apprentice belonging to any British ship so registered, that consular officer

may inquire into the case upon oath, and may, if the case so requires, take any steps in his power for the purpose of placing the offender under the necessary restraint and of sending him as soon as practicable in safe custody to Canada in any ship belonging to His Majesty or to any of His subjects, to be there proceeded against according to law.

Master to receive and afford passage and subsistence.

(2) The consular officer may order the master of any ship belonging to any subject of His Majesty bound to Canada to receive and afford a passage and subsistence during the voyage to any such offender as aforesaid, and to the witnesses, so that the master be not required to receive more than one offender for every one hundred tons of his ship's register tonnage, or more than one witness for every fifty tons of that tonnage; and the consular officer shall endorse upon the agreement of the ship such particulars with respect to any offenders or witnesses sent in her as the Minister requires.

Endorsement.

Delivery to police.

(3) Any master of a ship to whose charge an offender has been so committed shall, on his ship's arrival in Canada give the offender into the custody of some police officer or constable, and that officer or constable shall take the offender before a justice of the peace or other magistrate by law empowered to deal with the matter, and the justice or magistrate shall deal with the matter as in cases of offences committed upon the high seas.

Penalty for refusal of passage.

(4) If any master of a ship registered in Canada when required by any British consular officer to receive and afford a passage and subsistence to any offender or witness, does not receive him and afford a passage and subsistence to him, or does not deliver any offender committed to his charge into the custody of some police officer or constable as hereinbefore directed, he shall for each offence be liable to a fine not exceeding two hundred and fifty dollars.

Expenses.

(5) The expense of imprisoning any such offender and of conveying him and the witnesses to Canada in any manner other than in the ship to which they respectively belong, shall, where not paid as part of the costs of the prosecution, be paid out of moneys provided by Parliament. M.S.A., s. 689.

Depositions received when witness cannot be produced.

799. (1) Whenever in the course of any legal proceeding instituted in Canada before any judge or magistrate, or before any person authorized by the law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter of that proceeding, then upon due proof that the witness cannot be found in Canada, any deposition that the witness may have previously made on oath in relation to the same subject matter before any justice or magistrate in His Majesty's dominions, or any British consular officer elsewhere, shall be admissible in evidence: Provided that:—

(a) If the deposition was made in Canada, it shall not be admissible in any proceeding instituted in Canada.

(b) If the proceeding is criminal it shall not be admissible, unless it was made in the presence of the person accused.

Deposition to be certified.

(2) A deposition so made shall be authenticated by the signature of the judge, magistrate, or consular officer before whom it is made; and the judge, magistrate or consular officer shall certify, if the fact is so, that the accused was present at the taking thereof.

Certificate as evidence.

(3) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition, and in any criminal proceeding a certificate under this section shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified. M.S.A., s. 691.

Detention of Ship and Distress on Ship.

Enforcing detention of ship.

800. (1) Where under this Act a ship is to be or may be detained, any commissioned officer on full pay in the naval or military service of His Majesty or of the naval or military forces of Canada or any officer of Customs may detain the ship, and if the ship after detention or after service on the master of any notice of or order for detention proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if that owner or person is party or privy to the offence, shall incur, for each offence, a penalty not exceeding five hundred dollars.

Penalty.

Taking detention officer to sea.

(2) Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorized to detain the ship, or any officer of Customs, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer being so taken to sea, and also to a penalty not exceeding five hundred dollars, or, if the offence is not prosecuted in a summary manner, not exceeding fifty dollars for every day until the officer returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, and the expenses ordered to be paid may be recovered in like manner as the penalty.

Penalty.

Clearance refused.

(3) Where under this Act a ship is to be detained an officer of Customs shall, and where under this Act a ship may be detained an officer of Customs may, refuse to clear that ship outwards.

Officer defined.

(4) Where any provision of this Act provides that a ship may be detained until any document is produced to the proper officer of Customs, the proper officer shall mean, unless the context otherwise requires, the officer able to grant a clearance to such ship. M.S.A., s. 692.

Ship may be seized and sold if penalty not paid.

801. (1) In every case in which a conviction has been secured against the owner, of a ship for a violation of any of the provisions of this Act, and a money penalty has been imposed, the ship shall, if the penalty is not paid forthwith, be liable to be seized and after such reasonable notice as the Minister may, in each case, prescribe, may be sold by any chief officer of Customs or any person authorized for that purpose in writing by the Minister, and that chief officer or person may, by bill of sale, give to the purchaser a valid title to the ship free from any mortgage or other claim thereon which at the time of that sale may be in existence.

Surplus paid over.

(2) Any surplus remaining from the proceeds of sale after paying the amount of the said penalty and the costs of conviction, together with the costs of the seizure and sale, shall be paid over to the owner of the ship, or the mortgagee, as the case may be. R.S., c. 186, s. 656.

Distress on ship for sums ordered to be paid.

802. Where any court, justice of the peace, or other magistrate has power to make an order directing payment to be made of any seaman's wages, penalties, or other sums of money, then, if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in the manner prescribed in the order, the court, justice of the peace, or magistrate who made the order may, in addition to any other powers they may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied in distress or poinding and sale of the ship, her tackle, furniture and apparel. M.S.A. 693.

Evidence, Service of Documents, and Declarations

Proof of attestation.

803. Where any document is required by this Act to be executed in the presence of or to be attested by any witness or witnesses, that document may be proved by the evidence of any person who is able to bear witness to the requisite facts without calling the attesting witness or the attesting witnesses or any of them. M.S.A. s. 694.

Evidence of Witnesses.

Examination *de bene esse.*

804. The examination of any seaman liable to be obliged to leave the province in which any offence against this Act is prosecuted, or of any witness sick, infirm or about to leave that province, may be taken *de bene esse* before any commissioner or other proper authority, in the same manner as depositions in civil cases are taken. R.S., c. 186, s. 320.

Admissibility of documents in evidence.

805. (1) Where a document is by this Act declared to be admissible in evidence, that document shall, on its production from the proper custody, be admissible in evidence in any court or before any person having by law or consent of parties authority to receive evidence, and, subject to all just exceptions, shall be evidence of the matters stated therein in pursuance of this Act or by any officer in pursuance of his duties as such officer.

Certified copies admitted.

(2) A copy of any such document or extract therefrom shall also be so admissible in evidence if proved to be an examined copy or extract, or if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted, and that officer shall furnish such certified copy or extract to any person applying at a reasonable time for the same, upon payment of a reasonable sum for the same, not exceeding ten cents for every folio of ninety words, but a person shall be entitled to have,—

(a) a certified copy of the particulars entered by the registrar in the register book on the registry of the ship, together with a certified statement showing the ownership of the ship at the time being; and,

(b) a certified copy of any declaration or document, a copy of which is made evidence by this Act; on payment of twenty-five cents for each copy.

Penalty for false certificate.

(3) If any such officer wilfully certifies any document as being a true copy or extract knowing the same not to be a true copy or extract, he shall be guilty of an indictable offence and be liable on conviction to imprisonment for any term not exceeding eighteen months.

Forgery or counterfeits.

