

THE
IMPERIAL
MERCHANT SHIPPING ACTS
1834 to 1873

AND THE

CANADIAN ACTS OF 1873 RELATING TO THE
REGISTRY OF SHIPPING.

ALSO

INSTRUCTIONS TO REGISTRARS OF SHIPPING
IN CANADA.

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Part 1 and II of the Merchant Shipping Act, 1854, respecting the Measurement and Registration of British Ships, with the additional Acts and Amendments relating thereto. Also the Canadian Acts 36 Vict., c. 128 and 36 Vict., c. 129, sec. 77, on the same subject.

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40. Priority of Mortgages.
41. Mortgagee not to be deemed owner.
42. Mortgagee to have power of sale.
43. Rights of Mortgagee not affected by insolvency of Mortgagor.
44. Transfer of Mortgages.
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46. Entry of transmitted Mortgage.
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MERCHANT SHIPPING ACT, 1854.

17 and 18 Vict., C. 104.

-PRELIMINARY.

Preliminary.

I. This Act may be cited for all Purposes as "The Merchant Shipping Act, 1854." Short Title of Act.

II. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say, Interpretation of certain Terms in this Act.

"Her Majesty's Dominions" shall mean Her Majesty's Dominions strictly so called, and all Territories under the Government of the *East India* Company, and all other Territories (if any) governed by any Charter or License from the Crown or Parliament of the United Kingdom :

"The United Kingdom" shall mean *Great Britain* and *Ireland* :

"British Possession" shall mean any Colony, Plantation, Island, Territory, or Settlement within Her Majesty's Dominions, and not within the "United Kingdom:" See 32 Vict. c. 11, s. 7 (M. S. colonial act 1869) annexed

"The Treasury" shall mean the Commissioners of Her Majesty's Treasury :

"The Admiralty" shall mean the Lord High Admiral or the Commissioners for executing his Office :

"The Board of Trade" shall mean the Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations :

"The *Trinity House*" shall mean the Master, Wardens, and Assistants of the Guild, Fraternity, or Brotherhood of the Most Glorious and Undivided *Trinity* and of *St. Clement* in the Parish of *Deptford Strond* in the County of *Kent*, commonly called the Corporation of the *Trinity House of Deptford Strond* :

Preliminary.

- “The Port of *Dublin* Corporation” shall mean the Corporation for preserving and improving the Port of *Dublin* :
- “Consular Officer” shall include Consul General, Consul, and Vice Consul, and any Person for the Time being discharging the Duties of Consul General, Consul, or Vice Consul :
- “Receiver” shall mean any Person appointed in pursuance of this Act Receiver of Wreck :
- “Pilotage Authority” shall include all Bodies and Persons authorized to appoint or license Pilots, or to fix or alter Rates of Pilotage, or to exercise any Jurisdiction in respect of Pilotage :
- “Pilot” shall mean any Person not belonging to a Ship who has the Conduct thereof :
- “Qualified Pilot” shall mean any Person duly licensed by any Pilotage Authority to conduct Ships to which he does not belong :
- “Master” shall include every Person (except a Pilot) having Command or Charge of any Ship :
- “Seaman” shall include every Person (except Masters, Pilots and Apprentices duly indentured and registered,) employed or engaged in any Capacity on board any Ship :
- “Salvor” shall in the Case of Salvage Services rendered by the Officers or Crew or Part of the Crew of any Ship belonging to Her Majesty, mean the Person in command of such Ship :
- “Person” shall include Body Corporate :
- “Ship” shall include every Description of Vessel used in Navigation not propelled by Oars :
- “Foreign-going Ship” shall include every ship employed in trading or going between some Place or Places in the United Kingdom, and some Place or Places situate beyond the following Limits; that is to say, the Coasts of the United Kingdom, the Island of *Guernsey*, *Jersey*, *Sark*, *Alderney*, and *Man*, and the Continent of *Europe* between the River *Elbe* and *Brest* inclusive :
- “Home-trade Ship” shall include every Ship employed in trading or going within the following Limits; that is to say, the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney*, and *Man*, and the Continent of *Europe* between the River *Elbe* and *Brest* inclusive :
- “Home-trade Passenger Ship” shall mean every Home-trade Ship employed in carrying Passengers :
- “Lighthouses” shall, in addition to the ordinary Meaning of the Word, include Floating and other Lights exhibited for the Guidance of Ships, and “Buoys and Beacons,” shall include all other Marks and Signs of the Sea ;
- “Wreck” shall include Jetsam, Flotsam, Lagan, and Derelict found in or on the Shores of the Sea or any Tidal Water.

Comme-
meu of Act.

III. This Act shall come into operation on the First Day of *May*, One thousand eight hundred and fifty-five.

Exemption of
Her Majesty's
Ships.
Division of
Act.

IV. This Act shall not, except as herein-after specially provided, apply to Ships belonging to her Majesty.

V. This Act shall be divided into Eleven Parts:—

The First Part relating to the Board of Trade: its general functions.

- The Second Part to British Ships: their Ownership, Measure- *Preliminary.*
ment, and Registry.
- The Third Part to Masters and Seamen.
- The Fourth Part to Safety and Prevention of Accidents.
- The Fifth Part to Pilotage.
- The Sixth Part to Lighthouses.
- The Seventh Part to the Mercantile Marine Fund.
- The Eighth Part to Wrecks, Casualties, and Salvage.
- The Ninth Part to Liability of Shipowners.
- The Tenth Part to legal Procedure.
- The Eleventh Part to Miscellaneous Matters.
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Merchant Shipping Act, 1854.

PART I.

THE BOARD OF TRADE:—ITS GENERAL FUNCTIONS.

Board of Trade to be Department to superintend Merchant Shipping. VI. The Board of Trade shall be the Department to undertake the general Superintendence of Matters relating to Merchant Ships and Seamen, and shall be authorized to carry into execution the Provisions of this Act, and of all other Acts relating to Merchant Ships and Seamen in force for the Time being, other than such Acts as relate to the Revenue.

Certificates and Documents purporting to be sealed or signed in a given Manner to be received in Evidence. VII. All Documents whatever purporting to be issued or written by or under the Direction of the Board of Trade, and purporting either to be sealed with the Seal of such Board, or to be signed by One of the Secretaries or Assistant Secretaries to such Board, shall be received in Evidence, and shall be deemed to be issued or written by or under the Direction of the said Board, without further Proof, unless the contrary be shown; and all Documents purporting to be Certificates issued by the Board of Trade in pursuance of this Act, and to be sealed with the Seal of such Board, or to be signed by One of the Officers of the Marine Department of such Board, shall be received in Evidence, and shall be deemed to be such Certificates, without further Proof, unless the contrary be shown.

Board of Trade to issue Forms of Instruments. VIII. The Board of Trade may from Time to Time prepare and sanction Forms of the various Books, Instruments, and Papers, required by this Act other than those required by the Second Part thereof, and may from Time to Time make such Alterations therein as it deems requisite; and shall, before finally issuing or altering any such Form, give such public Notice thereof as it deems necessary in order to prevent Inconvenience; and shall cause every such Form to be sealed with such Seal as aforesaid, or marked with some other distinguishing Mark, and to be supplied at the Custom Houses and Shipping Offices of the United Kingdom free of Charge, or at such moderate Prices as it may from Time to Time fix, or may license any Persons to print and sell the same; and every such Book, Instrument, and Paper as aforesaid shall be made in the Form issued by the Board of Trade, and sanctioned by it as the proper Form for the Time being; and no such Book, Instrument, or Paper as aforesaid, unless made in such Form, shall be admissible in Evidence in any Civil Proceeding on the Part of any Owner or Master of any Ship; and every such Book, Instrument, or Paper, if made in a Form purporting to be a proper Form, and to be sealed or marked as aforesaid, shall be taken to be made in the Form hereby required, unless the contrary is proved.

Certain forms and Instruments to be exempt from Stamp Duty. IX. All Instruments used in carrying into effect the Second Part of this Act, if not already exempted from Stamp Duty, and all Instruments which by the Third, Fourth, Sixth, or Seventh Parts of

this Act, are required to be made in Forms sanctioned by the Board of Trade, if made in such Forms, and all Instruments used by or under the Direction of the Board of Trade in carrying such Parts of this Act into effect, shall be exempt from Stamp Duty.

Functions of Board of Trade.

X. Every Person who forges, assists in forging, or procures to be forged, such Seal or other distinguishing Mark as aforesaid, or who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Form issued by the Board of Trade, with the view of evading any of the Provisions of this Act, or any Condition contained in such Form, shall for each Offence be deemed guilty of a Misdemeanor; and every Person who, in any Case in which a Form sanctioned by the Board of Trade is, by the Third Part of this Act required to be used, uses without reasonable Excuse any Form not purporting to be so sanctioned, or who prints, sells, or uses any Document purporting to be a Form so sanctioned knowing the same not to be so sanctioned for the Time being or not to have been prepared and issued by the Board of Trade, shall for each such Offence incur a Penalty not exceeding Ten Pounds.

Penalties for Forgery of Seal and fraudulent Alteration of Forms, and for not using Forms issued by Board of Trade.

XI. Subject to the Provisions herein-after contained, all Fees and Payments (other than Fines) coming to the Hands of the Board of Trade under the Third and Fourth Parts of this Act, shall be carried to the Account of the Mercantile Marine Fund herein-after mentioned, and shall be dealt with as herein prescribed in that Behalf; and all Fines coming to the Hands of the Board of Trade under this Act shall be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Applications of monies and Fines paid to Board of Trade.

XII. All Consular Officers, and all Officers of Customs abroad and all Local Marine Boards and Shipping Masters, shall make and send to the Board of Trade such Returns or Reports on any Matter relating to *British* Merchant Shipping or Seamen as such Board requires; and all Shipping Masters shall, whenever required by the Board of Trade, produce to such Board or to its Officers all Official Log Books and other Documents which, in pursuance of this Act, are delivered to them.

Returns to Board of Trade.

XIII. Every officer of the Board of Trade, and every Commissioned Officer of any of Her Majesty's Ships on Full Pay, and every *British* Consular Officer, and the Registrar General of Seamen and his Assistant, and every Chief Officer of Customs in any Place in Her Majesty's Dominions, and every Shipping Master, may, in Cases where he has Reason to suspect that the Provisions of this Act or the Laws for the Time being relating to Merchant Seamen and Navigation are not complied with, exercise the following Powers; (that is to say,)

Officers of Board of Trade, Naval Officers, Consuls, the Registrar General of Seamen, Officers of Customs and Shipping Masters, may inspect Documents and muster Crews.

He may require the Owner, Master, or any of the Crew of any *British* Ship to produce any Official Log Books or other Documents relating to such Crew or any Member thereof in their respective Possession or Control;

He may require any such Master to produce a List of all Persons

Functions of
Board of
Trade.

on board his Ship, and take Copies of such Official Log Books, or Documents, or any Part thereof:

He may muster the Crew or of any such Ship:

He may summon the Master to appear and give any Explanation concerning such Ship or her Crew or the said Official Log Books or Documents:

And if upon Requisition duly made by any person so authorized in that Behalf as aforesaid, any Person refuses or neglects to produce any such Official Log Book or Document as he is herein-before required to produce, or to allow the same to be inspected or copied as aforesaid, or impedes any such Muster of a Crew as aforesaid or refuses or neglects to give any Explanation which he is herein-before required to give, or knowingly misleads or deceives any Person herein-before authorized to demand any such Explanation, he shall for each such Offence incur a Penalty not exceeding Twenty Pounds

Board of
Trade may
appoint In-
spectors.

XIV. The Board of Trade may from Time to Time, whenever it seems expedient to them so to do, appoint any Person, as an Inspector, to report to them upon the following Matters; (that is to say.)

- (1.) Upon the Nature and Causes of any Accident or Damage which any Ship has sustained or caused, or is alleged to have sustained or caused:
- (2.) Whether the Provisions of this Act, or any Regulations made under or by virtue of this Act, have been complied with:
- (3.) Whether the Hull and Machinery of any Steam Ship are sufficient and in good Condition.

Powers of
Inspectors.

XV. Every such Inspector as aforesaid shall have the following Powers; (that is to say.)

- (1.) He may go on board any Ship, and may inspect the same or any Part thereof, or any of the Machinery, Boats, Equipments or Articles on Board thereof to which the Provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any Voyage:
- (2.) He may enter and inspect any Premises, the Entry or Inspection of which appears to him to be requisite for the Purpose of the Report which he is directed to make:
- (3.) He may, by Summons under his Hand, require the Attendance of all such Persons as he thinks fit to call before him and examine for such Purpose, and may require Answer or returns to any Inquiries he thinks fit to make:
- (4.) He may require and enforce the Production of all Books, Papers, or Documents which he considers important for such Purpose:
- (5.) He may administer Oaths, or may in lieu of requiring or administering an Oath, require every Person examined by him to make and subscribe a Declaration of the Truth of the Statements made by him in his Examination:

Witnesses to
be allowed
Expenses.

And every Witness so summoned as aforesaid shall be allowed such Expenses as would be allowed to any Witness attending on Subpoena to give Evidence before any Court of Record, or if in *Scotland*, to any Witness attending on Citation the Court of Justiciary; and in case of any Dispute as to the Amount of such Expenses, the same

shall be referred by the Inspector to One of the Masters of Her Majesty's Court of Queen's Bench in *England* or *Ireland*, or to the Queen's or Lord Treasurer's Remembrancer in *Scotland*, who, on a Request made to him for that Purpose under the Hand of the said Inspector, shall ascertain and certify the proper Amount of such Expenses; and every Person who refuses to attend as a Witness before any such Inspector, after having been required so to do in the Manner hereby directed and after having had a Tender made to him of the Expenses (if any) to which he is entitled as aforesaid or who refuses or neglects to make any Answer, or to give any Return, or to produce any Document in his Possession, or to make or subscribe any Declarations which any such Inspector is hereby empowered to require, shall for each such Offence incur a Penalty not exceeding Ten Pounds.

Functions of Board of Trade.

Penalty for refusing to give Evidence.

XVI. Every Person who wilfully impedes any such Inspector appointed by the Board of Trade as aforesaid in the Execution of his Duty, whether on board any Ship or elsewhere, shall incur a Penalty not exceeding Ten Pounds, and may be seized and detained by such Inspector or other Person or by any Person or Persons whom he may call to his Assistance until such Offender can be conveniently taken before some Justice of the Peace or other Officer having proper Jurisdiction.

Penalty for obstructing Inspectors in the Execution of their Duty.

Merchant Shipping Act, 1854,

PART II.

BRITISH SHIPS:—THEIR OWNERSHIP, MEASUREMENT, AND REGISTRY.

Application.

APPLICATION.

Application of Part II. of Act. XVII. The Second Part of this Act shall apply to the whole of Her Majesty's Dominions.

Description and Ownership of British Ships.

DESCRIPTION AND OWNERSHIP OF BRITISH SHIPS.

Description and Ownership of British Ships. XVIII. No ship shall be deemed to be a *British Ship* unless she belongs wholly to Owners of the following description; that is to say,

(1.) Natural-born *British Subjects* :

Provided that no natural-born Subject who has taken the Oath of Allegiance to any Foreign Sovereign or State shall be entitled to be such Owner as aforesaid, unless he has subsequently to taking such last-mentioned Oath taken the Oath of Allegiance to Her Majesty, and is and continues to be during the whole Period of his so being an Owner resident, in some Place within Her Majesty's Dominions, or if not so resident, Member of a *British Factory*, or Partner in a House actually carrying on Business in the United Kingdom or in some other Place within Her Majesty's Dominions :

(2) Persons made Denizens by letters of Denization, or naturalized by or pursuant to any Act of the Imperial Legislature, or by or pursuant to any Act or Ordinance of the proper legislative Authority in any *British Possession* :

Provided that such Persons are and continue to be during the whole Period of their so being Owners resident in some Place within Her Majesty's Dominions, or if not so resident, Members of a *British Factory*, or Partners in a House actually carrying on Business in the United Kingdom or in some other Place within Her Majesty's Dominions, and have taken the Oath of Allegiance to Her Majesty subsequently to the Period of their being so made Denizens or naturalized :

(3.) Bodies Corporate established under, subject to the *Laws* of, and having their principal Place of Business in the United Kingdom or some *British Possession*.