(4) If any person forges the seal, stamp, or signature of any document to which this section applies, or tenders in evidence any such document with a false or counterfeit seal, stamp, or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of an indictable offence, and be liable to imprisonment for a term not exceeding seven years, with or without hard labour, and whenever any such document has been admitted in evidence, the court or the person who admitted the same may on request direct that the same shall be impounded, and be kept in the custody of some officer of the court or other proper person for such period or subject to such conditions as the court or person thinks fit. M.S.A., s. 695.

Penalty.

Service of documents.

806. (1) Where for the purposes of this Act any document is to be served on any person, that document may be served,—

(a) in any case by delivering a copy thereof personally to the person to be served, or by leaving the same at his last place of abode; and,

(b) if the document is to be served on the master of a ship, where there is one, or on a person belonging to a ship, by leaving the same for him on board that ship with the person being or appearing to be in command or charge of the ship; and,

(c) if the document is to be served on the master of a ship, where there is no master, and the ship is in Canada, on the managing owner of the ship, or, if there is no managing owner, on some agent of the owner residing in Canada, or where no such agent is known or can be found, by affixing a copy thereof to the mast of the ship.

Obstructing service.

(2) If any person obstructs the service on the master of a ship of any document under the provisions of this Act relating to the detention of ships as unseaworthy, that person shall, for each offence, incur a penalty not exceeding fifty dollars and, if the owner or master of the ship is party or privy to the obstruction, he shall in respect of each offence be guilty of an indictable offence. M.S.A., s. 696.

Penalty.

Application of Penalties.

Application of penalties.

807. (1) Where any court, justice of the peace, or other magistrate, imposes a penalty under this Act for which no specific application is provided in this Act, that court, justice of the peace or magistrate may if they think fit direct the whole or any part of the penalty to be applied in compensating any person for any wrong or damage which he may have sustained by the Act or default in respect of which the penalty is imposed, or to be applied in or towards payment of the expenses of the proceedings.

Paid to Receiver General.

(2) Subject to any specific application provided under this Act, all penalties under this Act shall, notwithstanding anything in any other Act, be paid to the Receiver General and shall be by him placed to the credit of the consolidated revenue fund of Canada. M.S.A., s. 699.

PART XVII—SECTIONS 808-821

SUPPLEMENTAL

Stevedors and Trimmers.

Power to arrest ship on claim for work done in stowing cargo, etc.

808. (1) If it is claimed that any sum is due to any person from the owners of a ship for work done at any place in any province of Canada by that person in connection with the stowing or discharging of cargoes on board or from that ship, or the trimming of coal on board that ship, and that ship is at any time found in any place in Canada or within three miles of the coast thereof, a judge or local judge of the Exchequer Court on its Admiralty side may, upon its being shown to him by any person applying in accordance with rules of court that *prima facie* the claim against the owners is a good claim and that none of the owners reside in the province in which the application is made, issue an order for the arrest of the ship.

Order to detain ships until satisfaction has been made.

(2) An order under this Act shall be directed to a marshall of the court or to some officer of customs, or some other officer named in the order, and shall require him to detain the ship until such time as satisfaction has been made by the owners, agent, master, or consignee thereof in respect of the claim, or until security to be approved by the judge, has been given by them or him, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the claim, and to pay all costs and damages that may be awarded thereon, and where any such order is made, the officer to whom the order is directed shall detain the ship accordingly.

Person giving security to be made defendant.

(3) In any legal proceedings in relation to any such claim as aforesaid, the person giving security shall be made defendant, and shall be stated to be the owner of the ship in respect of which the work giving rise to the claim was done, and the production of the order of the judge, made in relation to the security, shall be conclusive evidence of the liability of the defendant to the proceedings.

If complaint made that ship will have departed, etc.

(4) Where a complaint is made to the Minister that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from the limits of Canada or three miles from the coast thereof, the ship shall, if the Minister so direct, be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer shall not be liable for any costs or damages in respect of the detention if made in accordance with the directions of the Minister.

Section 797 to apply.

(5) Section seven hundred and ninety seven shall apply to the detention of a ship under this Act as it applies to the detention of a ship under Part XVI.

If the owner is a corporation.

(6) If the owner of a ship is a corporation, the owner shall, for the purposes of this Act, be deemed to reside in the province where the application is made if the corporation has an office in that province at which service of writs can be effected. M.S.A., 1911, c. 41.

Application of Act where a ship is demised to charterers.

809. Where a ship has been demised to charterers, the provisions of this Act shall apply to claims against the charterers of the ship as they apply to claims against the owners of a ship, with the substitution of charterers for owners:

Provided that no ship shall be detained on a claim against the charterers of the ship after the expiration of the term for which the ship was demised to them. M.S.A., 1911, c. 41.

Proceedings in Admiralty.

810. Nothing in this Act shall affect the power of any person to enforce any claim to which this Act applies otherwise than in accordance with the provisions of this Act and any person having a claim to which this Act applies may, if he so desires, instead of proceeding under the foregoing provisions of this Act institute proceedings in Admiralty for enforcing the claim in accordance with the ordinary rules of practice of the Exchequer Court of Canada on its Admiralty side, and such court shall, if proceedings are so instituted, have the same jurisdiction for the purpose of enforcing the claim as if the claim were a claim for necessaries supplied to the ship. M.S.A., 1911, c. 41.

Application to British Ship Registered Elsewhere than in Canada.

Power to exempt British ships registered out of Canada from certain provisions.

811. Where the Governor in Council is satisfied that British ships registered in a part of His Majesty's dominions outside Canada, or ships registered in a port of a territory over which His Majesty exercises jurisdiction, are required by the law of that part of His Majesty's dominions or the law in force in that territory to comply with any provisions which are substantially the same as, or equally effective with, any of the provisions of this Act which apply to such ships if, but only if, they are within a port of Canada, the Governor may, by Order in Council, direct that any such provisions of this Act as aforesaid shall not apply to any ship registered in that part of His Majesty's dominions, or in that territory, whilst within a port in Canada, if it is proved that the ship complies with the corresponding provision of the law of the part of His Majesty's dominions

or territory in which the ship is registered. M.S.A., 1925, c. 27.

Power to exempt foreign ships from certain provisions.

812. Where the Governor in Council is satisfied that—

(a) ships of a foreign country are required by the law of that country to comply with any provisions which are substantially the same as or equally effective with any provisions of this Act which apply to foreign ships while they are within a port of Canada, and

(b) that country has made or has undertaken to make provision for the exemption of British ships registered in Canada, while they are within a port of that country, from the corresponding requirement of the law of that country;

the Governor may, by Order in Council, direct that any such provisions of this Act, as aforesaid, shall not apply to any ship of that country within a port of Canada, if it is proved that the ship complies with the corresponding provisions of the law of that country applicable to that ship. M.S.A., 1925, c. 27.

Documents and Forms.

Proof of documents.

813. All documents purporting to be made, issued or written by or under the direction of the Minister, or, if a certificate, to be signed by one of the officers of the Department, shall be admissible in evidence in manner provided by this Act. M.S.A., 719.

Forms.

814. (1) The forms in the tenth and eleventh Schedules to this Act, unless and until altered as hereinafter provided, shall be the forms to be used wherever forms are required under this Act.

Sanctioned by Minister.

(2) Subject to any special provisions of this Act, the Minister may prepare, or cause to be prepared, and sanction forms for any book, instrument or paper required under this Act, and may make such alterations in those forms as he thinks fit.

Marks and notice of change.

(3) The Minister shall cause every such form to be marked with some distinguishing mark, and before finally issuing any form or making any alteration in a form shall cause public notice thereof to be given in such manner as the Minister thinks requisite in order to prevent inconvenience.

Supply of forms.

(4) The Minister shall cause all such forms to be supplied at all Custom houses and shipping offices in Canada, free of charge, or at such moderate prices as the Minister may fix, or the Minister may license any persons to print and sell the forms. M.S.A., 720.

Offences as to use of forms.

815. If any person prints, sells or uses any document purporting to be a form approved by the Minister, knowing the same not to be the form approved for the time being or not to have been prepared or issued under the sanction of the Minister, that person shall, for each offence, incur a penalty not exceeding fifty dollars. M.S.A., 722.

Penalty.

Powers for Enforcing Compliance with Act.

Powers of officers to enforce compliance with Act.

816. (1) Where any of the following officers, namely:—

Any commissioned officer of any of His Majesty's ships (including His Majesty's Canadian Navy) on full pay;

Any chief officer of Customs in any place in His Majesty's dominions; or,

Any shipping master;

has any reason to suspect that the provisions of this Act, or any law for the time being in force relating to shipping or navigation is not complied with, that officer may,—

(*a*) require the owner, master or any of the crew of any British ship registered in Canada to produce any official log-books or other documents relating to the crew or any member thereof in their respective possession or control;

(*b*) require such master to produce a list of all persons on board his ship, and take copies of the official log-books or documents, or of any part thereof;

(*c*) muster the crew of any ship; and

(*d*) summon the master to appear and give any explanation concerning the ship or her crew or the official log-books or documents produced or required to be produced.

Refusing or neglecting to comply.

(2) If any person, on being duly required by an officer authorized under this section, fails without reasonable cause to produce to that officer any such official log-book or document as he is required to produce under this section, or refuses to allow the same to be inspected or copied, or impedes any muster of the crew required under this section, or refuses or neglects to give any explanation which he is required under this section to give, or knowingly misleads or deceives any officer authorized under this section to demand any such explanation, that person shall, for each offence, incur a penalty not exceeding one hundred dollars. M.S.A., 723.

Penalty.

Duties of registrars, officers of customs and shipping masters.

817. Canadian registrars, officers of customs and shipping masters shall carry out such duties and requests (not inconsistent with the provisions of this Act) with respect to British ships registered in His Majesty's dominions out of Canada as the Government of any part of His Majesty's dominions shall impose upon and request of him by its law in connection with ships of that part whilst they are in Canada.

Exemption of Transports from Port and Harbour Dues.

Transports exempted from dues.

818. All transports or vessels employed exclusively in carrying troops shall be exempt from any port or harbour dues at any port or harbour in Canada, whether the same are imposed directly by the Parliament of Canada, or by any local or other authorities subject to its control. R.S., c. 186, s. 948.

Orders in Council, Rules and Regulations.

Publication.

819. (1) Every Order in Council, rule and regulation, made under authority conferred by this Act, shall be published in The Canada Gazette.

Effect.

(2) Subject to any special provisions of this Act, upon the publication of any such Order in Council, rule or regulation, the Order in Council, rule or regulation shall, as from the date of the publication or any later date mentioned therein, take effect as if it were enacted by Parliament. M.S.A., s. 738.

Transmission and Publication of Documents.

Documents in writing.

820. (1) Where by this Act any notice, authority, order, direction or other communication is required or authorized to be given or made by the Minister to any person not being an officer of the Department, the same shall be given or made in writing.

Notices registered.

(2) Where any notice or demand is by this Act required or authorized to be transmitted or sent, the same may be transmitted or sent by registered post. M.S.A., s. 739.

Acts repealed.

821. The Acts mentioned in the thirteenth Schedule to this Act are hereby repealed to the extent specified in the third column of the Schedule.

LIST OF SCHEDULES.

Canada Shipping Act.

No.	Description.	Sections in Act where mentioned.
FIRST	Part I.—Draft Convention fixing the minimum age for admission of children to employment at sea Part II.—Convention concerning unemployment indemnity in case of loss or foundering of a ship Part III.—Convention fixing the minimum age for the admission of young persons to employment as trimmers or stokers Part IV.—Convention concerning the compulsory medical examination of children and young persons employed at sea	
SECOND	International Convention concerning Seamens' Articles of Agreement adopted at the International Labour Conference at Geneva on 24th June, 1926	
THIRD	International Convention concerning the Repatriation of Seamen adopted at the International Labour Conference at Geneva on 23rd June, 1926	
FOURTH	Safety Convention	
FIFTH	Load Line Convention	
SIXTH	Part I.—Forms Part II.—List of forms to be prescribed	
SEVENTH	Measurement of Tonnage Rules	
EIGHTH	Regulations to be observed with respect to accommodation on board ships	
NINTH	Particulars to be registered by master of a ship concerning a birth at sea	
TENTH	Statement in the case of Salvage by Government Ships	
ELEVENTH	Forms (A to X)	
TWELFTH	Declaration of Secrecy of Radiotelegraph Operator	
THIRTEENTH	Repeal of Previous Acts	

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL K.

An Act for the relief of Auguste Burdayron.

Read a first time, Wednesday, 15th March, 1933.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
59120 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL K.

An Act for the relief of Auguste Burdayron.

Preamble.

WHEREAS Auguste Burdayron, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, chef, has by his petition alleged that on the eighteenth day of March, A.D. 1915, at the said city, he and Béatrice Amélia Montreuil, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Auguste Burdayron and Béatrice Amélia Montreuil, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Auguste Burdayron may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Béatrice Amélia Montreuil had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL L.

An Act for the relief of Nora Tulloch Carr.

Read a first time, Wednesday, 15th March, 1933.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
54159 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL L.

An Act for the relief of Nora Tulloch Carr.

Preamble.

WHEREAS Nora Tulloch Carr, residing at the city of Montreal, in the province of Quebec, secretary, wife of Henry Wilfrid Carr, manager, who is domiciled in Canada residing and at the said city, has by her petition alleged that they were married on the fifteenth day of February, A.D. 1919, in the parish of Barnes, in the county of Surrey, England, she then being Nora Tulloch, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Nora Tulloch and Henry Wilfrid Carr, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Nora Tulloch may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Henry Wilfrid Carr had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL M.

An Act for the relief of Alberta Grace Wood.

Read a first time, Wednesday, 15th March, 1933.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
59122 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL M.

An Act for the relief of Alberta Grace Wood,

Preamble.

WHEREAS Alberta Grace Wood, residing at the city of Ottawa, in the province of Ontario, sales clerk, wife of Percival Lester Wood, clerk, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the twenty-sixth day of April, A.D. 1922, at the village of Milverton, in the province of Ontario, she then being Alberta Grace Hehn, otherwise known as Alberta Grace Hayne, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Alberta Grace Hehn, otherwise known as Alberta Grace Hayne and Percival Lester Wood, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Alberta Grace Hehn, otherwise known as Alberta Grace Hayne may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Percival Lester Wood had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL N.