XIX. Every *British Ship* must be registered in manner herein after mentioned, except,

(1.) Ships duly registered before this Act comes into operation :

British ships
With certain
Exceptions
must be
registered.

- (2.) Ships not exceeding Fifteen Tons Burden, employed solely in Navigation on the Rivers or Coasts of the United Kingdom, or on the Rivers or Coasts of some *British Possession* within which the Managing Owners of such Ships are resident :
- (3.) Ships not exceeding Thirty Tons Burden, and not having a whole or fixed Deck, and employed solely in fishing or trading coastwise on the Shores of *Newfoundland* or Parts adjacent thereto, or in the Gulf of *St. Lawrence*, or on such Portion of the Coast of *Canada, Nova Scotia* or *New Brunswick* as lie bordering on such Gulf.

See Canadian Act 36 Vict. ch. 128 ss. 7. & 8. annexed.

And no Ship hereby required to be registered shall, unless registered, be recognized as a *British Ship*; and no Officer of Customs shall grant a Clearance or Transire to any Ship hereby required to be registered for the Purpose of enabling her to proceed to Sea as a *British Ship*, unless the Master of such Ship, upon being required so to do, produces to him such Certificate of Registry as is herein-after mentioned; and if such Ship attempts to proceed to Sea as a *British Ship* without a Clearance or Transire, such Officer may detain such Ship until such Certificate is produced to him.

MEASUREMENT OF TONNAGE.

Measurement of Tonnage.

XX. Throughout the following Rules 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 such Rules into effect all Measurements shall be taken in Feet and Fractions of Feet, and all Fractions of Feet shall be expressed in Decimals.

Tonnage Deck; Feet; Decimals.

XXI. The Tonnage of every Ship to be registered, with the Exceptions mentioned in the next Section, shall previously to her being registered be ascertained by the following Rule herein-after called Rule I.; and the Tonnage of every Ship to which such Rule can be applied, whether she is about to be registered or not, shall be ascertained by the same Rule:

RULE I.

For Ships to be registered and other Ships of which the Hold is clear. Lengths.

- (1.) Measure the Length of a Ship in a straight Line along the upper Side of the Tonnage Deck from the inside of the inner Plank (average Thickness) at the Side of the Stem to the Inside of the Midship Stern Timber or Plank there, as the Case may be, (average Thickness,) deducting from this Length what is due to the Rake of the Bow in the Thickness of the Deck, and what is due to the Rake of the Stern Timber in the Thickness of the Deck, and also what is due to the Rake of the Stern Timber in One Third of the Round of the Beam; divide the Length so taken into the Number of equal Parts required by the following Table, according to the Class in such Table to which the Ship belongs:

TABLE.

- Class 1. Ships of which the Tonnage Deck is according to the above Measurement 50 Feet long or under, into 4 equal Parts:
- " 2. Ships of which the Tonnage Deck is according to the

Measurement
of Tonnage.

above Measurement above 50 Feet long and not exceeding 120, into 6 equal Parts:

- Class 3. Ships of which the Tonnage Deck is according to the above Measurement above 120 Feet long and not exceeding 180, into 8 equal Parts:
- “ 4. Ships of which the Tonnage Deck is according to the above Measurement above 180 Feet long and not exceeding 225, into 10 equal Parts:
- “ 5. Ships of which the Tonnage Deck is according to the above Measurement above 225 Feet long, into 12 equal Parts:

Transverse
Areas.

- (2.) Then, the Hold being first sufficiently cleared to admit of the required Depths and Breadths being properly taken, find the Transverse Area of such Ship at each Point of Division of the Length as follows:—Measure the Depth at each Point of Division, from a Point at a Distance of One Third of the Round of the Beam below such Deck, or in case of a break, below a Line stretched in continuation thereof, to the Upper Side of the Floor Timber at the Inside of the Limber Strake, after deducting the average Thickness of the Ceiling which is between the Bilge Planks and Limber Strake; then, if the Depth of the Midship Division of the Length do not exceed Sixteen Feet, divide each Depth into Four equal Parts; then measure the inside horizontal Breadth at each of the Three Points of Division, and also at the upper and lower Points of the Depth, extending each Measurement to the average Thickness of that Part of the Ceiling which is between the Points of Measurement; number these Breadths from above (*i. e.* numbering the upper Breadth One, and so on down to the lowest Breadth); multiply the Second and Fourth by Four, and the Third by Two; add these Products together, and to the Sum add the First Breadth and the Fifth; multiply the Quantity thus obtained by One Third of the common Interval between the Breadths, and the Product shall be deemed the Transverse Area; but if the Midship Depth exceed Sixteen Feet, divide each Depth into Six equal Parts instead of Four, and measure as before directed the horizontal Breadths at the Five Points of Division, and also at the upper and lower Points of the Depth; number them from above as before; multiply the Second, Fourth, and Sixth by Four, and the Third and Fifth by Two; add these Products together, and to the Sum add the First Breadth and the Seventh; multiply the Quantity thus obtained by One Third of the common Interval between the Breadths, and the Product shall be deemed the Transverse Area.

Computation
from Areas.

- (3.) Having thus ascertained the Transverse Area at each Point of Division of the Length of the Ship as required by the above Table, proceed to ascertain the Register Tonnage of the Ship in the following Manner:—Number the Areas successively 1, 2, 3, &c., No. 1 being at the extreme Limit of the Length at the Bow, and the last No. at the extreme Limit of the Length at the Stern; then whether the Length be divided according to the Table, into Four or Twelve Parts as in Classes 1 and 5, or any intermediate Number as in Classes 2, 3, and 4, multiply

the Second and every even numbered Area by Four, and the Third and every odd numbered Area (except the First and Last) by Two; add these Products together, and to the Sum add the First and Last if they yield anything; multiply the Quantity thus obtained by One Third of the common Interval between the Areas, and the product will be the Cubical Contents of the space under the Tonnage Deck; divide this Product by One hundred, and the Quotient being the Tonnage under the Tonnage Deck shall be deemed to be the Register Tonnage of the Ship, subject to the additions and deductions herein-after mentioned.

*Measurement
of Tonnage.*

- (4.) If there be a Break, a Poop, or any other permanent closed-in Space on the Upper Deck, available for Cargo or Stores, or for the Berthing or Accommodation of Passengers or Crew, the Tonnage of such Space shall be ascertained as follows:—Measure the internal mean Length of such Space in Feet, and divide into Two equal Parts; measure at the Middle of its Height Three inside Breadths, namely, one at each End and the other at the Middle of the Length; then to the Sum of the End Breadths add Four Times the Middle Breadth, and multiply the whole Sum by One Third of the common Interval between the Breadths; the Product will give the mean horizontal Area of such Space; then measure the mean Height, and multiply it by the mean horizontal Area; divide the Product by One Hundred, and the Quotient shall be deemed to be the Tonnage of such Space and shall be added to the Tonnage under the Tonnage Deck, ascertained as aforesaid, subject to the following Provisoos; first, that nothing shall be added for a closed-in Space solely appropriated to the berthing of the Crew unless such Space exceeds One Twentieth of the remaining Tonnage of the Ship, and in case of such Excess the Excess only shall be added; and, secondly, that nothing shall be added in respect of any building erected for the Shelter of Deck Passengers, and approved by the Board of Trade.

Poop and any other closed-in Space.

See 30, 31 Vic. ch. 124, s. 9. (M. S. A. 1867) annexed.

See also Canadian Act 36 Vict. ch. 129 s. 77. annexed.

- (5.) If the Ship has a Third Deck, commonly called a Spar Deck, the Tonnage of the Space between it and the Tonnage Deck shall be ascertained as follows:—Measure in feet the inside Length of the Space at the Middle of its Height from the Plank at the Side of the Stem to the Lining on the Timbers at the Stern, and divide the Length into the same Number of equal parts into which the Length of the Tonnage Deck is divided as above directed; measure (also at the Middle of its Height) the inside Breadth of the Space at each of the Points of Division, also the Breadth at the Stem and the Breadth at the Stern; number them successively 1, 2, 3, &c., commencing at the Stem; multiply the Second and all the other even numbered Breadths by Four, and the Third and all the other odd numbered Breadths (except the First and Last) by Two; to the Sum of these Products and the First and Last Breadths; multiply the whole Sum by One Third of the common Interval between the Breadths, and the Result will give in Superficial Feet the mean horizontal Area of such Space; measure the mean Height of such Space, and multiply by it the mean horizontal Area, and the Product will be the Cubical Contents of the Space; divide this Product by One hundred, and the Quotient shall be deemed

In case of Two or more Decks.

Measurement of Tonnage.

to be the Tonnage of such Space, and shall be added to the other Tonnage of the Ship ascertained as aforesaid; and if the Ship has more than Three Decks, the Tonnage of each Space between Decks above the Tonnage Deck shall be severally ascertained in manner above described, and shall be added to the Tonnage of the Ship ascertained as aforesaid.

RULE II.
For Ships not requiring Registry with Cargo on Board.

Ships measured under Rule II, may be measured under Rule I, see 18 & 19 Vict., ch. 91 s. 14. (M. S. A. 1855) annexed.

Length.

Breadth.

Girthing of the Ship.

Poop and other closed-in Spaces on Upper Deck.

RULE III.
Allowance for Engine Room in Steamers.

To be rateable in ordinary Steamers.

XXII. 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 the Rule above given, shall be measured by the following Rule, herein-after called Rule II.:

(1.) Measure the Length on the Upper Deck from the Outside of the outer Plank at the Stem to the Aftside of the Stern Post, deducting therefrom the Distance between the Aftside of the Stern Post and the Rabbet of the Stern Post at the Point where the Counter Plank crosses it; measure also the greatest Breadth of the Ship to the Outside of the outer Planking or Wales, and then, having first marked on the Outside of the Ship on both sides thereof the Height of the Upper Deck at the Ship's Side, girth the Ship at the greatest Breadth in a Direction perpendicular to the Keel from the Height so marked on the Outside of the Ship on the one Side to the Height so marked on the other Side by passing a Chain under the Keel; to Half the Girth thus taken add Half the main Breadth; square the Sum; multiply the Result by the Length of the Ship taken as aforesaid; then multiply this Product by the Factor .0018 (Eighteen Ten-thousandths) in the Case of Ships built of wood, and by .0021 (Twenty-one-ten-thousandths) in the Case of Ships built of Iron, and the Product shall be deemed the Register Tonnage of the Ship, subject to the Additions and Deductions herein-after mentioned.

(2.) If there be a Break, a Poop, or other closed-in Space on the Upper Deck, the Tonnage of such Space shall be ascertained by multiplying together the mean Length, Breadth, and Depth of such Space, and dividing the Product by 100, and the Quotient so obtained shall be deemed to be the Tonnage of such Space, and shall, subject to the Deduction for a closed-in Space appropriated to the Crew as mentioned in Rule I., be added to the Tonnage of the Ship ascertained as aforesaid.

XXIII. In every 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 aforesaid, and the Remainder shall be deemed to be the Register Tonnage of such Ship; and such 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, such Deduction shall be *Thirty-seven One-hundredths* of such 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 such gross Tonnage, such Deduction shall be *Thirty-two One-hundredths* of such gross Tonnage: *Measurement of Tonnage.*

(b.) As regards all other Ships, the Deduction shall, if the Commissioners of Customs 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 such Measurement is so required the Deduction shall consist of the Tonnage of the Space actually occupied by or required to be inclosed 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 such Space; and the Measurement and Use of such Space shall be governed by the following Rules; (that is to say,)

- (1.) Measure the mean Depth of the Space from its Crown to the Ceiling at the Limber Strake, measure also Three, or, if necessary, more than Three Breadths of the Space at the Middle of its Depth, taking One of such Measurements at each End, and another at the Middle of the length; take the Mean of such Breadths; measure also the mean Length of the Space between the foremost and aftermost Bulkheads or Limits of its Length, excluding such Parts, if any, as are not actually occupied by or required for the proper Working of the Machinery; multiply together these Three Dimensions of Length, Breadth, and Depth, and the Product will be the Cubical Contents of the Space below the Crown; then find the Cubical Contents of the Space or Spaces, if any, above the Crown aforesaid, which are framed in for the Machinery or for the Admission of Light and Air, by multiplying together the Length, Depth, and Breadth thereof; add such Contents to the Cubical Contents of the Space below the Crown; divide the Sum by 100: and the Result shall be deemed to be the Tonnage of the said Space: *Mode of Measurement.*
- (2.) If in any Ship in which the Space aforesaid is to be measured the Engines and Boilers are fitted in separate Compartments, the Contents of each shall be measured severally in like Manner, according to the above Rules, and the Sum of their several Results shall be deemed to be the Tonnage of the said Space: *In case of separate compartments.*
- (3.) In the Case of Screw Steamers in which the Space aforesaid is to be measured, the Contents of the Shaft Trunk shall be added to and deemed to form Part of such Space, and shall be ascertained by multiplying together the mean Length, Breadth, and Depth of the Trunk, and dividing the Product by 100: *Shaft Trunk of Screw Steamer.*
- (4.) If in any Ship in which the Space aforesaid is to be measured any Alteration be made in the Length or Capacity of such Space, or if any Cabins be fitted in such Space, such Ship shall be deemed to be a Ship not registered until Remeasurement: *Alteration of Engine Room.*
- (5.) If in any Ship in which the Space aforesaid is to be measured any Goods or Stores are stowed or carried in such Space, the Master and Owner shall each be liable to a Penalty not exceeding One hundred Pounds. *Penalty for carrying Goods in such Space.*

May be measured where the Space in unusually large or small. For "Commissioners of Customs" read Board of Trade. See 35 & 36 Vict., ch. 73, s. 3. (M. S. A. 1872) annexed-

RULE IV.

Open Ships
how mea-
sured.

XXIV. In ascertaining the Tonnage of open Ships the upper Edge of the upper Strake is to form the Boundary Line of Measurement, and the Depths shall be taken from an athwartship Line, extended from upper Edge to upper Edge of the said Strake at each Division of the Length.

Tonnage and
Number of
Certificate to
be carved on
Main Beam.
Repealed
from the 1st
January 1872
see 34 & 35
Vict., ch. 110.
s. 12, (M. S.
A. 1871), see
also 36 & 37
Vict., ch. 85
s. 3. (M. A. S.
1873) an-
nexed.

XXV. In every registered *British Ship* the Number denoting the Register Tonnage, ascertained as herein-before directed, and the Number of her Certificate of Registry, shall be deeply carved or otherwise permanently marked on her Main Beam, and shall be so continued; and if it at any Time cease to be so continued such Ship shall no longer be recognized as a *British Ship*.

Tonnage
when once
ascertained to
be ever after
deemed the
Tonnage.

XXVI. Whenever the Tonnage of any Ship has been ascertained and registered in accordance with the Provisions of this Act, the same shall thenceforth be deemed to be the Tonnage of such Ship, and be repeated in every subsequent Registry thereof, unless any Alteration is made in the Form or Capacity of such Ship, or unless it is discovered that the Tonnage of such Ship has been erroneously computed; and in either of such Cases such Ship shall be remeasured and her Tonnage determined and registered according to the Rules herein-before contained in that Behalf.

Re-measure-
ment of Ships
already regis-
tered may be
made, but not
to be compul-
sory.
For "Com-
missions of
Customs"
read Board of
Trade. See
35 & 36 Vic.
ch. 73 s. 3.
(M. S. A.
1873) an-
nexed.