An Act for the relief of Hilda Nice Allen.

Read a first time, Wednesday, 15th March, 1933.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
59119 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL N.

An Act for the relief of Hilda Nice Allen.

Preamble.

WHEREAS Hilda Nice Allen, residing at the city of Westmount, in the province of Quebec, clerk, wife of George Robinson Allen, agent, who is domiciled in Canada and formerly resided at the city of Montreal, in the said province, has by her petition alleged that they were married on the eighteenth day of June, A.D. 1921, at the town of Montreal West, in the said province, she then being Hilda Nice, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Hilda Nice and George Robinson Allen, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Hilda Nice may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Robinson Allen had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL O.

An Act for the relief of Mary Louise Robinson Reid.

Read a first time, Wednesday, 15th March, 1933.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
55774 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL O.

An Act for the relief of Mary Louise Robinson Reid.

Preamble.

WHEREAS Mary Louise Robinson Reid, residing at the city of Montreal, in the province of Quebec, secretary, wife of Victor John Reid, salesman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-fifth day of April, A.D. 1928, at the said city, she then being Mary Louise Robinson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Louise Robinson and Victor John Reid, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Louise Robinson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Victor John Reid had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL P.

An Act for the relief of Elizabeth Bernstein Schmerling.

Read a first time, Wednesday, 15th March, 1933.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
55610 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL P.

An Act for the relief of Elizabeth Bernstein Schmerling.

Preamble.

WHEREAS Elizabeth Bernstein Schmerling, residing at the city of Montreal, in the province of Quebec, advertising agent, wife of Samuel Schmerling, pharmacist, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighth day of April, A.D. 1924, at the said city, she then being Elizabeth Bernstein, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Elizabeth Bernstein and Samuel Schmerling, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Elizabeth Bernstein may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Samuel Schmerling had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL Q.

An Act respecting The Quebec, Montreal and Southern Railway Company.

Read a first time, Wednesday, 29th March, 1933.

Honourable Senator BÉIQUE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
60741 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL Q.

An Act respecting The Quebec, Montreal and Southern Railway Company.

Preamble.

WHEREAS The Quebec, Montreal and Southern Railway Company, hereinafter called "the Company", has by its petition represented that under the authority of chapter fifteen of the statutes of 1929, it has sold the whole of its undertaking, railway and appurtenances, and prays that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Distribution of assets authorized.

1. The Company is hereby authorized to wind up its affairs by distributing its assets or the proceeds thereof among its stockholders *pro rata* to their respective holdings.

Powers under c. 150, 1906, to be null and void.

2. Upon the completion of the said distribution which shall be made within ninety days after the passing of this Act, the Company shall file with the Secretary of State a declaration stating that such distribution has taken place, and the powers of the Company under chapter one hundred and fifty of the statutes of 1906, shall thereupon cease and be null and void.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL R.

An Act for the relief of Birdie Glickman Steinberg.

Read a first time, Thursday, 30th March, 1933.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
60387 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL R.

An Act for the relief of Birdie Glickman Steinberg.

Preamble.

WHEREAS Birdie Glickman Steinberg, residing at the city of Westmount, in the province of Quebec, wife of Jack Steinberg, manufacturer, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-third day of November, A.D. 1926, at the said city of Westmount, she then being Birdie Glickman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Birdie Glickman and Jack Steinberg, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Birdie Glickman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Jack Steinberg had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL S.

An Act for the relief of Harry Prupas.

Read a first time, Thursday, 30th March, 1933.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
55342 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL S.

An Act for the relief of Harry Prupas.

Preamble.

WHEREAS Harry Prupas, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, hairdresser, has by his petition alleged that on the twenty-seventh day of December, A.D. 1925, at the said city, he and Esther Braunstein, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Harry Prupas and Esther Braunstein, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Harry Prupas may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Esther Braunstein had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL T.

An Act for the relief of Olga Shidlowskaya Lowrey.

Read a first time, Thursday, 6th April, 1933.

The Honourable the Chairman of the
Committee on Divorce

OTTAWA
J. O. PATENAUDE
ACTING PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
59547 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL T.

An Act for the relief of Olga Shidlowskaya Lowrey.

Preamble.

WHEREAS Olga Shidlowskaya Lowrey, residing at the city of Montreal, in the province of Quebec, wife of John Douglas Lowrey, insurance agent, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twelfth day of January, A.D. 1931, at the said city, she then being Olga Shidlowskaya, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Olga Shidlowskaya and John Douglas Lowrey, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Olga Shidlowskaya may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Douglas Lowrey had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL U.

An Act for the relief of Emily Florence Lawrence Knight.

Read a first time, Tuesday, 2nd May, 1933.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, ACTING KING'S PRINTER
1933

60714

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL U.

An Act for the relief of Emily Florence Lawrence Knight.

Preamble.

WHEREAS Emily Florence Lawrence Knight, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Leslie Knight, painting contractor, who is domiciled in Canada and residing at the city of Longueuil, in the said province, has by her petition alleged that they were married on the twenty-fifth day of October, A.D. 1927, at the said city of Montreal, she then being Emily Florence Lawrence, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Emily Florence Lawrence and Leslie Knight, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Emily Florence Lawrence may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Leslie Knight had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL V.

An Act for the relief of Marjorie Bertha Willcox.

Read a first time, Tuesday, 2nd May, 1933.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, ACTING KING'S PRINTER
60442 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL V.

An Act for the relief of Marjorie Bertha Willcox.

Preamble.

WHEREAS Marjorie Bertha Willcox, residing at the city of Quebec, in the province of Quebec, secretary-treasurer, wife of Frederick Ernest Willcox, clerk, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the seventh day of June, A.D., 1924, at the city of London, England, she then being Marjorie Bertha Wall, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marjorie Bertha Wall and Frederick Ernest Willcox, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marjorie Bertha Wall may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frederick Ernest Willcox had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL W.

An Act for the relief of George Andrew Carruthers.

Read a first time, Wednesday, 3rd May, 1933.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, ACTING KING'S PRINTER
61096 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL W.

An Act for the relief of George Andrew Carruthers.

Preamble.

WHEREAS George Andrew Carruthers, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, grain and lumber merchant, has by his petition alleged that on the twenty-fourth day of October, A.D. 1925, at the city of Atlantic City, in the state of New Jersey, one of the United States of America, he and Catherine Cassidy Armstrong, who was then of the city of New York, in the state of New York, one of the United States of America, a widow, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between George Andrew Carruthers and Catherine Cassidy Armstrong, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said George Andrew Carruthers may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Catherine Cassidy Armstrong had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL X.

An Act for the relief of Lilias Torrance Newton.

Read a first time, Wednesday, 3rd May, 1933.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, ACTING KING'S PRINTER
59815 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL X.

An Act for the relief of Lilias Torrance Newton.

Preamble.