XXVII. The Rules for the Measurement of Tonnage herein contained shall not make it necessary to alter the present registered Tonnage of any *British Ship* registered before this Act comes into operation; but if the Owner of any such Ship desires to have the same remeasured according to such Rules, he may apply to the Commissioners of Customs for the Purpose, and such Commissioners shall thereupon, and on Payment of such reasonable Charge for the Expenses of Remeasurement, not exceeding the Sum of Seven Shillings and Sixpence for each Transverse Section, as they may authorize, direct such Remeasurement to be made, and such Ship shall thereupon be remeasured according to such Rules as aforesaid, or according to such of them as may be applicable; and the number denoting the Register Tonnage shall be altered accordingly.

Power to re-
measure
Engine
Rooms impro-
perly extend-
ed
For "Com-
missioners of
Customs"
read Board
of Trade."

XXVIII. If it appears to the Commissioners of Customs that in any Steam Ship measured before this Act comes into operation Store Rooms or Coal Bunkers have been introduced into or thrown across the Engine Room, so that the Deduction from the Tonnage on account of the Engine Room is larger than it ought to be, the said Commissioners may, if they, think fit, direct such Engine Room to be remeasured according to the Rules in force before this Act comes into operation, excluding the Space occupied by such Store Rooms or Coal Bunkers, or may, if the Owners so desire, cause the Ship to

be remeasured according to the Rules herein-before contained, and subject to the Conditions contained in the last preceeding Section; and after Remeasurement the said Commissioners shall cause the Ship to be registered anew, or the Registry thereof to be altered as the Case may require.

See 35 & 36
Vict., ch. 73.
s. 3. (M. S. A.
1872) an-
nexed.

XXIX. The Commissioners of Customs may, with the Sanction of the Treasury, appoint such Persons to superintend the Survey and Admeasurement of Ships as they think fit; and may, with the Approval of the Board of Trade, make such regulations for that Purpose as may be necessary; and also, with the like Approval, make such Modifications and Alterations as from Time to Time become necessary in the Tonnage Rules hereby prescribed, in order to the more accurate and uniform Application thereof, and the effectual carrying out of the Principle of Admeasurement therein adopted.

Officers may
be appointed
and regula-
tions made for
Measurement
of Ships.
For "Com-
missioners of
Customs"
read Board of
Trade, see 35
& 36 Vict.
ch. 73, s. 3.
(M. S. A.
1872) an-
nexed, see
also Canadian
act 36 Vict.,
ch. 128 s. 11,
annexed.

REGISTRY OF BRITISH SHIPS.

XXX. The following Persons are required to register *British* Ships, and shall be deemed Registrars for the Purposes of this Act, (that is to say,)

Registry of
British Ships.

- (1.) At any Port or other Place in the United Kingdom or *Isle of Man* approved by the Commissioners of Customs for the Registry of Ships, the Collector, Comptroller, or other principal Officer of Customs for the Time being;
- (2.) In the Islands of *Guernsey* and *Jersey*, the principal Officers of Her Majesty's Customs, together with the Governor, Lieutenant Governor, or other Person administering the Government of such Islands respectively;
- (3.) In *Malta*, *Gibraltar*, and *Heligoland*, the Governor, Lieutenant Governor, or other Person administering the Government of such Places respectively;
- (4.) At any Port or Place so approved as aforesaid within the Limits of the Charter but not under the Government of the *East India* Company, and at which no Custom House is established the Collector of Duties, together with the Governor, Lieutenant Governor or other Person administering the Government;
- (5.) At the Ports of *Calcutta*, *Madras*, and *Bombay*, the Master Attendants, and at any other Port or Place so approved as aforesaid within the Limits of the Charter and under the Government of the *East India* Company, the Collector of Duties, or any other Person of Six Years standing in the Civil Service of the said Company who is appointed by any of the Governments of the said Company to act for this Purpose;
- (6.) At every other Port or Place so approved as aforesaid within Her Majesty's Dominions abroad, the Collector, Comptroller, or other principal Officer of Customs or of Navigation Laws, or if there is no such Officer resident at such Port or Place, the Governor, Lieutenant Governor, or other

Registrars of
British ships.
See 32 Vict.,
ch. 11 s. 6
(M. S. colonial
Act 1869)
annexed.

In Canada
the collector
or other prin-
cipal officer of
Customs, to
be Registrar
See Canadian
Act 36 Vict.
ch. 128, S. 10
annexed.

*Registra of
British Ships.*

Person administering the Government of the Possession in which such Port or Place is situate.

Substitution of Governor abroad for Commissioners of Customs and of Consul for Justice.

In Canada the Governor General occupies the place of commissioners of Customs under this section. ■
See 32 Vict. ch. 11, ss. 2 & 7, (M. S. Colonial Act 1869) annexed.

Registrar to keep Registry Books.

Port of Registry of British Ship.

Name of Ship. Repealed from 1st January 1872, see 34 & 35, Vict. ch. 110, ss. 12 and 4, (M. S. A. 1871) annexed and S. 4. of the above was subsequently repealed by 36 & 37 Vict., ch. 85, s. 33 & 3 (M. S. A. 1873) annexed—which was again repealed as regards Canadian Ships by the Canadian Act 36 Vict., ch. 128, s. 22 annexed.

Application for Registry, by whom to be made.

XXXI. The Governor, Lieutenant Governor, or other Person administering the Government in any *British* Possession where any Ship is registered under the Authority of this Act shall, with regard to the Performance of any Act or Thing relating to the Registry of a Ship or of any Interest therein, be considered in all respects as occupying the Place of the Commissioners of Customs ; and any *British* Consular Officer shall, in any Place where there is no Justice of the Peace, be authorized to take any Declaration hereby required or permitted to be made in the Presence of a Justice of the Peace.

XXXII. Every Registrar shall keep a Book, to be called "The Register Book," and enter therein the Particulars herein-after required to be registered.

XXXIII. The Port or Place at which any *British* Ship is registered for the Time being shall be considered her Port of Registry or the Port to which she belongs.

XXXIV. The following Rules shall be observed with respect to the Names of *British* registered Ships ; (that is to say,)

- (1.) Before Registry the Name of each Ship and of the Port to which she belongs shall be painted on a conspicuous Part of her Stern on a dark Ground in White or Yellow Letters of a Length not less than Four Inches :
- (2.) No Change shall be made in the Name of any registered Ship :
- (3.) No Concealment, Absence, or avoidable Obliteration of the above names shall be permitted, except for the Purpose of escaping Capture by an Enemy :
4. The Ship shall not be described by or with the Knowledge of the Owner or Master by any Name other than the One by which she is registered :

And for every Breach of the above Rules or any of them the Owner and Master shall each incur a Penalty not exceeding One hundred Pounds.

XXXV. Every Application for the Registry of a Ship shall in the Case of Individuals be made by the Person requiring to be registered as Owner, or by some One or more of such Persons if

more than One, or by his or their duly authorized Agent, and in the Case of Bodies Corporate by their duly authorized Agent; the Authority of such Agent, if appointed by Individuals, to be testified by some Writing under the Hands of the Appointors, and if appointed by a Body Corporate, by some Instrument under the Common Seal of such Body Corporate.

*Registry of
British Ships.*

XXXVI. Before Registry, the Ship shall be surveyed by a Person duly appointed under this Act; and such Surveyor shall grant a Certificate in the Form marked A. in the Schedule hereto, specifying her Tonnage, Build, and such other Particulars descriptive of the Identity of the Ship as may from Time to Time be required by the Board of Trade; and such Certificate shall be delivered to the Registrar before Registry.

Survey of Ship.
See also Canadian Act 36 Vict., ch 128, s. 11, annexed.

XXXVII. The following Rules shall be observed with respect to Entries in the Register Book; (that is to say,)

Rules as to Entries in Register Book.

(1.) The Property in a Ship shall be divided into Sixty-four Shares:

(2.) Subject to the Provisions with respect to joint Owners or Owners by Transmission herein-after contained, not more than Thirty-two 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:

Shares in Ships are included in the word "Stock" see 18 & 19 Vict., ch. 91, s. 10, (M. S. A. 1855) annexed.

(3.) No Person shall be entitled to be registered as Owner of any 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 a Share or Shares therein:

(4.) Joint Owners shall be considered as constituting One Person only as regards the foregoing Rule relating to the Number of Persons entitled to be registered as Owners, and shall not be entitled to dispose in severalty of any Interest in any Ship or in any Share or Shares therein in respect of which they are registered:

(5.) A Body Corporate may be registered as Owner by its Corporate Name.

XXXVIII. No Person shall be entitled to be registered as Owner of a Ship or any Share therein until he has made and subscribed a Declaration in the Form marked B. in the Schedule hereto, referring to the Ship as described in the Certificate of the Surveyor, and containing the following Particulars; (that is to say,)

Declaration of Ownership by individual Owner,

(1.) A Statement of his Qualification to be an Owner of a Share in a *British Ship*.

2. A Statement of the Time when and the Place where such Ship was built, or (if the Ship is Foreign-built, and the Time and Place of building not known,) a Statement that she is Foreign-built, and that he does not know the Time and 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.

*Registry of
British Ships.*

For beneficial interest, see 25 & 26 Vic., ch. 63, s. 3, (M. S. A. 1862) annexed.

Declaration of Ownership by Body Corporate.

For beneficial interest see 25 & 25 Vict., c. 63, s. 3. (M. S.A. 1862) annexed.

Evidence to be produced on Registry.

For conflicting claims as to Builder, see Canadian Act 36 Vict., c. 128, sec. 13, annexed.

(3.) A Statement of the Name of the Master.

(4.) A Statement of the Number of Shares in such Ship of which he is entitled to be registered as Owner.

(5.) A Denial that, to the best of his Knowledge and Belief, any unqualified Person or Body of Persons is entitled as Owner to any legal or *beneficial Interest* in such Ship or any Share therein.

The above Declaration of Ownership shall be made and subscribed in the Presence of the Registrar if the Declarant reside within Five Miles of the Custom House of the Port of Registry, but if beyond that distance in the Presence of any Registrar or of any Justice of the Peace.

XXXIX. No Body Corporate shall be entitled to be registered as Owner of a Ship or of any Share therein until the Secretary or other duly appointed Public Officer of such Body Corporate has made and subscribed in the Presence of the Registrar of the Port of Registry a Declaration in the Form marked C. in the Schedule hereto, referring to the Ship as described in the Certificate of the Surveyor, and containing the following Particulars; (that is to say),

(1.) A Statement of such Circumstances of the Constitution and Business of such Body Corporate as prove it to be qualified to own a *British Ship*.

(2.) A Statement of the Time when and the Place where such 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 he 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.

(3.) A Statement of the Name of the Master.

(4.) A Statement of the Number of Shares in such Ship of which such Body Corporate is Owner.

(5.) A Denial that, to the best of his Knowledge and Belief, any unqualified Person or Body of Persons is entitled as Owner to any legal or *beneficial Interest* in such Ship or any Share therein.

XL. Upon the First Registry of a Ship there shall, in addition to the Declaration of Ownership, be produced the following Evidence: (that is to say),

(1.) In the Case of a *British-built Ship*, a Certificate (which the Builder is hereby required to grant under his Hand) containing a true Account of the proper-Denomination and of the Tonnage of such Ship as estimated by him, and of the Time when and of the Place where such Ship was built, together with the Name of the Party (if any) on whose Account he has built the same, and if any Sale or Sales have taken place, the Bill or Bills of Sale under which the Ship or Share therein has become vested in the Party requiring to be registered as Owner.

(2.) In the Case of a Foreign-built Ship, the same Evidence as in the Case of a *British-built Ship*, unless the person requiring to be registered as Owner, or, in the Case of a Body Corporate, the duly appointed Officer, declares that the Time or Place of her

building is unknown, or that the Builder's Certificate cannot be procured, in which Case there shall be required only the Bill or Bills of Sale under which the Ship or Share therein became vested in the Party requiring to be registered as Owner thereof. *Registry of British Ships**

- (3.) In the Case of a Ship condemned by any competent Court, an Official Copy of the Condemnation of such Ship.

XXI. If any Builder wilfully makes a false Statement in any Certificate hereby required to be granted by him, he shall for every such Offence incur a Penalty not exceeding One hundred Pounds. *Penalty on builder for false certificate.*

XLII. As soon as the foregoing Requisites to the due Registry of a Ship have been complied with, the Registrar shall enter in the Register Book the following Particulars relating to such Ship ; *Particulars of Entry in Register Book.*
(that is to say,)

- (1.) The Name of the Ship and of the Port to which she belongs :
- (2.) The Details as to her Tonnage, Build, and Description comprised in the Certificate herein-before directed to be given by the Surveyor :
- (3.) The several Particulars as to her Origin stated in the Declaration or Declarations of Ownership ;
- (4.) The Names and Descriptions of her registered Owner or Owners, and if there is more than One such Owner, the Proportions in which they are interested in such Ship.

XLIII. No Notice of any Trust, express implied, or constructive, shall be entered in the Register Book, or receivable by the Registrar ; and, subject to any Rights and Powers appearing by the Register Book to be vested in any other Party, the registered Owner of any Ship or Share therein shall have Power absolutely to dispose in manner herein-after mentioned of such Ship or Share, and to give effectual Receipts for any Money paid or advanced by way of Consideration. *No Notice taken of Trusts.*

CERTIFICATE OF REGISTRY.

XLIV. Upon the Completion of the Registry of any Ship the Registrar shall grant a Certificate of Registry in the Form marked D. in the Schedule hereto, comprising the following Particulars ; *Certificate of Registry to be granted.*
(that is to say,)

- (1.) The Name of the Ship and of the Port to which she belongs :
- (2.) The Details as to her Tonnage, Build, and Description comprised in the Certificate herein-before directed to be given by the Surveyor :
- (3.) The Name of her Master :
- (4.) The several Particulars as to her Origin stated in the Declaration or Declarations of Ownership ;
- (5.) The Names and Descriptions of her registered Owner or Owners, and if there is more than One such Owner, the Proportions in which they are respectively interested, indorsed upon such Certificate.

XLV. Whenever any Change takes place in the registered Ownership of any Ship, then, if such Change occurs at a Time when the Ship is at her Port of Registry, the Master shall forth- *Change of Owners to be indorsed on certificate of Registry.*

Certificate of Registry.

with deliver the Certificate of Registry to the Registrar, and he shall indorse thereon a Memorandum of such Change; but if such Change occurs during the Absence of the Ship from her Port of Registry, then upon her first Return to such Port the Master shall deliver the Certificate of Registry to the Registrar, and he shall indorse thereon a like Memorandum of the Change; or if she previously arrives at any Port where there is a *British* Registrar, such Registrar shall, upon being advised by the Registrar of her Port of Registry of the Change having taken place, indorse a like Memorandum thereof on the Certificate of Registry, and may for that Purpose require the Certificate to be delivered to him, so that the Ship be not thereby detained; and any Master who fails to deliver to the Registrar the Certificate of Registry as herein-before required shall incur a Penalty not exceeding One hundred Pounds.

Change of Master to be indorsed on certificate of Registry. Admiralty Court has power to change master, 17 & 18 Vict. c. 104, s. 240 (M. S. A. 1854. For "Commissioners of Customs" read "Registrar General of Shipping and Seamen" see 35 & 36 Vict. c. 73, s. 4, (M. S. A. 1872). See also Canadian Act 36 Vict. c. 128 s. 20, annexed.

XLVI. Whenever the Master of any *British* registered Ship is changed, the following Persons, that is to say, if such Change is made in consequence of the Sentence of any Naval Court, the presiding Officer of such Court, but if the Change takes place from any other Cause, the Registrar, or if there is no Registrar the *British* Consular Officer resident at the Port where such Change takes place, shall indorse on the Certificate of Registry a Memorandum of such Change, and subscribe his Name to such Indorsement, and forthwith report the Change of Master to the Commissioners of Customs in *London*; and the Officers of Customs at any Port situate within Her Majesty's Dominions may refuse to admit any Person to do any Act at such Port as Master of any *British* Ship, unless his Name is inserted in or indorsed upon the Certificate of Registry of such Ship as the last appointed Master thereof.

Power to grant new certificate

XLVII. The Registrar may, with the sanction of the Commissioners of Customs, upon the Delivery up to him of the former Certificate of Registry, grant a new Certificate in the Place of the one so delivered up.

Provision in case of loss of certificate.

XLVIII. In the event of the Certificate of Registry of any Ship being mislaid, lost, or destroyed, if such Event occurs at any Port in the United Kingdom, the Ship being registered in the United Kingdom, or at any Port in any *British* Possession, the Ship being registered in the same *British* Possession, then the Registrar of her Port of Registry shall grant a new Certificate of Registry in lieu of and as a Substitute for her original Certificate of Registry; but if such Event occurs elsewhere, the Master or some other Person having Knowledge of the Circumstances shall make a Declaration before the Registrar of any Port having a *British* Registrar at which such Ship is at the Time, or first arrives after such Mislaid, Loss, or Destruction; and such Declaration shall state the Facts of the Case, and the Names and Descriptions of the registered owners of

In Canada the proof of loss of certificate to be on Oath, see Canadian Act 36 Vict. c. 128, s. 15, annexed.

such Ship, to the best of the Declarant's Knowledge and Belief; and the Registrar shall thereupon grant a Provisional Certificate as near to the Form appointed by this Act as Circumstances permit, and shall insert therein a Statement of the Circumstances under which such Provisional Certificate is granted.

Certificate of Registry.

XLIX. Every such Provisional Certificate shall, within Ten Days, after the first subsequent Arrival of the Ship at her Port of Discharge in the United Kingdom, if registered in the United Kingdom, or if registered elsewhere, at her Port of Discharge in the *British Possession* within which her Port of Registry is situate, be delivered up to the Registrar thereof, who shall thereupon grant a new one, as near to the Form appointed by this Act as Circumstances permit; and if the Master neglects to deliver up such Certificate within such Time he shall incur a Penalty not exceeding Fifty Pounds.

Provisional certificate to be delivered up.

L. 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 whatsoever which any Owner, Mortgagee, or other Person may have or claim to have on or in the Ship described in such Certificate; and if any Person whatever, whether interested or not in the Ship, refuses on Request to deliver up such Certificate when in his Possession or under his Control to the Person for the Time being entitled to the Custody thereof for the Purposes of such lawful Navigation as aforesaid, or to any Registrar, Officer of the Customs, or other Person legally entitled to require such Delivery, it shall be lawful for any Justice by Warrant under his Hand and Seal, or for any Court capable of taking cognizance of such Matter, to cause the Person so refusing to appear before him 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 incur a Penalty not exceeding One hundred Pounds; but if it is made to appear to such Justice or Court that the Certificate is lost, the Party complained of shall be discharged, and such Justice or Court shall thereupon certify that the Certificate of Registry is lost.

Custody of certificate.

Delivery of certificate may be required.

Penalty for Detention.

LI. If the Person charged with such Detainer or Refusal is proved to have absconded, so that the Warrant of the Justice or Process of the Court cannot be served upon him, or if he persists in his Refusal to deliver the Certificate, such Justice or Court shall certify the Fact, and the same Proceedings may then be taken as in the Case of a Certificate of Registry mislaid, lost, or destroyed, or as near thereto as Circumstances permit.

Mode of proceeding if detaining Party abscond.

LII. If the Master or Owner of any Ship uses or attempts to use for the Navigation of such Ship a Certificate of Registry not legally granted in respect of such Ship, he shall be guilty of a Misdemeanor, and it shall be lawful for any Commissioned Officer on Full Pay in the Military or Naval Service of Her Majesty, or any *British* Officer of Customs, or any *British* Consular Officer, to seize and detain such Ship, and to bring her for Adjudication before the High Court of Admiralty in *England* or *Ireland* or any Court having Admiralty Jurisdiction in Her Majesty's Dominions; and if such Court is of

Penalty for using improper certificate.

Certificate of Registry.

opinion that such Use or Attempt at Use has taken place, it shall pronounce such Ship, with her Tackle, Apparel, and Furniture, to be forfeited to Her Majesty, and may award such Portion of the Proceeds arising from the sale of such Ship as it may think just to the Officer so bringing in the same for Adjudication.

Certificate of Ship lost or ceasing to be British to be delivered up. See 36 & 37 Vict. c. 85, s. 22, (M.S.A. 1873) annexed. See also Canadian Act 36 Vict. c. 128 ss. 23 & 24, annexed.

LIII. If any registered Ship is either actually or constructively lost, taken by the Enemy, burnt, or broken up, or if by reason of a Transfer to any Persons not qualified to be Owners of *British Ships*, or of any other Matter or Thing, any such Ship as aforesaid ceases to be a *British Ship*, every Person who at the Time of the Occurrence of any of the aforesaid Events owns such Ship or any Share therein shall, immediately upon obtaining Knowledge of any such Occurrence, if no Notice thereof has already been given to the Registrar at the Port of Registry of such Ship, give such Notice to him, and he shall make an Entry thereof in his Register Book and except in Cases where the Certificate of Registry is lost or destroyed, the Master of every Ship so circumstanced as aforesaid, shall immediately, if such Event occurs in Port, but if the same occurs elsewhere, then within Ten Days after his Arrival in Port; deliver the Certificate of Registry of such Ship to the Registrar, or, if there be no Registrar, to the *British Consular Officer* at such Port, and such Registrar if he is not himself the Registrar of her Port of Registry, or such *British Consular Officer*, shall forthwith forward the Certificate so delivered to him to the Registrar of the Port of Registry of the Ship; and every Owner and Master who, without reasonable Cause, makes default in obeying the Provisions of this Section shall for each Offence incur a Penalty not exceeding One hundred Pounds.

Provisional certificate for ship becoming vested in British Owners at foreign Port.

LIV. If any Ship becomes the Property of Persons qualified to be Owners of *British Ships* at any Foreign Port, the *British Consular Officer* resident at such Port may grant the Master of such Ship, upon his Application, a Provisional Certificate, stating—

The Name of the Ship;

The Time and Place of her Purchase, and the Names of her Purchasers;

The Name of Her Master;

The best Particulars as to her Tonnage, Build, and Description that he is able to obtain;

For Commissioners of Customs read "Registrar General of Shipping and Seamen." See 35 & 36 Vict. c. 73, s. 4, (M.S.A. 1872) annexed.

And he shall forward a Copy of such Certificate, at the first convenient Opportunity, to the Commissioners of Customs in *London*: The Certificate so granted shall possess the same Force as a Certificate of Registry until the Expiration of Six Months, or until such earlier Time as the Ship arrives at some Port where there is a *British Registrar*; but upon the Expiration of such Period, or upon Arrival at such Port, shall be void to all Intents.

TRANSFER AND TRANSMISSIONS.

Transfer of Ships or Shares therein.

LV. A registered Ship or any Share therein, when disposed of to Persons qualified to be Owners of *British Ships*, shall be transferred by Bill of Sale; and such Bill of Sale shall contain such Description

of the Ship as is contained in the Certificate of the Surveyor, or such other Description as may be sufficient to identify the Ship to the Satisfaction of the Registrar, and shall be according to the Form marked E. in the Schedule hereto, or as near thereto as Circumstances permit, and shall be executed by the Transferer in the Presence of and be attested by One or more Witnesses.

*Transfers and
Transmis-
sions.*

LVI. No Individual shall be entitled to be registered as Transferee of a Ship or any Share therein until he has made a Declaration in the Form marked F. in the Schedule hereto, stating his Qualification to be registered as Owner of a Share in a *British* Ship, and containing a Denial similar to the Denial herein-before required to be contained in a Declaration of Ownership by an original Owner; and no Body Corporate shall be entitled to be registered as Transferee of a Ship or any Share therein until the Secretary or other duly appointed Public Officer of such Body Corporate has made a Declaration in the Form marked G, in the Schedule hereto, stating the Name of such Body Corporate, and such Circumstances of its Constitution and Business as may prove it to be qualified to own a *British* Ship, and containing a Denial similar to the Denial herein-before required to be contained in a Declaration of Ownership made on behalf of a Body Corporate: In the Case of an Individual, the above Declaration shall be made, if he reside within Five Miles of the Custom House of the Port of Registry, in the Presence of the Registrar, but if beyond that Distance in the Presence of any Registrar or of any Justice of the Peace; in the Case of a Body Corporate the Declaration shall be made in the Presence of the Registrar of the Port of Registry.

*Declaration
to be made by
Transferee.*

LVII. Every Bill of Sale for the Transfer of any registered Ship, or of any Share therein when duly executed, shall be produced to the Registrar of the Port at which the Ship is registered, together with the Declaration herein-before required to be made by a Transferee; and the Registrar shall thereupon enter in the Register Book the Name of the Transferee as Owner of the Ship or Share comprised in such Bill of Sale, and shall indorse on the Bill of Sale the Fact of such Entry having been made, with the Date and Hour thereof; and all Bills of Sale of any Ship or Shares in a Ship shall be entered in the Register Book in the Order of their Production to the Registrar.

*Registration
of Transfer.*

LVIII. If the Property in any Ship or in any Share therein becomes transmitted in consequence of the Death or Bankruptcy or Insolvency of any registered Owner, or in consequence of the Marriage of any Female registered Owner, or by any lawful Means other than by a Transfer according to the Provisions of this Act, such Transmission shall be authenticated by a Declaration of the Person to whom such Property has been transmitted, made in the Form marked H. in the Schedule hereto, and containing the several Statements herein-before required to be contained in the Declaration of a Transferee, or as near thereto as Circumstances permit, and, in addition, a Statement describing the Manner in which and the Party to whom such Property has been transmitted; and such Declaration shall be made and subscribed if the Declarant resides

*Transmission
of Shares by
Death, Bank-
ruptcy, or
Marriage.*

**Transfers and
Transmissions.**

at or within Five Miles of the Custom House of the Port of Registry in the Presence of the Registrar, but if beyond that Distance in the Presence of any Registrar or of any Justice of the Peace.

**Proof of
Transmission
by Bank-
ruptcy, Mar-
riage, Will, or
on Intestacy.**

LIX. If such Transmission has taken place by virtue of the Bankruptcy or Insolvency of any registered Owner, the said Declaration shall be accompanied by such evidence as may for the Time being be receivable in Courts of Justice as Proof of the Title of Parties claiming under any Bankruptcy or Insolvency: and if such Transmission has taken place by virtue of the Marriage of a Female Owner, the said Declaration shall be accompanied 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 Owner; and if such Transmission has taken place by virtue of any Testamentary Instrument or by Intestacy, then in *England, Wales, and Ireland* the said Declaration shall be accompanied by the Probate of the Will or the Letters of Administration or an official Extract therefrom, and in *Scotland* or in any *British Possession* by the Will or any Copy thereof that may be Evidence by the Laws of *Scotland* or of such Possession, or by Letters of Administration or any Copy thereof, or by such other Document as may by the Laws of *Scotland* or of such Possession be receivable in the Courts of Judicature thereof as Proof of the Person entitled upon an Intestacy.

**Registration
of transmitted
Share.**

LX. The Registrar, upon the Receipt of such Declaration so accompanied as aforesaid, shall enter the Name of the Person or Persons entitled under such Transmission in the Register Book as Owner or Owners of the Ship or Share therein in respect of which such Transmission has taken place; and such Persons, if more than One, shall, however numerous, be considered as One Person only as regards the Rule herein-before contained relating to the Number of Persons entitled to be registered as Owners.

**Registrar to
retain certain
Evidence.**

LXI. Of the Documents hereby required to be produced to the Registrar he shall retain in his Possession the following: that is to say, the Surveyor's Certificate, the Builder's Certificate, the Copy of the Condemnation, and all Declarations of Ownership.

**Unqualified
Owner en-
titled by Trans-
mission may
apply to
Court for
Sale of Ship.**

LXII. Whenever any Property in a Ship or Share in a Ship becomes vested by Transmission on the Death of any Owner or on the Marriage of any Female Owner in any Person not qualified to be the Owner of *British Ships*, it shall be lawful, if such Ship is registered in *England* or *Ireland* for the Court of Chancery, if in *Scotland* for the Court of Session, or if in any *British Possession* for any Court possessing the principal Civil Jurisdiction within such Possession, upon an Application made by or on behalf of such unqualified Person, to order a Sale to be made of the Property so transmitted, and to direct the Proceeds of such Sale, after deducting the Expenses thereof, to be paid to the Person entitled under such Transmission, or otherwise as the Court may direct; and it shall be in the Discretion of any such Court as aforesaid to make or refuse any such Order for Sale, and to annex thereto any Terms or Conditions, and to require any Evidence in support of such Application it may think fit,

and generally to act in the Premises in such Manner as the Justice of the Case requires.

*Transfers and
Transmissions.*

LXIII. Every Order for a Sale made by such Court as aforesaid shall contain a Declaration vesting the Right to transfer the Ship or Share so to be sold in some Person or Persons named by the Court, and such Nominee or Nominees shall thereupon be entitled to transfer such Ship or Share in the same Manner, and to the same Extent, as if he or they were the registered Owner or Owners of the same; and every Registrar shall obey the Requisition of such Nominee or Nominees as aforesaid in respect of any Transfer to the same Extent as he would be compellable to obey the Requisition of any registered Owner or Owners of such Ship or Share.

*Order to be
made by
Court.*

LXIV. Every such Application as aforesaid for Sale shall be made within Four Weeks after the Occurrence of the Event on which such Transmission has taken place, or within such further Time as such Court as aforesaid may allow, such Time not in any Case to exceed the Space of One Year from the Date of such Occurrence as aforesaid; and in the event of no such Application being made within such Period as aforesaid, or of such Court refusing to accede thereto, the Ship or Share so transmitted shall thereupon be forfeited in manner herein-after directed with respect to Interests acquired by unqualified Owners in Ships using a *British Flag* and assuming the *British Character*.

*Limit of Time
for Applica-
tion.*

LXV. It shall be lawful in *England or Ireland* for the Court of Chancery, in *Scotland* for the Court of Session, in any *British Possession* for any Court possessing the principal Civil Jurisdiction within such Possession, without Prejudice to the Exercise of any other Power such Court may possess, upon the summary Application of any interested Person made either by Petition or otherwise, and either *ex parte* or upon Service of Notice on any other Person, as the Court may direct, to issue an Order prohibiting for a Time to be named in such Order any Dealing with such Ship or Share; and it shall be in the Discretion of such Court to make or refuse any such Order, and to annex thereto any Terms or Conditions it may think fit, and to discharge such Order when granted with or without Costs, and generally to act in the Premises in such Manner as the Justice of the Case requires; and every Registrar, without being made a Party to the Proceedings, upon being served with such Order, or an official Copy thereof, shall obey the same.

*Power of
Courts to pro-
hibit Trans-
fers.*

MORTGAGES.

LXVI. A registered Ship or any Share therein may be made a Security for a Loan or other valuable Consideration; and the Instrument creating such Security, herein-after termed a "Mortgage," shall be in the Form marked I. in the Schedule hereto or as near thereto as Circumstances permit; and on the Production of such Instrument the Registrar of the Port at which the Ship is registered shall record the same in the Register Book.

*Mortgage of
Ships and
Shares there-
in.*

Mortgages.

Mortgages to be registered in Order of Time of Production.

LXVII. Every such Mortgage shall be recorded by the Registrar in the Order of Time in which the same is produced to him for that Purpose; and the Registrar shall, by Memorandum under his Hand, notify on the Instrument of Mortgage that the same has been recorded by him, stating the Date and Hour of such Record.

Entry of Discharge of Mortgage.

LXVIII. Whenever any registered Mortgage has been discharged the Registrar shall, on the Production of the Mortgage Deed, with a Receipt for the Mortgage Money indorsed thereon, duly signed and attested, make an Entry in the Register Book to the effect that such Mortgage has been discharged; and upon such Entry being made the Estate, if any, which passed to the Mortgagee shall vest in the same Person or Persons in whom the same would, having regard to intervening Acts and Circumstances, if any, have vested if no such Mortgage had ever been made.

Priority of Mortgages.