WHEREAS Lilias Torrance Newton, residing at the city of Montreal, in the province of Quebec, artist, wife of Frederick Gilbert Newton, broker, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the first day of June, A.D. 1921, at the city of Lachine, in the said province, she then being Lilias Torrance, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lilias Torrance and Frederick Gilbert Newton, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lilias Torrance may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frederick Gilbert Newton had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL Y.

An Act for the relief of Hilda Mary Falkenberg Gilmour.

Read a first time, Wednesday, 3rd May, 1933.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, ACTING KING'S PRINTER
60438 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL Y.

An Act for the relief of Hilda Mary Falkenberg Gilmour.

Preamble.

WHEREAS Hilda Mary Falkenberg Gilmour, residing at the city of Montreal, in the province of Quebec, wife of Kenneth Farquharson Gilmour, bank manager, who is domiciled in Canada and residing at the city of Westmount, in the said province, has by her petition alleged that they were married on the twenty-eighth day of April, A.D. 1904, at the city of Quebec, in the said province, she then being Hilda Mary Falkenberg Pentland, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Hilda Mary Falkenberg Pentland and Kenneth Farquharson Gilmour, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Hilda Mary Falkenberg Pentland may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Kenneth Farquharson Gilmour had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL Z.

An Act for the relief of Eva Amy Falle Jordan.

Read a first time, Wednesday, 3rd May, 1933.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, ACTING KING'S PRINTER
59953 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL Z.

An Act for the relief of Eva Amy Falle Jordan.

Preamble.

WHEREAS Eva Amy Falle Jordan, residing at the city of Montreal, in the province of Quebec, dressmaker, wife of Richard Dean Jordan, machinist, who is domiciled in Canada and residing at the town of Walkerville, in the province of Ontario, has by her petition alleged that they were married on the twenty-third day of December, A.D. 1906, at the said city of Montreal, she then being Eva Amy Falle, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Eva Amy Falle and Richard Dean Jordan, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Eva Amy Falle may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Richard Dean Jordan had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL A[1].

An Act for the relief of Joseph Claremont Carroll.

Read a first time, Wednesday, 3rd May, 1933.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, ACTING KING'S PRINTER
62826 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL A[1].

An Act for the relief of Joseph Claremont Carroll.

Preamble.

WHEREAS Joseph Claremont Carroll, domiciled in Canada and residing at the town of Senneterre, in the county of Abitibi, in the province of Quebec, prospector, has by his petition alleged that on the twenty-seventh day of October, A.D. 1928, at the city of Winnipeg, in the province of Manitoba, he and Marjorie Aida Barrack, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved: and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joseph Claremont Carroll and Marjorie Aida Barrack, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Claremont Carroll may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marjorie Aida Barrack had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL B[1].

An Act for the relief of Venita Angeline Scotten Kendall.

Read a first time, Wednesday, 3rd May, 1933.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, ACTING KING'S PRINTER
61158 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL B[1].

An Act for the relief of Venita Angeline Scotten Kendall.

Preamble.

WHEREAS Venita Angeline Scotten Kendall, residing at the city of Montreal, in the province of Quebec, wife of John Young Kendall, contractor, who is domiciled in Canada and residing at the city of Westmount, in the said province, has by her petition alleged that they were married on the eighteenth day of September, A.D. 1919, at the city of New York, in the state of New York, one of the United States of America, she then being Venita Angeline Scotten, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Venita Angeline Scotten and John Young Kendall, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Venita Angeline Scotten may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Young Kendall had not been solemnized.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL C[1].

An Act to amend the Canada Shipping Act.

Read a first time, Thursday, May 4, 1933.

The Right Honourable SENATOR MEIGHEN, P.C.

OTTAWA
J. O. PATENAUDE, ACTING KING'S PRINTER
63553 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL C[1].

An Act to amend the Canada Shipping Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The *Canada Shipping Act*, being chapter one hundred and eighty-six of the *Revised Statutes of Canada, 1927*, is amended in the following set forth respects—

(1) By adding as subsection three to section four hundred and fourteen the following—

May delegate duties by way of confirmed by-law.

"**3.** Whenever the Minister is so appointed as the pilotage authority his appointment shall, without more, extend to his successors in office, to any other Minister acting in his stead and to the Minister's lawful deputy, and the Minister or any person to whom by force of this subsection his appointment extends may, in such case, by way of by-law confirmed by the Governor in Council—

(a) authorize the superintendent of pilots in the district concerned to exercise therein all the powers and functions of such authority; or

(b) for such time or such purpose as he may decide and define, authorize any person to exercise in such district any particular power or function which by this Act or by any by-law made under it is for the time being vested in him as such authority.

(2) By repealing sections six hundred and seventy-four and six hundred and eighty-one and substituting therefor the following:—

Appointment of Inspectors of ships' tackle.

"**681.** The Governor in Council may from time to time appoint at such places in Canada as he deems advisable one or more persons to inspect ships' tackle and to supervise to such extent as may be necessary for the protection of those employed in the work of loading and unloading of ships.

EXPLANATORY NOTES.

414 (3).

The object of these provisions, which are new, is to avoid the necessity of actual attendance of the Minister as pilotage authority, possibly at Halifax or Vancouver, in certain cases and to attach the powers of the authority to the department rather than to the *persona* of the Minister.

681 to **681**E inclusive.

These sections which are almost wholly new are intended to implement the provisions of the Convention concerning protection against accidents of workers employed in loading or unloading ships, signed at Geneva on the 27th day of April, 1932.

A provision is introduced to allow of the collection of fees from ship owners to cover the cost of tackle inspection, i.e., salaries and travelling expenses of Tackle Inspectors. This is new.

It is estimated that there will be about 12 Tackle Inspectors and about 600 ships requiring inspection.

Fees should only be charged against ships which loaded or unloaded at a port where tackle inspection was carried out, and a ship should be liable for the payment of a fee only once in the calendar year. Thus, if a ship came to Montreal once she would pay the same fee as if she came ten times in the season.

Tackle inspection at present is carried out under the provisions of section 674 of chapter 186, and section 681 of that chapter is a penalty clause. These sections are proposed by this Bill to be repealed.

2. Such persons shall be known as Inspectors of Ships' Tackle. They shall perform their duties under the direction of the Chairman of the Board of Steamboat Inspection and in accordance with such regulations as may be made by the Governor in Council."

Regulations for protection of workers against accidents while loading or unloading ships.

"**681A.** The Governor in Council may make regulations designed to give effect to the Draft Convention concerning the protection against accident of workers employed in loading or unloading ships, adopted at Geneva on the twenty-seventh day of April, one thousand nine hundred and thirty-two, and having regard in particular to the following:—

(a) the strength of machinery, tackle and gear and their fitness for the purpose for which they are intended;

(b) the provision of proper safe gangways, stagings and matters of a like character;

(c) protection in the way of rails or other sufficient protection at openings through decks and around wharves and docks;

(d) illumination of holds and decks of ships, and docks or wharves at which ships may be loading or unloading;

(e) provision of means for attending to persons injured.

Penalty.

2. Any person who contravenes any regulation made under this section shall be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars."

Powers of Inspectors.