LXIX. If there is more than One Mortgage registered of the same Ship or Share therein, 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 Instrument is recorded in the Register Books, and not according to the Date of each Instrument itself.

Mortgagee not to be deemed Owner.

LXX. A Mortgagee shall not by reason of his Mortgage be deemed to be the Owner of a Ship or any Share therein, nor shall the Mortgagor be deemed to have ceased to be Owner of such Mortgaged Ship or Share, except in so far as may be necessary for making such Ship or Share available as a Security for the Mortgage Debt.

Mortgagee to have power of Sale.

LXXI. 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 if there are more Persons than One registered as Mortgagees of the same Ship or Share, no subsequent Mortgagee shall, except under the Order of some Court capable of taking cognizance of such Matters, sell such Ship or Share without the Concurrence of every prior Mortgagee.

Rights of Mortgagee not affected by any Act of Bankruptcy of Mortgagor.

LXXII. No registered Mortgage of any Ship or of any Share therein shall be affected by any Act of Bankruptcy committed by the Mortgagor after the Date of the Record of such Mortgage, notwithstanding such Mortgagor at the Time of his becoming bankrupt may have in his Possession and Disposition and be reputed Owner of such Ship or Share thereof; and such Mortgage shall be preferred to any Right, Claim, or Interest in such Ship or any Share thereof which may belong to the Assignees of such Bankrupt.

Transfer of Mortgages.

LXXIII. A registered Mortgage of any Ship or Share in a Ship may be transferred to any Person, and the Instrument creating such Transfer shall be in the Form marked K. in the Schedule hereto, and on the Production of such Instrument the Registrar shall enter in the Register Book the Name of the Transferee as Mortgagee of the Ship or Shares therein mentioned, and shall by Memorandum under his Hand record on the Instrument of Transfer that the same ha

been recorded by him, stating the Date and Hour of such Record. *Mortgages.*

LXXIV. If the Interest of any Mortgagee in any Ship or in any Share therein becomes transmitted in consequence of Death, Bankruptcy, or Insolvency, or in consequence of the Marriage of any Female Mortgagee, or by any lawful Means other than by a Transfer according to the Provisions of this Act, such Transmission shall be authenticated by a Declaration of the Person to whom such Interest has been transmitted, made in the Form marked L. in the Schedule hereto, and containing a Statement describing the Manner in which and the Party to whom such Property has been transmitted; and such Declaration shall be made and subscribed, if the Declarant resides at or within Five Miles of the Custom House of the Port of Registry, in the Presence of the Registrar, but if beyond that Distance, in the Presence of any Registrar or of any Justice of the Peace, and shall be accompanied by such Evidence as is hereinbefore required to authenticate a corresponding Transmission of Property from one registered Owner to another.

Transmission of Interest of Mortgagee by Death, Bankruptcy, or Marriage.

LXXV. The Registrar, upon the receipt of such Declaration and the Production of such Evidence as aforesaid, shall enter the Name of the Person or Persons entitled under such Transmission in the Register Book as Mortgagee or Mortgagees of the Ship or Share in respect of which such Transmission has taken place.

Entry of transmitted Mortgage.

CERTIFICATES OF MORTGAGE AND SALE.

LXXVI. Any 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 the Country or Possession in which the Port of Registry of such Ship is situate, may apply to the Registrar, who shall thereupon enable him to do so by granting such Certificates as are herein-after mentioned, to be called respectively Certificates of Mortgage or Certificates of Sale, according as they purport to give a Power to mortgage or a Power to sell.

Powers of Mortgage and Sale may be conferred by Certificate.

LXXVII. Previously to any Certificate of Mortgage or Sale being granted, the Applicant shall state to the Registrar, to be by him entered in the Register Book, the following particulars; (that is to say.)

Requisites for Certificates of Mortgage and Sale.

- (1.) The names of the Persons by whom the Power mentioned in such 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.
- (2.) The specific Place or Places where such Power is to be exercised, or if no Place be specified, then that it may be exercised anywhere, subject to the Provisions herein-after contained:
- (3.) The limit of Time within which such Power may be exercised.

LXXVIII. No Certificate of Mortgage or Sale shall be granted so as to authorize any Mortgage or Sale to be made—

Restrictions on certificates of Mortgage and Sale.

*Certificates
of Mortgage
and Sale.*

At any Place within the United Kingdom, if the Port of Registry of the Ship be situate in the United Kingdom ; or at any Place within the same *British* Possession if the Port of Registry is situate within a *British* Possession ; or
By any Person not named in the Certificate.

Forms of
certificates of
Mortgage
and Sale.

LXXIX. Certificates of Mortgage and Sale shall be in the Forms marked respectively M. and N. in the Schedule hereto, and shall contain a Statement of the several Particulars herein-before directed to be entered in the Register Book, and in addition thereto an Enumeration of any registered Mortgages or Certificates of Mortgage or Sale affecting the Ships or Shares in respect of which such Certificates are given.

Rules as to
certificates
of Mortgage.

LXXX. The following Rules shall be observed as to Certificates of Mortgage ; (that is to say.)

- (1.) The Power shall be exercised in conformity with the Directions contained in the Certificate :
- (2.) A Record of every Mortgage made thereunder shall be indorsed thereon by a Registrar or *British* Consular Officer :
- (3.) No Mortgage *bonâ fide* made thereunder shall be impeached by reasons of the Person by whom the Power was given dying before the making such Mortgage.
- (4.) Whenever the Certificate contains a Specification of the Place, or Places at which, and a Limit of Time not exceeding Twelve Months within which, the Power is to be exercised, no Mortgage *bonâ fide* made to a Mortgagee without Notice, shall be impeached by reason of the Bankruptcy or Insolvency of the Person by whom the Power was given :
- (5.) 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 Registry Book, and if there be more Mortgages than one so endorsed 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 a Record of each Instrument is indorsed on the Certificate, and not according to the Date of the Instrument creating the Mortgage :
- (6.) 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 :
- (7.) The Discharge of any Mortgage so registered on the Certificate may be indorsed thereon by any Registrar or *British* Consular Officer, upon the Production of such Evidence as is hereby required to be produced to the Registrar on the Entry of the Discharge of a Mortgage in the Register Book ; and upon such Indorsement being made, the Estate, if any, which passed to the Mortgagee shall vest in the same Person or Persons in whom the same would, having regard to intervening Acts and Circumstances, if any, have vested if no such Mortgage had been made :

(8.) Upon 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 such Certificate, and enter the Fact of such Cancellation in the Register Book ; and every Certificate so cancelled shall be void to all Intents.

*Certificates
of Mortgage
and Sale.*

LXXXI. The following Rules shall be observed as to Certificates of Sale ; (that is to say,) Rules as to
certificates of
Sale.

(1.) No such Certificate shall be granted except for the Sale of an entire Ship :

(2.) The Power shall be exercised in conformity with the Directions contained in the Certificate :

(3.) No Sale *boná fide* made to a Purchaser for valuable Consideration shall be impeached by reason of the Person by whom the Power was given dying before the making of such Sale :

(4.) Whenever the Certificate contains a Specification of the Place or Places at which, and a Limit of Time not exceeding Twelve Months within which, the Power is to be exercised, no Sale *boná fide* made to a Purchaser for valuable Consideration without Notice shall be impeached by reason of the Bankruptcy or Insolvency of the Person by whom the Power was given :

(5.) Any Transfer made to a Person qualified to be the Owner of *British Ships* shall be by Bill of Sale in the Form herein-before mentioned, or as near thereto as Circumstances permit :

(6.) If the Ship is sold to a Party qualified to hold *British Ships*, the Ship shall be registered anew ; but Notice of all Mortgages enumerated on the Certificate of Sale, shall be entered in the Register Book :

(7.) Previously to such Registry anew there shall be produced to the 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 :

(8.) Such last-mentioned Registrar shall retain the Certificates of Sale and Registry, and after having indorsed on both of such Instruments an Entry of the Fact of a Sale having taken place, shall forward the said Certificates to the Registrar of the Port appearing on such Certificates to be the former Port of Registry of the Ship, and such last-mentioned Registrar shall thereupon make a Memorandum of the Sale in his Register Book, and the Registry of the Ship in such Book shall be considered as closed, except as far as relates to any unsatisfied Mortgages or existing Certificates of Mortgage entered therein .

(9.) 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 re-surveyed, and the Declaration to be made by the Purchaser shall be the same as would be required to be made by an ordinary Transferree :

(10.) If the Ship is sold to a Party 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 some Registrar or Consular Officer, who shall retain the Certificates of Sale and Registry, and, having

*Certificates
of Mortgage
and Sale.*

indorsed thereon the Fact of such Ship having been sold to Persons not qualified to be Owners of *British* Ships, shall forward such Certificates to the Registrar of the Port appearing on the Certificate of Registry to be the Port of Registry of such Ship ; and such last-mentioned Registrar shall thereupon make a Memorandum of the Sale in his Register Book, and the Registry of the Ship in such Book shall be considered as closed, except so far as relates to any unsatisfied Mortgages or existing Certificates of Mortgages entered therein :

- (11.) If upon a Sale being made to an unqualified Person Default is made in the Production of such Certificates as are mentioned in the last Rule, such unqualified Person shall be considered by *British* Law as having acquired no Title to or Interest in the Ship ; and further, the Party upon whose Application such Certificate was granted, and the Persons exercising the Power, shall each incur a Penalty not exceeding One hundred Pounds :
- (12.) If no Sale is made in conformity with the Certificate of Sale, such Certificate shall be delivered to the Registrar by whom the same was granted ; and such Registrar shall thereupon cancel it, and enter the Fact of such Cancellation in the Register Book ; and every Certificate so cancelled shall be void to all Intents.

Power of
Commission-
ers of Cust-
oms in case of
loss of certi-
ficate of Mort-
gage or Sale.
In Canada
the Governor
General is
Imperial com-
missioners of
Customs.

LXXXII. Upon Proof at any Time to the Satisfaction of the Commissioners of Customs that any certificate of Mortgage or Sale is lost or so obliterated as to be useless, and that the Powers thereby given have never been exercised, or if they have been exercised then upon Proof of the several Matters and Things that have been done thereunder, it shall be lawful for the Registrar, with the Sanction of the said Commissioners, as circumstances may require, either to issue a new Certificate, or to direct such Entries to be made in the Register Book, or such other Matter or Thing to be done as might have been made or done if no such Loss or Obliteration had taken place.

Revocation of
certificates of
Mortgage and
Sale.

LXXXIII. The registered Owner for the Time being of any Ship or Share therein in respect of which a Certificate of Mortgage or Sale has been granted, specifying the Place or Places where the Power thereby given is to be exercised, may by an Instrument under his Hand made in the Form O. in the Schedule hereto, or as near thereto as Circumstances permit, authorize the Registrar by whom such certificate was granted to give notice to the Registrar, or Consular Officers, at such Place or Places, that such Certificate is revoked ; and Notice shall be given accordingly ; and all Registrars or Consular Officers receiving such Notice shall record the same and shall exhibit the same to all Persons who may apply to them for the Purpose of effecting or obtaining a Mortgage or Transfer under the said Certificate of Mortgage or Sale ; and after such Notice has been so recorded the said Certificate shall, so far as concerns any Mortgage or Sale to be thereafter made at such Place, be deemed to be revoked and of no Effect ; and every Registrar or Consular Officer recording any such Notice shall thereupon 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.

Registry anew, and Transfer of registry.

LXXXIV. Whenever any 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 such Alteration is made at a Port where there is a Registrar, the Registrar of such Port, but if made elsewhere, the Registrar of the First Port having a Registrar at which the Ship arrives after her Alteration, shall, on Application made to him, and on the Receipt of a Certificate from the proper Surveyor specifying the Nature of such Alteration, either retain the old Certificate of registry and grant a new Certificate of Registry containing a Description of the Ship as altered, or indorse on the existing Certificate a memorandum of such Alteration and subscribe his Name to such Indorsement; and the Registrar to whom such Application as aforesaid is made, if he is the Registrar of the Port of Registry of the Ship, shall himself enter in his Register Book the Particulars of the Alteration so made, and the Fact of such new Certificate having been granted or indorsement having been made on the existing Certificate; but if he is not such last-mentioned Registrar, he shall forthwith report such Particulars and Facts as aforesaid, accompanied by the old Certificate of Registry in Cases where a new one has been granted, to the Registrar of the Port of Registry of the Ship, who shall retain such old Certificate (if any), and enter such Particulars and Facts in his Register Book accordingly.

Alteration in Ship to be registered.

LXXXV. When the Registrar to whom Application is made in respect of any such Alteration is aforesaid is the Registrar of the Port of Registry, he may, if he thinks fit, instead of registering such Alteration, require such Ship to be registered anew in manner herein-before directed on the first Registry of a Ship, and if he is not such Registrar as lastly herein-before mentioned he may nevertheless require such Ship to be registered anew, but he shall in such last-mentioned Case grant a Provisional Certificate or make a Provisional Indorsement of the Alteration made in manner herein-before directed in Cases where no Registry anew is required, taking care to add to such Certificate or Indorsement a Statement that the same is made provisionally, and to insert in his Report to the Registrar of the Port of Registry of the Ship a like Statement.

On Alteration Registry anew may be required.

LXXXVI. Every such Provisional Certificate, or Certificate provisionally indorsed, shall, within Ten days after the first subsequent Arrival of the Ship at her Port of Discharge in the United Kingdom if registered in the United Kingdom, or, if registered elsewhere, at her Port of Discharge in the *British* Possession within which her Port of Registry is situate, be delivered up to the Registrar thereof, who shall thereupon cause such Ship to be registered anew in the same Manner in all respects as herein-before required on the first Registry of any Ship.

Grant of Provisional certificate in respect of Alteration.

LXXXVII. On Failure of such Registry anew of any Ship or Registry of Alteration of any Ship so altered as aforesaid, such ship shall be deemed not duly registered, and shall no longer be recognized as a *British* Ship.

Consequence of Omission to register anew. See s. 106 of this Act.

Registry anew, and Transfer of Registry.

On change of Owners, Registry anew may be granted, if required.

LXXXVIII. If upon any Change of Ownership in any Ship the Owner or Owners desire to have such Ship registered anew, although such Registry anew is not required by this Act, it shall be lawful for the Registrar of the Port at which such Ship is already registered, on the Delivery up to him of the existing Certificate of Registry, and on the other Requisites to Registry, or such of them as the Registrar thinks material, being duly complied with, to make such Registry anew, and grant a Certificate thereof.

Registry may be transferred from Port to Port.

LXXXIX. The Registry of any Ship may be transferred from one Port to another upon the Application of all Parties appearing on the Register to be interested in such Ship, whether as Owners or Mortgagees, such Application to be expressed by a Declaration in Writing made and subscribed, if the Party so required to make and subscribe the same resides at or within Five Miles of the Custom House of the Port from which such Ship is to be transferred, in the Presence of the Registrar of such Port, but if beyond that Distance in the Presence of any Registrar or of any Justice in the Peace.

Manner of Transfer of Registry. See 18 & 19 Vict. c. 91, s. 12, (M.S.A. 1855) annexed.

XC. Upon such Application being made as is herein-before mentioned, and upon the Delivery to him of the Certificate of Registry the Registrar of the Port at which such Ship is already registered shall transmit to the Registrar of the Port at which such Ship is intended to be registered Notice of such Application having been made to him, together with a true Copy of all Particulars relating to such ship, and the Names of all the Parties appearing by his Book to be interested as Owners or Mortgagees in such Ship; and such last-mentioned Registrar shall, upon the Receipt of such Notice, enter all such Particulars and Names in his Book of Registry, and grant a fresh Certificate of Registry, and thenceforth such Ship shall be considered as registered at and belonging to such last-mentioned Port, and the Name of such last-mentioned Port shall be substituted on the Stern of such Ship in lieu of the Name of the Port previously appearing thereon.

Transfer of Registry not to affect Rights of Owners.

XCI. The transfer of the Registry of any Ship in manner aforesaid shall not in any way affect the Rights of the several Persons interested either as Owners or Mortgagees in such Ship, but such Rights shall in all respects be maintained and continue in the same Manner as if no such Transfer had been effected.

Registry, Miscellaneous.

Inspection of Register Books. For "Commissioners of Customs read Registrar General of Shipping and Seamen," see 35 & 36 Vict. c. 73, s. 4, (M.S.A. 1872), annexed. See also Canadian Act, 36 Vict. c. 128, s. 17, annexed.

XCII. Every Person may, upon Payment of a Fee to be fixed by the Commissioners of Customs not exceeding One Shilling, have Access to the Register Book for the Purpose of Inspection at any reasonable Time during the Hours of official Attendance of the Registrar.

XCIII. No Registrar shall 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.

*Registry,
Miscellaneous.*
Indemnity to
Registrar.

XCIV. Every Registrar in the United Kingdom shall at the Expiration of every Month, and every other Registrar shall without Delay, or at such stated Times as may be fixed by the Commissioners of Customs, transmit to the Custom House in *London* a full Return in such Form as they may direct of all Registries, Transfers, Transmissions, Mortgages, and other Dealings with Ships which have been registered by or communicated to them in their Character of Registrars, and the Names of the Persons who have been concerned in the same, and such other Particulars as may be directed by the said Commissioners.

Return to be
made by Re-
gistrars to
Commission-
ers of Cust-
oms.
For "Com-
missioners of
Customs"
read "Regis-
trar General
of Shipping
and Seamen"
See 35 & 36
Vict., c. 73. s.
4, (M.S.A.
1872) an-
nexed.

XCv. All Fees authorized to be taken under the Second Part of this Act shall, if taken in any Part of the United Kingdom, be applied in Payment of the general Expenses of carrying into effect the Purposes of such Second Part, or otherwise as the Treasury may direct, but if taken elsewhere shall be disposed of in such Way as the Executive Government of the *British Possession* in which they are taken may direct.

Application
of Fees.

XCvi. The Commissioners of Customs shall cause the several Forms required or authorized to be used by the Second Part of this Act, and contained in the Schedule hereto, to be supplied to all Registrars within Her Majesty's Dominions for Distribution to the several Persons requiring to use the same, either free of Charge, or at such moderate Prices as they may from Time to Time direct, and the said Commissioners, with the Consent of the Board of Trade, may from Time to Time make such Alterations in the Forms contained in the Schedule hereto as it may deem requisite, but shall, before issuing any altered Form, give such public Notice thereof as may be necessary in order to prevent Inconvenience; and the said Commissioners may also, with such Consent as aforesaid, for the Purposes of carrying into effect the Provisions contained in the Second Part of this Act, give such Instructions 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 to be required for identifying any Person, and generally as to any Act or thing to be done in pursuance of the Second Part of this Act, as they may think fit.

Commission-
ers of Customs
to provide,
and with con-
sent of Board
of Trade may
alter Forms
and issue
Instructions.
See also 18 &
19 Vict. c. 91,
s. 11, (M.S.A.
1855) an-
nexed.

XCvii. Whenever in any Case in which under the Second Part of this Act any Person is required to make a Declaration on behalf of himself or of any Body Corporate, or any Evidence is required to be produced to the Registrar, it is shown to the Satisfaction of the Registrar, that from any reasonable Cause such Person is unable to make the Declaration, or that such Evidence cannot be produced, is

Power to
Registrar to
dispense with
Declarations
and other
evidence.

*Registry,
Miscellaneous.*

shall be lawful for the Registrar, with the Sanction of the Commissioners of Customs, and upon the Production of such other Evidence, and subject to such Terms as they may think fit, to dispense with any such Declaration or Evidence.

Power for Commissioners or Governor in special cases to grant a pass to a Ship not registered. In Canada this means the Lieutenant Governor of a province, see 32 Vict. c. 11, s. 2, (M.S. (Colonial) Act 1869) also Canadian Act 36 Vict., c. 128, s. 9, both annexed.

Provision for cases of Infancy or other incapacity.

Liabilities of Owners. For beneficial interest see 25 & 26 Vict. c. 63, s. 3 (M.S. A. 1862) annexed.

Punishment for Forgery.

XCVIII. In Cases where it appear to the Commissioners of Customs, or to the Governor or other Person administering the Government of any British Possession, 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 one Port or Place in Her Majesty's Dominions to any other Port or Place within the same, it shall be lawful for such Commissioners or Governor or other Person to grant a Pass accordingly, and such Pass shall for the Time and within the Limits therein mentioned have the same Effect as a Certificate of Registry.

XCIX. If any Person interested in any Ship or any Share therein is, by reason of Infancy, Lunacy, or other Inability, incapable of making any declaration or doing anything required or permitted by this Act to be made or done by such incapable person in respect of Registry, then the Guardian or Committee, if any, of such incapable Person, or, if there be none, any Person appointed by any Court or Judge possessing Jurisdiction in respect of the Property of incapable Persons, upon the Petition of any Person on behalf of such incapable Person, or of any other Person interested in the making such Declaration or doing such Thing, may make such Declaration, or a Declaration as nearly corresponding thereto as Circumstances permit, and do such Thing in the Name and on behalf of such incapable Person; and all Acts done by such Substitute shall be as effectual as if done by the Person for whom he is substituted.

C. Whenever any Person is *beneficially interested*, otherwise than by way of Mortgage, in any Ship or Share therein 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 by any other Act on Owners of Ships or Shares therein, so nevertheless that Proceedings may be taken for the Enforcement of any such pecuniary Penalties against both or either of the aforesaid Parties with or without joining the other of them.

Forgery.

CI. Any Person who forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Register Book, Certificate of Surveyor. Certificate of Registry, Declaration of Ownership, Bill of Sale, Instrument of Mortgage, Certificate of Mortgage or Sale, or any Entry or Endorsement required by the Second Part of this Act to be made in

or on any of the above Documents, shall for every such Offence be deemed to be guilty of Felony.

Forgery.

National Character.

CII. No Officer of Customs shall grant a Clearance or Transire for any Ship until the Master of such Ship has declared to such Officer the Name of the Nation to which he claims that she belongs, and such Officer shall thereupon inscribe such Name on the Clearance or Transire; and if any Ship attempts to proceed to Sea without such Clearance or Transire, any such Officer may detain her until such Declaration is made.

National character of Ship to be declared before clearance.

CIII. The Offences herein-after mentioned shall be punishable as follows; (that is to say):

Penalties :

- (1.) If any Person uses the *British* Flag and assumes the *British* National Character on board any Ship owned in whole or in part by any Person not entitled by Law to own *British* Ships for the Purpose of making such Ship appear to be a *British* Ship, such Ship shall be forfeited to Her Majesty, unless such Assumption has been made for the Purpose of escaping. Capture by an Enemy or by a Foreign Ship of War in exercise of some belligerent Right; and 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 :

For unduly assuming a *British* Character.
- (2.) If the Master or Owner of any *British* Ship does or permits to be done any Matter or Thing, or carries or permits to be carried any Papers or Documents, with Intent to conceal the *British* Character of such Ship from any Person entitled by *British* Law to inquire into the same, or to assume a Foreign Character, or with Intent to deceive any such Person as lastly herein-before mentioned, such Ship shall be forfeited to Her Majesty; and the Master, if he commits, or is privy to the Commission of the Offence, shall be guilty of a Misdemeanor.

For concealment of *British* or Assumption of Foreign character.
- (3.) If any unqualified Person, except in the Case of such transmitted Interests as are herein-before mentioned, acquires as Owner any Interest, either legal or beneficial, in a Ship using a *British* Flag and assuming the *British* Character, such Interest shall be forfeited to Her Majesty :

For acquiring Ownership if unqualified.
- (4.) If any Person on behalf of himself or any other person or Body of Persons, wilfully makes a false Declaration touching the Qualification of himself or such other Person or Body of Persons to own *British* Ships or any Shares therein, the Declarant shall be guilty of a Misdemeanor; and the Ship or Share in respect of which such Declaration is made, if the same has not been forfeited under the foregoing Provision, shall, to the Extent of the Interest therein of the Person making the Declaration, and, unless it is shown that he had no Authority to make the same, of the Parties on behalf of whom such Declaration is made, be forfeited to Her Majesty :

For false declaration of Ownership. See also 18 and 19 Vict., c. 91, s. 9 (M. S.A. 1855) annexed.

And in order that the above Provisions as to Forfeitures may be carried into effect, it shall be lawful for any Commissioned Officer on Full Pay in the Military or Naval Service of Her Majesty, or any *British*

**National
Character.**

Officer of Customs or any *British* Consular Officer to seize and detain any Ship with has either wholly or as to any Share therein become subject to Forfeiture as aforesaid, and to bring her for Adjudication before the High Court of Admiralty in *England* or *Ireland*, or any Court having Admiralty Jurisdiction in Her Majesty's Dominions; and such Court may thereupon make such Order in the Case as it may think fit, and may award to the Officer bringing in the same for Adjudication such Portion of the Proceeds of the Sale of any forfeited Ship or Share as it may think right.

**Officer not
liable for
any seizure
made on rea-
sonable
Grounds.**

CIV. No such Officer as aforesaid shall be responsible, either civilly or criminally, to any Person whomsoever, in respect of the Seizure or Detention of any Ship that has been seized or detained by him in pursuance of the Provisions herein contained, notwithstanding that such Ship is not brought in for Adjudication, or, if so brought in, is declared not to be liable to Forfeiture, if it is shown to the Satisfaction of the Judge or Court before whom any Trial relating to such Ship or such Seizure or Detention is held that there were reasonable Grounds for such Seizure or Detention; if no such Grounds are shown, such Judge or Court may award Payment of Costs and Damages to any Party aggrieved, and make such other Order in the Premises as it thinks just.

**Penalty for
carrying im-
proper Co-
lours.**

CV. If any Colours usually worn by Her Majesty's Ships, or any Colours resembling those of Her Majesty, or any distinctive National Colours, except the Red Ensign usually worn by Merchant Ships, or except the Union Jack with a White Border, or if the Pendant usually carried by Her Majesty's Ships, or any Pendant in anywise resembling such Pendant, are or is hoisted on board any Ship or Boat belonging to any Subject of Her Majesty without Warrant for so doing from Her Majesty or from the Admiralty, the Master of such Ship or Boat, or the Owner thereof, if on board the same, and every other Person hoisting or joining or assisting in hoisting the same, shall for every such Offence incur a Penalty not exceeding Five hundred Pounds; and it shall be lawful for any Officer on Full Pay in the Military or Naval Service of Her Majesty, or any *British* Officer of the Customs, or any *British* Consular Officer to board any such Ship or Boat, and to take away such Jack, Colours or Pendant; and such Jack, Colours, or Pendant shall be forfeited to Her Majesty.

**Effect of
Declaration
in the Act
that a Ship
shall not be
recognized as
a *British*
Ship.**

CVI. Whenever it is declared by this Act that a Ship belonging any Person or Body Corporate qualified according this Act to be owners of *British* Ships shall not be recognized as a *British* ship, such Ship shall not be entitled to any benefits, privileges, advantages, or protection usually enjoyed by *British* ships, and shall not be entitled to use the *British* Flag, or assume the *British* National character; but so far as regards the payment of Dues, the Liability to Pains and Penalties, 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.

Evidence.

CVII. Every Register of or Declaration made in pursuance of the Second Part of this Act in respect of any *British Ship* may be proved in any Court of Justice, or before any Person having by Law, or by Consent of Parties Authority to receive Evidence, either by the Production of the Original or by an examined Copy thereof purporting to be certified under the Hand of the Registrar or other Person having the Charge of the Original ; which certified Copies he is hereby required to furnish to any Person applying at a reasonable Time for the same upon Payment of One Shilling for each such certified Copy ; and every such Register or Copy of a Register, and also every Certificate of Registry of any *British Ship*, purporting to be signed by the Registrar or other proper Officer, shall be received in Evidence in any Court of Justice, or before any Person having by Law or by Consent of Parties Authority to receive Evidence as *prima facie* Proof of all the Matters contained or recited in such Register when the Register or such Copy is produced, and of all the Matters contained in or indorsed on such Certificate of Registry, and purporting to be authenticated by the Signature of a Registrar, when such Certificate is produced.

Copies of Registers and Declarations to be admissible in evidence, and to be *prima facie* Proof of certain things.

Saving Clause.

CVIII. Nothing in this Act contained shall repeal or affect an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, Chapter Fifty-six, intitled, *An Act further to regulate the Trade of Ships built and trading within the Limits of the East India Company's Charter.*

Saving of 3 and 4 Vict. c. 56, relating to East Indian Ships.

CCXL. Any Court having Admiralty Jurisdiction in any of Her Majesty's Dominions, may upon application by the Owner of any Ship being within the Jurisdiction of such Court, or by the Part Owner or Consignee, or by the Agent of the Owner, or by any certificated Mate or by One Third or more of the Crew of such Ship, and upon Proof on Oath to the satisfaction of such Court that the Removal of the Master of such Ship is necessary, remove him accordingly ; and may also, with the consent of the Owner or his Agent, or the Consignee of the Ship, or if there is no Owner or Agent of the Owner or Consignee of the Ship within the Jurisdiction of the Court, then without such consent, appoint a new Master in his Stead ; and may also make such order, and may require such Security in respect of Costs in the Matter, as it thinks fit.

Power of Admiralty Courts to remove master.

Merchant Shipping Act Amendment Act, 1855, Sec. 9 to 15.

18 & 19 VICT. Cap. 91.

Penalty on false declaration under Part 2 of Merchant Shipping Act 17 and 18 Vict., c. 104, s. 103. IX. Any Person who, in any Declaration made in the Presence of or produced to any Registrar of Shipping, in pursuance of the Second Part of the Merchant Shipping Act, 1854, or in any Documents or other Evidence produced to such Registrar, wilfully makes, or assists in making, or procures to be made, any false Statement concerning the Title to, or the Ownership of or the Interests existing in, any Ship or any Share or Shares in any Ship, or who utters, produces, or makes use of any Declaration or Document containing any such false Statement, knowing the same to be false, shall be guilty of a Misdemeanor.

Shares in Shipping within the Trustee Act, 1850. 13 and 14 Vict., c. 60. X. Shares in Ships registered under the said Merchant Shipping Act, 1854, shall be deemed to be included in the Word "Stock," as defined by the Trustee Act, 1850, and the Provisions of such last-mentioned Act shall be applicable to such Shares accordingly.

Forms of Instruments. 17 & 18 Vict., c. 104, s. 96. XI. In any Case in which any Bill of Sale, Mortgage, or other Instrument for the Disposal or Transfer of any Ship or any Share or Shares therein, or of any Interest therein, is made in any Form or contains any Particulars other than the Form and Particulars prescribed and approved for the Purpose by or in pursuance of the Merchant Shipping Act, 1854, no Registrar shall be required to record the same without the express Direction of the Commissioners of Her Majesty's Customs.

Delivery of certificate upon Transfer of Registry. 17 & 18 Vict., c. 104, s. 90. XII. Upon the Transfer of the Registry of a Ship from one Port to another, the Certificate of Registry required by the Ninetieth Section of the Merchant Shipping Act, 1854, to be delivered up for that Purpose may be delivered up to the Registrar of either of such Ports.

Exemption of certain ships from having Name painted on Stern. 17 & 18 Vict., c. 104, s. 34. XIII. The Commissioners of Customs may, with the Consent of the Board of Trade, exempt any Pleasure Yacht from the Provision contained in the Thirty-fourth Section of the Merchant Shipping Act, 1854, which requires the Name of every Ship and Port to which she belongs to be painted on her Stern.

Repealed by 34 & 35 Vict., c. 110, s. 12, (M. S. A. 1871). Sse also sec. 4, same act which was repealed by 36 & 37 Vict., c. 85, s. 33. See also s. 3, same act.