"**681B.** An Inspector of Ships' Tackle may in the exercise of his duties as such,—

(a) go at all reasonable times on board any ship or on any wharf or dock at which any ship is, for the purpose of loading or unloading, alongside, and

(b) demand from the owner or master of such ship or from the person in charge of the loading or unloading thereof reasonable assistance and pertinent information.

Penalty.

2. Any person who impedes, obstructs or prevents any Inspector of Ships' Tackle in the exercise of his duties, or refuses him reasonable assistance or full and truthful answer to any pertinent question put with relation to any machinery or tackle or to any accident, shall be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars."

"**681C.** If any Inspector of Ships' Tackle—

May order cessation of loading or unloading.

(a) is of opinion that any person employed in the loading or unloading of any ship is exposed to undue risk on account of the condition of any machinery, tackle, stagings or the like or on account of the way in which the operation is being carried on, or

(b) finds that any regulations which the Governor in Council shall have made in respect of the loading or unloading of ships are not being complied with

he may and shall order, orally or otherwise, addressing such order to the owner, master and other person in charge of the loading or unloading of such ship or to any of them, that the operation of loading or unloading such ship shall cease.

Penalty.

2. If any person so ordered continues the operation of loading or unloading or allows it to be continued he shall be liable to a penalty not exceeding five hundred dollars and not less than one hundred dollars."

Fees.

"**681D.** The Governor in Council may, by regulation, prescribe a scale of fees to be paid yearly and every year by the owner or master of every ship of one thousand tons gross tonnage and upwards which loads or unloads cargo at a port in Canada. Such fees shall be payable at such times, in such manner and to such officers as the Governor in Council may direct, and shall by such officers be paid into the Consolidated Revenue Fund of Canada."

Meaning of "tackle."

"**681E.** The expression "tackle", as used in the five sections immediately preceding means the tackle, machinery, gear, apparatus and appliances used for the loading and unloading of ships, and includes all such articles whether on ship or ashore."

(3) By adding as section six hundred and eighty-one F the following:—

Marking of heavy packages or objects.

"**681F.** No shipper or consignor shall, in Canada, deliver to any owner, master or agent of any ship to be carried in any ship, any package or object of a gross weight of two thousand two hundred and forty pounds or more, without plainly and durably marking its weight on the outside of such package or object, and no owner, master or agent of any ship shall, in Canada, receive for carriage any such package or object not so marked, and if the shipper or consignor fails to mark any such package or object in the manner indicated in this section the owner, master or agent of a ship who becomes aware that any such package or object is not so marked shall so mark such package or object before loading it in the ship. Provided, however, that in the case of a package or object of such a shape or character that it is difficult to ascertain its exact weight an approximate weight may be marked, accompanied by the word "approximate", or any reasonable abbreviation thereof.

Penalty.

2. If any shipper or consignor or the owner, master or agent of any ship fails to comply with the provisions of this section he shall be liable to a penalty not exceeding one hundred dollars."

(4) By adding as section six hundred and eighty-one G the following:—

Proclamation of date of coming into operation of six preceding sections.

"**681G.** Sections six hundred and eighty-one to six hundred and eighty-one F, inclusive, of this Act shall not come into operation until a date to be fixed by the Governor in Council and proclaimed in the *Canada Gazette*."

681F.
This is a new provision. It is intended to implement the Draft Convention relating to the marking of heavy packages adopted at Geneva, 21st June, 1929.

681G.
A new provision. Self explanatory.

(5) By adding as subsection three to section six hundred and eighty-two the following."

Recovery and disposition of penalties.

"3. Penalties incurred under sections six hundred and eighty-one to six hundred and eighty-one F, inclusive, of this Act may be recovered and shall be disposed of in the same manner as, and as if they were, penalties incurred under Part VII of this Act."

(6) By repealing sections six hundred and ninety-four, six hundred and ninety-five and seven hundred and five.

(7) By repealing sections six hundred and ninety-six and six hundred and ninety-seven and substituting the following:—

Regulations respecting grain cargoes and deck cargoes.

"**696.** The Governor in Council may make regulations prescribing the manner in which grain cargoes and deck cargoes may be carried on any British ship registered in Canada, or on any ship not registered in Canada which shall be within any port in Canada.

Penalties.

2. Such regulations may provide for pecuniary penalties, their recovery, enforcement and disposition, including enforcement by imprisonment for non-payment, but no pecuniary penalty shall exceed for any one offence one thousand dollars nor shall any imprisonment for non-payment of any one penalty exceed a term of three months."

(8) By adding as section eight hundred and ninety-seven A the following:—

Helm orders.

"**897A.** No person on any ship registered in Canada shall, when the ship is going ahead, give a helm order containing the word "starboard" or "right", or any equivalent of "starboard" or "right", unless he intends that the head of the ship shall move to the right, or give a helm order containing the word "port" or "left", or any equivalent of "port" or "left", unless he intends that the head of the ship shall move to the left.

Regulations.

2. The Governor in Council may make such regulations in respect of the arrangement of steering wheels, indicators or telltales, as may, in his opinion, be necessary to carry out the intent of this section.

Penalty.

3. Any person who contravenes the provisions of this section or of any of them, or of any regulation made under this section, shall, for each offence, be liable to a penalty not exceeding two hundred and fifty dollars and in default of payment to imprisonment for any term not exceeding one month."

(9) By repealing sections nine hundred and twelve to nine hundred and thirty-one inclusive.

(10) By repealing section nine hundred and thirty-two and substituting the following:—

682. (3)

A new provision. Under it prosecution may be by summary conviction before a judge, magistrate or justice and in default of payment there may be imprisonment. Penalties recovered go into the Consolidated Revenue Fund. See sections 660 and 661, Canada Shipping Act.

694, **695** and **705.**

These sections are now covered in part by the Load Line Convention (see chapter 49, of 1931), and by the proposed new section 696. The first two relate to deckloads and the third is the penalty section. Note section 714 of Bill J.

696 and **697.**

It is desirable, as was proposed by section 714 of Bill J, that the Governor in Council should have power to make safety regulations as now proposed. The provisions are new.

897A.

This is a new provision designed to ensure power to require helm orders to be given in the direct sense in all ships registered in Canada. Order in Council, P.C. 2711, of the 12th December, 1932, made under the provisions of section 4, chapter 49, 1931, requires that on all ships registered in Canada, except those engaged on voyages between Canada and the United States on any lakes or rivers, and ships steered by hand tiller, helm orders shall be given in the direct sense. It is imperative that there should be uniformity in respect of the method of giving helm orders in all ships registered in Canada.

912 to **931.**

The proposed to be repealed provisions are not now in effect. They are replaced by the Load Line Convention and chapter 49 of 1931.

"**932.** In this Part, unless the context otherwise requires—

"British ships."

(a) "British ships" includes only such ships as are owned wholly by persons qualified or entitled to be owners of British ships under the provisions of the *Merchant Shipping Act, 1894*, or any other Act of the Parliament of Great Britain in that behalf for the time being, and are by the law of England or of Canada recognized as British ships;

"Coasting trade of Canada."

(b) "coasting trade of Canada" includes the carriage by water of goods or passengers from one port or place in Canada to another port or place in Canada;

(11) By repealing section nine hundred and thirty-five and substituting therefor the following:—

British ships only may engage in coasting trade.

935. No ship other than a British ship shall take part or engage in the coasting trade of Canada.

2. No goods shall be transported by water or by land and water from one place in Canada to another place in Canada, either directly or by way of a foreign port, or for any part of the transportation, in any ship other than a British ship.

Penalty.

3. Every ship which engages in the coasting trade of Canada contrary to the provisions of this Act, or transports goods contrary to the provisions of this section, shall be liable to a penalty in respect of the goods so transported of fifty cents per ton of her register tonnage or of five hundred dollars, whichever is the greater, and a penalty in respect of any passengers transported contrary to this Part the master of the ship or vessel so transporting shall incur a penalty of four hundred dollars.

Forfeiture.

4. Any goods so transported shall be forfeited as being smuggled goods.

Detention of ship.

5. The collector of customs at any port or place in Canada may, if he believes that an offence has been committed against this Part of this Act, detain the ship until the penalty provided with respect to such offence has been paid and until the goods transported contrary to the provisions of this Part have been delivered up to be dealt with as goods forfeited under this section."

(12) By repealing sections nine hundred and thirty-nine and nine hundred and forty.

Merchant Shipping Act, 1894, not affected.

2. No provision of this Act shall be deemed to operate as a repeal within the meaning or pursuant to the provisions of the *Statute of Westminster, 1931*, or otherwise, of any provision of the *Merchant Shipping Act, 1894*, of the Parliament of Great Britain, or any amendment thereof or addition thereto.

932.

Para. *(a)*. Great Britain has deliberately abstained from defining "British Ship" by statute. Canada has done so in the past by section 932 of the Canada Shipping Act. The present draft eliminates the word "means" from the definition and adds at the end "and are by the law of England" etc. By the Maritime law of England it is the place of control in fact of a ship owned by a corporation, and not the place of the residence, or the nationality, of the owners of the shares of the corporation or even the place of registration of such a ship, that settles the nationality of the ship.

Para. *(b)*. remains unchanged.

939 and **940.**

The proposed to be repealed section 939 dealt with foreign ships privileged by treaty with Great Britain to enter into the coasting trade of Canada. The Statute of Westminster, 1931, removed all fetters from Canada's control over its coasting trade. The former obligations of section 736 of the Imperial Merchant Shipping Act, 1894, no longer exist. It was in consequence of this section that section 939 of the Canada Shipping Act was enacted. Canada's obligations, if any, under the treaties in question, will be outstanding. There is no longer any reason for Canadian statutory recognition of obligation.

The proposed to be repealed section 940 has become effete. It has existed since 1870.

Clause 2 of the Bill.

This clause is inserted out of abundant caution and not because it is deemed to be necessary. Its purpose is plain.

Fourth Session, Seventeenth Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL D[1].

An Act for the relief of Angelo Stavrow.

Read a first time, Tuesday, 9th May, 1933.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, ACTING KING'S PRINTER
59464 1933

4th Session, 17th Parliament, 23 George V, 1932-33

THE SENATE OF CANADA

BILL D[1].

An Act for the relief of Angelo Stavrow.

Preamble.

WHEREAS Angelo Stavrow, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, machinist, has by his petition alleged that on the sixteenth day of May, A.D. 1914, at the city of Port Arthur, in the province of Ontario, he and Alice Maud Kingston, who was then of the said city of Port Arthur, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted; Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Angelo Stavrow and Alice Maud Kingston, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Angelo Stavrow may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Alice Maud Kingston had not been solemnized.

Fourth Session, Seventeenth Parliament, 24 George V, 1932-33

THE SENATE OF CANADA

BILL E[1].

Read a first time, Wednesday, 10th May, 1933.

The Right Honourable SENATOR MEIGHEN, P.C.

OTTAWA
J. O. PATENAUDE, ACTING KING'S PRINTER
63856 1933

4th Session, 17th Parliament, 24 George V, 1932-33

THE SENATE OF CANADA

BILL E[1].

An Act to amend the Act respecting the Senate and House of Commons.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The *Senate and House of Commons Act*, chapter one hundred and forty-seven of the *Revised Statutes of Canada, 1927*, is amended by inserting therein, immediately after subsection four of section twenty-one, the following subsection:—

Lenders of money to Government.

"(5) This section shall not render any Senator liable for such penalties by reason of his being, or having been, a contractor for the loan of money or of securities for the payment of money to the Government of Canada under the authority of Parliament, after public competition, or by reason of his being, or having been, a contractor respecting the purchase or payment of the public stock or debentures of Canada, on terms common to all persons."

Fourth Session, Seventeenth Parliament, 23-24 George V, 1932-33

THE SENATE OF CANADA

BILL F[1].

An Act to incorporate The Discount and Loan Corporation of Canada.

Read a first time, Tuesday, 16th May, 1933.

Honourable Senator MARCOTTE.

OTTAWA
J. O. PATENAUDE, ACTING KING'S PRINTER
64124 1933

4th Session, 17th Parliament, 23-24 George V, 1932-33

THE SENATE OF CANADA

BILL F[1].

An Act to incorporate The Discount and Loan Corporation of Canada.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

Incorporation.

1. Joseph Albéric Beaudry, physician; Lionel Percy Villeneuve, commercial traveller; Joseph Stanislas Beaudry, physician; Omer Langlois, journalist; Jean Eugène Laurin, financier, all of the city of Montreal in the province of Quebec, together with such persons as become shareholders in the company, are incorporated under the name of "The Discount and Loan Corporation of Canada," hereinafter called "the company".

Corporate name.

Provisional directors.

2. The persons named in section one of this Act shall be the provisional directors of the company.

Capital stock.

Shares.

3. (1) The capital stock of the company shall be one million dollars, divided into ten thousand seven per centum cumulative preference shares payable to bearer, of one hundred dollars each, and shall consist also of one hundred thousand common shares of no par value to be issued and alloted for such price as may be determined from time to time by the Company.

Issue of shares.

(2) The Company may issue fully paid common shares, without nominal or par value, in remuneration for services rendered or administrative or financial assistance.

Head office.

4. The head office of the company shall be in the city of Montreal in the province of Quebec.

5. (1) The Company may throughout Canada:—

(a) buy, sell, deal in and lend money on the security of conditional sales agreements, lien notes, hire purchase agreements, chattel mortgages, trade paper, bills of lading, warehouse receipts, bills of exchange and choses-in-action; and may receive and accept from the makers, vendors or transferors thereof guarantees or other security for the performance and payment thereof and may enforce such guarantees and realize on such security;

R.S., c. 102; R.S., c. 135; R.S. c. 28.

(b) notwithstanding anything contained in the *Interest Act*, or in the *Money Lenders Act*, or in paragraph *(c)* of section sixty-three of the *Loan Companies Act*,—

Loans.