XIV. The Owner of any Ship which is measured under Rule II, contained in the Twenty-second Section of the Merchant Shipping Act, 1854, may at any subsequent Period apply to the Commissioners of Customs to have the said Ship remeasured under Rule I, contained in the Twenty-first Section of the same Act, and thō said Commissioners may thereupon, and upon Payment of such Fee not exceeding Seven Shillings and Sixpence for each Transverse Section as they may authorize, direct the said Ship to be remeasured accordingly, and the Number denoting the Register Tonnage shall be altered accordingly.

Ships measured under Rule II, may be measured under Rule I. 17 & 18 Vict., c. 104, ss. 21 & 22. For Commissioners of Customs, read Board of Trade. See 35 & 36 Vict., c. 73, s. 3, (M.S.A. 1871) annexed.

XV. The Copy or Transcript of the Register of any British Ship which is kept by the Chief Registrar of Shipping at the Custom House in London, or by the Registrar General of Seamen, under the Direction of Her Majesty's Commissioners of Customs or of the Board of the Trade, shall have the same Effect to all Intents and Purposes as the original Register of which the same is a Copy or Transcript.

General Register Books in London. 17 & 18 Vict. c. 104, s. 107.

Merchant Shipping Act Amendment Act 1862.

(25 & 26 VICT., CAP. 63, Secs. 3 & 4.)

*Registry and Measurement of Tonnage (Part II. of Merchant
Shipping Act, 1854.)*

Equities not
excluded by
Merchant
Shipping Act.

3. It is hereby declared that the Expression "Beneficial Interest," whenever used in the Second Part of the Principal Act, includes Interests arising under Contract and other equitable Interests; and the Intention of the said Act is that, without Prejudice to the Provisions contained in the said 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 the said Act on registered Owners and Mortgagees, and without Prejudice to the Provisions contained in the said Act relating to the Exclusion of unqualified Persons from the Ownership of *British* Ships, Equities may be enforced against Owners and Mortgagees of Ships in respect of their Interest therein, in the same Manner as Equities may be enforced against them in respect of any other Personal Property.

Tonnage
Rates under
Local Acts
may be levied
on the regis-
tered Ton-
nage.

4. Any Body Corporate or Persons having Power to levy Tonnage Rates on Ships may, if they think fit, with the Consent of the Board of Trade, levy such Tonnage Rates upon the registered Tonnage of the Ships as determined by the Rules for the Measurement of Tonnage for the Time being in force under the Principal Act, notwithstanding that the Local Act or Acts under which such Rates are levied provides for levying the same upon some different System of Tonnage Measurement.

Merchant Shipping Act 1867.

(30 & 31 VICT., CHAP. 124, Secs. 1, 2 & 9.)

1. This Act may be cited as the Merchant Shipping Act, 1867, and shall be construed with and as Part of The Merchant Shipping Act, 1854, herein-after termed the Principal Act. Short Title.

2. This Act shall come into operation on the First Day of *January* One thousand eight hundred and sixty-eight, but shall not apply to any Ship which belongs to the United Kingdom and is absent therefrom at the Time when this Act comes into operation until such Ship has returned to the United Kingdom. Commencement of Act.

9. The following Rules shall be observed with respect to Accommodation on board *British Ships*; (that is to say,) Place appropriated to Seamen to have a certain Space for each man, and to be properly constructed and kept clear.

(1.) Every Place in any Ship occupied by Seamen or Apprentices, and appropriated to their Use, shall have for every such Seaman or Apprentice a Space of not less than Seventy-two Cubic Feet, and of not less than Twelve Superficial Feet measured on the Deck or Floor of such Place:

(2.) Every such Place shall be such as to make the Space aforesaid available for the proper Accommodation of the Men who are to occupy it, shall be securely constructed, properly lighted and ventilated, properly protected from Weather and Sea, and as far as practicable properly shut off and protected from Effluvia which may be caused by Cargo or Bilge Water: See Canadian Act 36 Vict. c. 129, s. 77, annexed.

(3.) No such Place as aforesaid shall be deemed to be such as to authorize a Deduction from Registered Tonnage, under the Provisions herein-after contained, unless there is or are in the Ship One or more properly constructed Privy or Privies for the Use of the Crew; such Privy or Privies to be of such Number and of such Construction as may be approved by the Surveyor herein-after mentioned:

(4.) Every such Place shall, whenever the Ship is registered or re-registered, be inspected by One of the Surveyors appointed by the Board of Trade under Part IV. of the Principal Act, who shall, if satisfied that the same is in all respects such as is required by this Act, give to the Collector of Customs a certificate to that Effect, and thereupon such Space shall be deducted from the Register Tonnage:

(5.) No such Deduction from Tonnage as aforesaid shall be authorized unless there is permanently cut in a Beam, and cut in or painted on or over the Doorway or Hatchway of every such Place, the Number of Men which it is constructed to accommodate, with the Words "Certified to accommodate Seamen":

(6.) Every such Place shall be kept free from Stores or Goods of any kind, not being the personal Property of the Crew in use during the Voyage:

(7.) Upon any Complaint concerning any such Place as aforesaid, One of the Surveyors appointed by the Board of Trade may in- See 31 & 32 Vict., c. 129, s. 3, annexed.

See also Canadian Act 36 Vict., c. 128, s. 11; annexed.

spect such Place, and if he finds that any of the Provisions of this Act with respect to the same are not complied with he shall report the same to the Collector of Customs at the Port where the Ship is registered, and thereupon the registered Tonnage shall be altered, and the Deduction aforesaid in respect of Space disallowed, unless and until it shall be certified by such Surveyor, or by some other Surveyor appointed by the Board of Trade, that the Provisions of the Act in respect of such Place are fully complied with :

- (8.) If in any such Place in any Ship is not kept free from Goods and Stores as aforesaid, the Master shall be deemed to be in fault, and shall for every such Failure to comply with the Provisions of this Section forfeit and pay to each Seaman lodged in such Place the Sum of One Shilling a Day for each Day after Complaint made to him by any Two or more of such Seamen during which any Goods or Stores, not being the personal Property of the Crew, are stored or kept therein :
- (9.) If in any other respect the Provisions of this Section are not observed with respect to any such Place in any Ship the Owner shall be deemed to be in fault, and shall for every Failure to comply with the Provisions of this Section incur a Penalty not exceeding Twenty Pounds.

31 & 32 VICT. CHAP. 129, 1868.

An Act to amend the Law relating to the Registration of Ships in British Possessions.

[31st July 1868.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Grant of terminable certificates of Registry, subject to conditions, in colonies. See Canadian Act 36 Vict., c. 128, ss. 30 to 35. Such certificates can only be granted in Canada by an order of the Governor in council.

1. The Governor or Officer lawfully administering the Government of any *British Possession* may from Time to Time, with the Approval of One of Her Majesty's Principal Secretaries of State, make Regulations providing that on an Application for Registration under the Merchant Shipping Act, 1854, in that Possession of any Ship not exceeding Sixty Tons Burden, the Registrar may grant, in lieu of a Certificate of Registry as required by that Act, a Certificate of Registry to be terminable at the End of Six Months from the granting thereof, or of any longer Period ; and all Certificates of Registry granted under any such Regulations shall be in such Form and shall have Effect subject to such Conditions as the Regulations prescribe.

Ship to be deemed registered.

2. Notwithstanding anything in the Merchant Shipping Act, 1854, or in any other Act, any Ship, to which a Certificate is granted under any such Regulations shall while such Certificate is in force, and

in relation to all Things done or omitted during that Period, be deemed a registered *British Ship*.

3. The Governor of any *British Possession* abroad may from Time to Time appoint fit and proper Persons to be Surveyors, who shall have and exercise within such Possession all the Powers with respect to the Inspection of Crew Spaces that are conferred upon the Board of Trade Surveyors in the United Kingdom by Section Nine of the Merchant Shipping Act, 1867.

Governors abroad may appoint Surveyors. See Canadian Act 36 Vict., c. 128, s. 11, annexed.

4. This Act shall be read as One Act with the Merchant Shipping Act, 1854, and the Acts amending the same.

Construction of Act.

5. This Act may be cited as the Colonial Shipping Act, 1868.

Short Title.

32 VICT., CHAP. XI.

An Act for amending the Law relating to the Coasting Trade and Merchant Shipping in British Possessions.

[13th May 1869.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited as "The Merchant Shipping (Colonial) Act, 1869." Short Title.

2. In this Act, unless the context otherwise requires,—
The term "British possession" means any territory or place situate within Her Majesty's dominions, and not forming part of the United Kingdom, or of the Channel Islands, or Isle of Man; and all territories and places under one legislature as hereinafter defined are deemed to be one British possession for the purposes of this Act:

Definition of terms :
"British possession."

The term "legislature" includes any person or persons who exercise legislative authority in the British possession, and where there are local legislatures as well as a central legislature, means the central legislature only.

"Legislature."
This means the Dominion Legislature in Canada.

3. This Act shall be proclaimed in every British possession by the governor thereof as soon as may be after he receives notice of this Act, and shall come into operation in that British possession on the day of such proclamation, which day is hereinafter referred to as the commencement of this Act.

Commencement of Act.

Coasting Trade.

Regulation of coasting trade by colonial legislature.

4. After the commencement of this Act the legislature of a British possession, by any Act or Ordinance, from time to time, may regulate the coasting trade of that British possession, subject in every case to the following conditions :

- (1.) The Act or Ordinance shall contain a suspending clause, providing that such Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed.
- (2.) The Act or Ordinance shall treat all British Ships (including the Ships of any British possession) in exactly the same manner as ships of the British possession in which it is made.
- (3.) Where by treaty made before the passing of this Act Her Majesty has agreed to grant to any ships of any foreign state any rights or privileges in respect of the coasting trade of any British possession, such rights and privileges shall be enjoyed by such ships for so long as Her Majesty has already agreed or may hereafter agree to grant the same, anything in the Act or Ordinance to the contrary notwithstanding.

Sects. 328 and 163 of 16 & 17 Vict. c. 107, repealed.

5. The following sections of The Customs Consolidation Act 1853, are hereby repealed ; namely,

Section three hundred and twenty-eight as from the commencement of this Act :

Section one hundred and sixty-three as from the date in the case of each British possession at which either an Act or Ordinance with respect to the coasting trade made within two years after the commencement of this Act in such British possession comes into operation, or if there is no such Act or Ordinance, at which the said two years expire.

Merchant Shipping.

Registrars of British ships in British possessions. See also Canadian Act 36 Vict. c. 128 s. 10 annexed.

6. It shall be lawful for Her Majesty, by Order in Council, from time to time to declare, with respect to the British possession mentioned in the order, the description of persons who are to be registrars of British ships in that British possession, and to revoke any order so made.

After the date specified in the order, or, if no date is specified, after the date of the Proclamation of the order in the British possession, the order shall have effect as if it were contained in section thirty of the Merchant Shipping Act, 1854.

Application of Merchant Shipping Acts to Canada.

7. In the construction of the Merchant Shipping Act, 1854, and of the Acts amending the same, Canada shall be deemed to be one British possession.

Colonial certificates to master, mates, and engineers.

8. Where the legislature of any British possession provides for the examination of, and grant of certificates of competency to persons intending to act as masters, mates, or engineers on board British ships, and the Board of Trade reports to Her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient as the examinations for the same purpose in the United

Kingdom under the Acts relating to Merchant Shipping, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under the said Acts, and are liable to be forfeited for the like reasons and in the like manner, it shall be lawful for Her Majesty, by Order in Council,

1. To declare that the said certificates shall be of the same force as if they had been granted under the said Acts:
2. To declare that all or any of the provisions of the said Acts which relate to certificates of competency granted under those Acts shall apply to the certificates referred to in the said order :
3. To impose such conditions and to make such regulations with respect to the said certificates, and to the use, issue, delivery, cancellation, and suspension thereof, as to Her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach of such conditions and regulations.

Upon the publication in the London Gazette of any such Order in Council as last aforesaid, the provisions therein contained shall, from a date to be mentioned for the purpose in such order, take effect as if they had been contained in this Act.

It shall be lawful for Her Majesty in Council to revoke any order made under this section.

34 & 35 VICT., CHAP. CX.

An Act to amend the Merchant Shipping Acts.

[21st August 1871.]

WHEREAS it is expedient to amend the Merchant Shipping Acts :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited as the Merchant Shipping Act, 1871. Short title.
2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same, and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1871. Act to be construed with Merchant Shipping Acts.
3. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-two. Commencement of Act.

Registry (Part II. of Merchant Shipping Act, 1854)

4. Every British ship shall, before registry, be permanently and conspicuously marked, to the satisfaction of the Commissioners of Customs, as follows ; that is to say, Particulars to be marked on ship before registry.

Repealed by
36 & 37 Vict.
c. 85, s. 33.
See also s. 3,
same Act (M.
S.A. 1873),
annexed.

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, of a length not less than four inches, and of proportionate breadth.

Her official number and the number denoting her registered tonnage shall be marked on her main beam.

A scale of feet shall be marked on her stem and on her stern post, in Roman capital letters or in figures, six inches in length, the lower line of such letters or figures to coincide with the draught line denoted thereby.

The Board of Trade may, however, exempt any class of ships from the requirements of this section, or any of them.

If the said scale of feet is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds.

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 the Merchant Shipping Acts, 1854 to 1871. Any owner or master of a ship who neglects to keep his ship marked as aforesaid, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate, any of the said marks, except in the event aforesaid, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds; and any principal officer of Customs may detain a ship which is insufficiently and inaccurately marked until the insufficiency or inaccuracy has been remedied; provided that no fishing vessel duly registered, lettered, and numbered in pursuance of the "Sea Fisheries Act, 1868," shall be required to have her name and port of registry marked under this section.

Ships's
draught of
water to be
recorded.

5. The Board of Trade may, in any case or class of cases in which they think it expedient so to do, direct any person appointed by them for the purpose to record, in such manner and with such particulars as the Board of Trade direct, the draught of water of any sea-going ship, as shown on the scale of feet on her stem and on her stern post, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea; and such person shall thereupon keep such record, and shall from time to time forward the same, or a copy thereof, to the Board of Trade; and such record, or any copy thereof, if produced by or out of the custody of the Board of Trade, shall be admissible in evidence of the draught of water of the ship at the time specified in the record.

The master of every British sea-going ship shall, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea, record her draught of water in the official logbook (if any), and shall produce such record to any principal officer of Customs whenever required by him so to do, or in default of such production shall incur a penalty not exceeding twenty pounds.

Rules to be
observed
naming of
ships.

6. With respect to the names of British ships, the following rules shall be observed:

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

- (2.) No change shall be made in the name of a ship without the previous permission of the Board of Trade signified in writing under their seal, or under the hand of one of their secretaries or assistant secretaries. Upon such permission being granted, 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 :
- (3.) If in any case it is shown to the satisfaction of the Board of Trade that the name of any ship has been changed without such permission as aforesaid, they shall direct that her name be altered into that which she bore before such 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 :
- (4.) Where a ship having once been registered has ceased to be so registered no person, unless ignorant of such previous registry, (proof whereof shall lie on him,) shall apply to register, and no registrar shall knowingly register, such ship, except by the name by which she was previously registered, unless with the permission of the Board of Trade granted as aforesaid.

Every person who acts or suffers any person under his control to act in contravention of this section, or who omits to do, or suffers any person under his control to omit to do, anything required by this section, shall for each offence incur a penalty not exceeding one hundred pounds, and any principal Officer of Customs may detain the ship until the provisions of this section are complied with.

Application for a change of name shall be made in writing to the Board of Trade. If the Board are of opinion that the application is made on reasonable grounds they may entertain the same, and shall thereupon require notice thereof to be published in such form and manner as they think fit.

Masters and Seamen (Part III of Merchant Shipping Act, 1854).