(i) lend money secured by assignment of choses-in-action, chattel mortgages or such other evidence of indebtedness as the company may require, and may charge interest thereon at a rate not higher than the rate specified in section six of chapter one hundred and thirty-five of the *Revised Statutes of Canada, 1927*, and may on all loans deduct the interest in advance and provide for repayments in weekly, monthly or other uniform repayments: Provided that the borrower shall have the right to repay the loan at any time before the due date, and, on such repayment being made, to receive a refund of such portion of the interest paid in advance as has not been earned, except a sum equal to the interest for three months,

Rate of interest.

Proviso.

Right to repay.

Refund.

Charges for expenses.

(ii) charge, in addition to interest as aforesaid, for all expenses necessarily and in good faith incurred or to be incurred by the company in connection with the loan authorized by the next preceding sub-paragraph (i), including all expenses for inquiry and investigation into the character and circumstances of the borrower, his endorsers, co-makers or sureties, for taxes, correspondence and professional advice, and for all necessary documents and papers.

Addition charge.

(iii) notwithstanding anything in the next two preceding sub-paragraphs (i) and (ii) the company shall, when a loan authorized by the said sub-paragraph (i) has been made or renewed on the security of a chattel mortgage, or of subrogation of taxes, be entitled to charge an additional sum equal to the legal and other actual expenses disbursed by the company in connection with such loan;

but the company may, subject to sub-paragraphs (i), (ii) and (iii), when a loan has been requested, require a deposit to cover the preliminary expenses of the loan and if the transaction, through no fault of the company, be not completed, retain said deposit as compensation for its services and expenses;

Loans on real estate.

(c) lend money on the security of real estate or leaseholds, or purchase or invest in mortgages or hypothecs upon freehold or leasehold real estate and for subrogation of taxes;

As principals or agents.

(d) do all or any of the above mentioned things, and all things authorized by this Act, as principals, agents, contractors, trustees or otherwise and either alone or in conjunction with others;

Borrowing powers.

(e) if authorized by by-law sanctioned by a vote of not less than two-thirds in value of the subscribed stock of the company represented at a general meeting duly called for considering the by-law, the directors may from time to time,—

(i) borrow money upon the credit of the company;

(ii) limit or increase the amount to be borrowed;

(iii) hypothecate, mortgage or pledge the real or personal property of the company, or both, to secure the payment of any money borrowed for the purposes of the company;

Manage real estate.

(f) collect rents from real estate, payments whether of principal or interest on mortgages or real estate; generally manage real estate;

Transact business of credit institutions.

(g) sell or buy, transfer or exchange, stocks, bonds, shares, debentures or other securities; generally transact the business of credit institutions;

(h) buy promissory notes, balances due on sales accounts, mortgages, liens and other credit instruments;

(i) do all such things as are incidental or conducive to the attainment of the above objects.

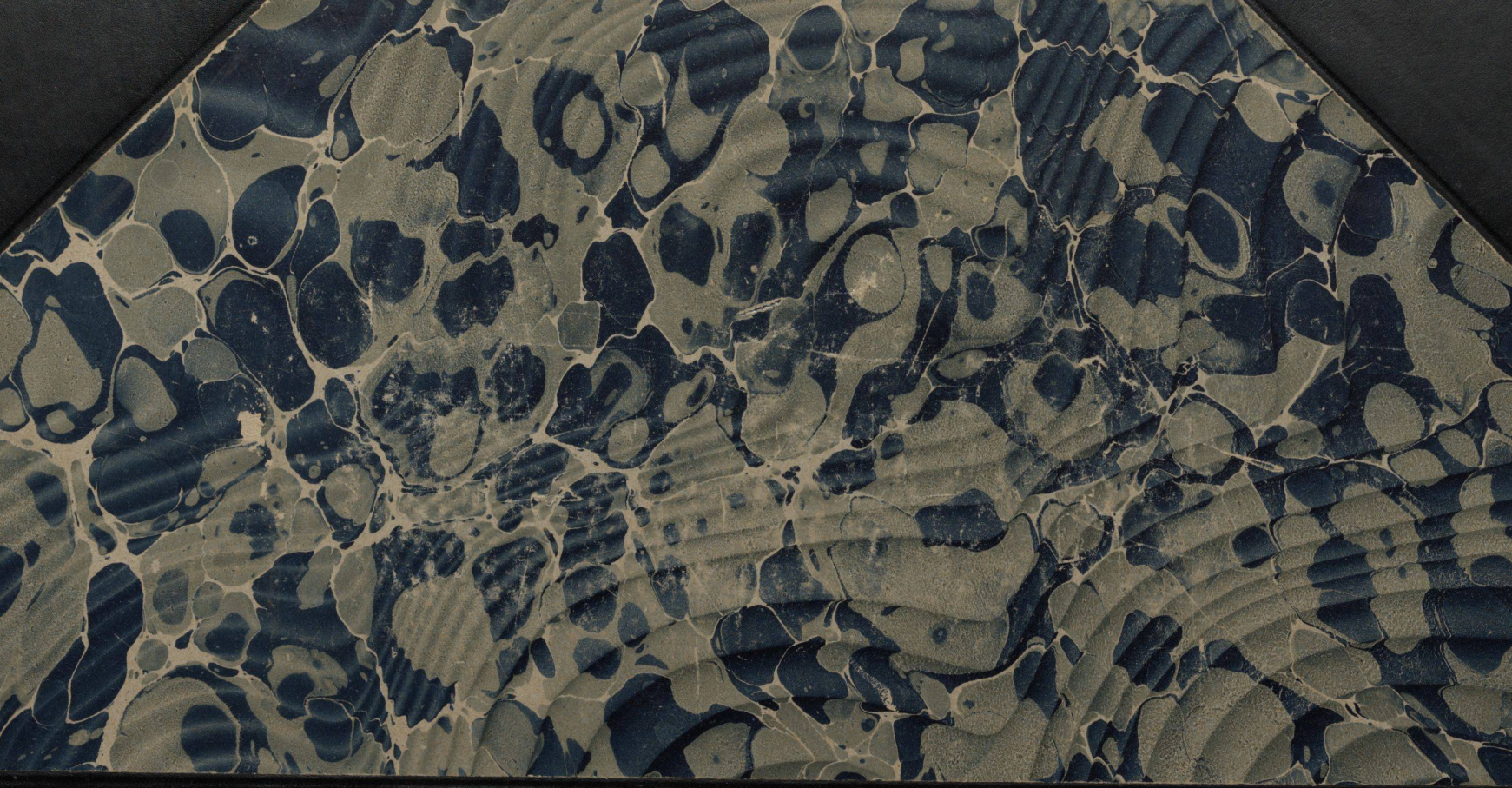
(2) Nothing in this section contained shall limit or restrict the power of the company to borrow money on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the company.

(3) Any officer or director of the company who does, causes or permits to be done, anything contrary to the provisions of this section shall be liable for each such offence to a penalty of not less than twenty dollars and not more than five thousand dollars in the discretion of the court before which such penalty is recoverable; and any such penalty shall be recoverable and disposed of in the manner prescribed by section ninety-eight of the *Loan Companies Act.*

Penalty.

Recovery and deposit.

R.S., c. 28.

Application of Loan Companies Act.

6. Except as otherwise provided for in this Act, the company shall have all the powers, privileges and immunities conferred by and be subject to all the limitations, liabilities and provisions of the *Loan Companies Act.*