7. Whenever in any proceeding against any seaman or apprentice belonging to any ship for desertion, or for neglecting or refusing to join or to proceed to sea in his ship, or for being absent from or quitting the same without leave, it is alleged by one fourth of the seamen belonging to such ship, or, if the number of such seamen exceed twenty, by not less than five such seamen, that such 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 such 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 such allegation, and shall for that purpose receive the evidence of the person or persons making the same, and shall have power to summon any other witnesses whose evidence they may think it desirable to hear; the court shall thereupon, if satisfied that the allegation is groundless, proceed to adjudicate, but if not so satisfied shall cause such ship to be surveyed.

Survey of ships alleged by seamen to be unseaworthy.

Provided that no seaman or apprentice charged with desertion, or with quitting his ship without leave, shall have any right to apply

for a survey under this section unless previously to his quitting his ship he has complained to the master of the circumstances so alleged in justification.

For the purposes of this section, the court shall require any of the surveyors appointed by the Board of Trade, under the Merchant Shipping Act, 1854, or any person appointed for the purpose by the Board of Trade, or, if such 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 may think fit to put. Such surveyor or other person shall survey the ship, and make his report in writing to the court, including an answer to every question put to him by the court. The court shall cause such report to be communicated to the parties, and unless it is proved to the satisfaction of the court that the opinions expressed in such report are erroneous, the court shall determine the questions before them in accordance with those opinions.

For the purposes of such survey, a surveyor shall have all the powers of an inspector appointed by the Board of Trade, under the Merchant Shipping Act, 1854.

The costs (if any) of the survey shall be determined by the Board of Trade according to a scale of fees to be fixed by them, and shall be paid in the first instance out of the Mercantile Marine Fund.

If it is proved to the satisfaction of the court that the ship is in a fit condition to proceed to sea, or, as the case may be, that the accommodation is sufficient, the costs of the survey shall be paid by the person or persons 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 such person or persons, and shall be paid over to the Board of Trade.

If it is proved that the ship is not in a fit condition to proceed to sea, or, as the case may be, that the accommodation is insufficient, the costs of the survey shall be paid to the Board of Trade by the master or owner.

Power for
naval courts
to direct
survey of
ships.

8. Any naval court may, if they think fit, direct a survey of any ship which is the subject of an investigation held before them, and such survey shall be made in the same way, and the surveyor who makes the same shall have the same powers, as if the survey had been directed by a competent court in the course of proceedings against a seaman or apprentice for desertion of a kindred offence.

Safety (Part IV. of Merchant Shipping Act, 1854.)

In cases of
collision
master to
give name,
&c., of vessel

9. In every case of collision between two vessels it shall be the duty of the master of each vessel to give to the master of the other vessel the name of his own vessel, and of her port of registry, or of the port or place to which she belongs, and also the names of the ports or places from which and to which she is bound.

Repealed by
36 & 37 Vict.,
c. 85, s. 33.
See also ss.
16 & 17 same
act, ~~enacted~~.

Any failure to give such information, except under circumstances which render it impossible or unnecessary to do so (proof of which shall lie on the master failing to give it,) shall involve the same

consequences as failure to render assistance to the other vessel, or to the master, crew, or passengers thereof.

In this section the term "vessel" includes any vessel used in navigation, however propelled.

10. If complaint is made to the Board of Trade that any British ship, is by reason of the defective condition of her hull or equipments, unfit to proceed to sea, the Board may cause such ship to be surveyed by one of the surveyors appointed by them, and if such surveyor report that the hull or equipments of such ship is or are in such a state that she could not proceed to sea without serious danger to human life, the Board of Trade may declare such ship to be unseaworthy, and thereupon any principal officer of Customs may detain such ship.

Power to Board of Trade to declare ship unseaworthy. See Canadian Act 36 Vict., c. 128, ss. 26 to 29 annexed.

Every such complaint shall be in writing, and shall state the name and address of the complainant, and a copy of the complaint, including the name and address of the complainant, shall before or during such survey be given by the Board of Trade to the master or to an owner of the ship.

If, upon such survey, such ship is found to be seaworthy, the expenses of the survey shall be paid to the Board of Trade by the person making the complaint, without prejudice to any right of suit or action against him by any person aggrieved by the complaint.

If, upon such survey, such ship is found to be unseaworthy, the expenses of the survey shall be paid to the Board of Trade by the owner of the ship.

Any shipowner who is dissatisfied with the decision of a surveyor under this section may appeal to any of the courts mentioned in this section having jurisdiction in the place where such ship was surveyed, and such court may, if they think fit, appoint one or more competent persons to survey such ship anew, and any surveyor so appointed shall have the powers of a surveyor appointed by the Board of Trade. Upon any such appeal the court may make such order as to the detention or discharge of the ship, as to the payment of any costs and damages which may have been occasioned by her detention, and as to the payment of the expenses of the original survey and of the survey anew, as to the court seems just.

The courts to which appeal may be made shall be—

In England, any court having jurisdiction under the County Court Admiralty Jurisdiction, 1868:

In Ireland, any court having jurisdiction under the Court of Admiralty (Ireland) Act, 1867:

In Scotland, the court of the sheriff for the county.

11. Every person who, having authority as owner or otherwise to send a ship to sea, sends her to sea in an unseaworthy state so as to endanger the life of any person belonging to or on board the same shall be guilty of a misdemeanor, unless he proves that he used all reasonable means to make and keep the ship seaworthy, and was ignorant of such unseaworthiness, or that her going to sea in an unseaworthy state was, under the circumstances, reasonable and unavoidable, and for this purpose he may give evidence in the same manner as any other witness. A misdemeanor under this section shall not be punishable on summary conviction.

Sending unseaworthy ship to sea, a misdemeanor

Repeal of certain sections of 17 & 18 Vict., c. 104, and 18 & 19 Vict. c. 91,

12. On and after the first day of January one thousand eight hundred and seventy-two, the twenty-fifth and thirty-fourth sections of the Merchant Shipping Act, 1854, and the thirteenth section of the Merchant Shipping Act Amendment Act, 1855, shall be repealed.

Merchant Shipping and Passenger Act Amendment.

35 & 36 VICT., CHAP. LXXIII.

Preliminary.

- Short title: **1.** This Act may be cited as the Merchant Shipping Act, 1872.
- Commencement of Act. **2.** This Act shall come into operation on the first day of January one thousand eight hundred and seventy-three.

Measurement of Ships.

- Transfer to Board of Trade of duties of Commissioners of Customs with respect to measurement of ships. **3.** The twenty-third, twenty-seventh, twenty-eighth, and twenty-ninth sections of the Merchant Shipping Act, 1854, the fourteenth section of the Merchant Shipping Act Amendment Act, 1855, and the fourth section of the Merchant Shipping Act, 1871, shall be read and construed as if the Board of Trade were therein named instead of the Commissioners of Customs.

Registry.

- Transfer to Registrar General of Seamen of duties of Commissioners of Customs with respect to registry of ships. **4.** The forty-sixth, fifty-fourth, ninety-second, and ninety-fourth sections of the Merchant Shipping Act, 1854, shall be read and construed as if the Registrar General of Seamen were therein named instead of the Commissioners of Customs, and the returns required to be transmitted by the said ninety-fourth section of the Merchant Shipping Act, 1854, shall be transmitted to the Registrar General of Seamen and not to the Custom House in London, and the Registrar General of Seamen shall be called the Registrar General of Shipping and Seamen.

General.

- Duties of surveyors. See Canadian Act 36 Vict., c. 123, s. 11, annexed. **13.** All duties in relation to the survey and measurement of ships under this Act or the Acts amended hereby shall be performed by the surveyors appointed under the fourth part of the Merchant Shipping Act, 1854, in accordance with such regulations as may be from time to time made by the Board of Trade.
- Fees and salaries of surveyors and emigration officers. See also Canadian Act 36 Vict., c. 123, s. 12, annexed. **14.** All fees payable in respect of the survey or measurement of ships under this Act or the Acts amended hereby, or in respect of any services performed by any person employed under the authority of the Passengers Act, 1855, shall be paid to the superintendent of a mercantile marine office at such times and in such manner as the Board of Trade may from time to time direct, and shall be carried to the mercantile marine fund; and the salaries of surveyors, and other expenses connected with the survey and measurement of ships under this Act or the Acts amended hereby and also so

much of the salaries and expenses of persons employed under the authority of the Passengers Act, 1855, as has heretofore been paid by fees, shall be paid out of the mercantile marine fund.

15. If any surveyor, or any person employed under the authority of the Passengers Act, 1855, demands or receives directly or indirectly, otherwise than by the direction of the Board of Trade, any fee, remuneration, or gratuity whatever in respect of any of the duties performed by him under this Act or the Acts amended hereby, he shall for every such offence incur a penalty not exceeding fifty pounds.

Penalty on surveyor, &c., receiving gratuity, &c., for duties performed under this Act.

Merchant Shipping Acts Amendment.

36 & 37 VICT., CHAP. LXXXV.

Preliminary.

1. This Act may be cited as the Merchant Shipping Act, 1873. Short title.

2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same, and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1873. Construction of Act.

(Registry, Part II. of Merchant Shipping Act, 1854).

3. Every British ship registered after the passing of this Act shall before registry, and every British ship registered before the passing of this Act shall, on or before the first day of January one thousand eight hundred and seventy-four, be permanently and conspicuously marked to the satisfaction of the Board of Trade, as follows: Particulars to be marked on British ships.

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 :

Her official number and the number denoting her registered tonnage shall be cut in on her main beam :

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. Such letters or figures shall be marked by being cut in and painted white or yellow on a dark ground, or in such other way as the Board of Trade may from time to time approve.

The Board of Trade may, however, exempt any class of ships from the requirements of this section or any of them.

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 incur a penalty not exceeding one hundred pounds.

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 the Merchant Shipping Acts, 1854 to 1873.

Any owner or master of a British ship who neglects to cause his ships to be marked as aforesaid, or to keep her so marked, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event aforesaid, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds, and any officer of customs on receipt of a certificate from a surveyor or inspector of the Board of Trade that a ship is insufficiently or inaccurately marked may detain the same until the insufficiency or inaccuracy has been remedied.

Provided that no fishing vessel duly registered, lettered and numbered in pursuance of the Sea Fisheries Act, 1868, shall be required to have her name and port of registry marked under this section.

Provided also, that if any Registered British ship is not within a port of the United Kingdom at any time before the first day of January one thousand eight hundred and seventy-four, she shall be marked as by this section required within one month after her next return to a British port of registry subsequent to that date.

Particulars to be entered in record of draught of water.

4. The record of the draught of water of any sea-going ship required under section five of the Merchant Shipping Act, 1871, shall, in addition to the particulars thereby required, specify the extent of her clear side in feet and inches.

The term "clear side" means the height from the water to the upper side of the plank of the deck from which the depth of hold as stated in the register is measured, and the measurement of the clear side is to be taken at the lowest part of the side.

Every master of a sea-going ship shall, upon the request of any person appointed to record the ship's draught of water, permit such person to enter the ship and to make such inspections and take such measurements as may be requisite for the purpose of such record, and any master who fails so to do, or impedes or suffers anyone under his control to impede any person so appointed in the execution of his duty, shall for each offence incur a penalty not exceeding five pounds.

Rules as to names of foreign ships placed on British register.

5. 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 such ship, except by the name which she bore as a foreign ship immediately before becoming a British ship, unless with the permission of the Board of Trade granted in manner directed by section six of the Merchant Shipping Act, 1871.

Any person who acts or suffers any person under his control to act in contravention of this section shall for each offence incur a penalty not exceeding one hundred pounds.

Restrictions on re-registration of abandoned ships.

6. Where a ship has ceased to be registered as a British ship by reason of having been wrecked or abandoned, or for any reason other than capture by the enemy or transfer to a person not qualified to own a British ship, such ship shall not be re-registered until

she has, at the expense of the applicant for registration, been surveyed by one of the surveyors appointed by the Board of Trade and certified by him to be seaworthy.

For re-registration of abandoned ships in Canada, see Canadian Act 36 Vict., c. 128, s. 16, annexed.

22. If the managing owner, or, in the event of there being no managing owner, the ship's husband of any British ship have reason, owing to the non-appearance of such ship, or to any other circumstance, to apprehend that such ship has been wholly lost, he shall, as soon as conveniently may be, send to the Board of Trade notice in writing of such loss and of the probable occasion thereof, stating the name of the ship and her official number (if any), and the port to which she belongs, and if he neglect to do so within a reasonable time he shall incur a penalty not exceeding fifty pounds.

Notice to be given of apprehended loss of ship. See also Canadian Act 36 Vict., c. 128, sec. 24, annexed.

30. There shall be paid in respect of the several measurements, inspections, and surveys mentioned in the third schedule hereto such fees, not exceeding those specified in that behalf in the said schedule, as the Board of Trade may from time to time determine.

Fees in respect of surveys, &c. See Canadian Act 36 Vict., c. 128, s. 12, annexed.

Canadian Act.

36 VICT., CHAP. CXXVIII.

An Act relating to Shipping and for the registration, inspection, and classification thereof.

(Reserved for the signification of Her Majesty's pleasure on the 23rd day of May, 1873. Royal assent given by Her Majesty in Council on the 20th day of November, 1873, and Proclamation thereof made by His Excellency the Governor General in the Canada Gazette of the 17th March, 1874. Act to take effect on the 27th March, 1874.)

WHEREAS the rule of measurement of ships contained in the Preamble.
 "Act respecting the registration of inland vessels," forming chapter forty-one of the Consolidated Statutes of the late province of Canada, being the same as that contained in the Acts of the Imperial Parliament in force on the seventeenth day of March, one thousand Consolidated Statutes of Canada, c. 41,
 eight hundred and forty-five, differs from that contained in the Act of the Imperial Parliament known as *The Merchant Shipping Act, 1854*," and Acts amending the same; and whereas it is desirable that but one rule of measurement of ships should prevail in Canada, and that ships navigating the inland waters of Canada should not be subject to provisions of law in some other respects different from those to which other ships in Canada are subject; and whereas it is desirable to make better provision for giving security to persons advancing money on ships in course of construction, and to provide for the ins Imperial Stat. 17 & 18 Vict., c. 104.

pection and classification of ships built or registered in Canada; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PRELIMINARY.

Commence-
ment of Act.

1. This Act shall take effect upon, from and after the day not being earlier than the first day of January, one thousand eight hundred and seventy-four, named for that purpose in any Proclamation published by the Governor to the effect that the same has been confirmed and approved by Her Majesty in Council.

Inconsistent
provisions of
Imp. Stat.,
17 & 18 Vict.,
c. 104, re-
pealed.

2. And whereas, by the five hundred and forty-seventh section of "*The Merchant Shipping Act, 1854*," it is enacted and provided that the legislative authority of any British possession shall have power, by any Act or Ordinance confirmed by Her Majesty in Council, to repeal, wholly or in part, any provisions of the said Act relating to ships registered in such possession, so much of the said Act and of any other Act amending the said Act and forming part of the same, as is inconsistent with this Act is hereby repealed, so far as relates to ships registered in Canada.

Con. Stat. of
Canada, cc.
41 and 42,
repealed.

3. The "*Act respecting the registration of inland vessels*," forming chapter forty-one, and the "*Act for the encouragement of Ship-building*," forming chapter forty-two, of the Consolidated Statutes of the late Province of Canada, and chapters first, second, and third of Title second of Book fourth of the Civil Code of Lower Canada, except so much of Articles, 2356, 2359, 2361, 2362, 2373, and 2374 as are not inconsistent with the provisions of this Act, are also hereby repealed. Part the second of chapter seventy-five of the Revised Statutes of Nova Scotia, third series, "*of the registration of ships*," is also hereby repealed.

Part of Code
of L. C. & c.
75 of Rev.
Stat., Nova
Scotia re-
pealed.

Interpreta-
tion clause.

4. In this Act

The term "The Minister," means the Minister of Marine and Fisheries;

The term "ship" includes every description of vessel used in navigation not propelled by oars;

The term "ships belonging to Her Majesty," includes ships the cost of which has been defrayed out of the Consolidated Revenue Fund of Canada, and ships described as the property of Canada by the one hundred and eight hundred section of "*The British North America Act, 1867*;"

The term "master," includes every person having command or charge of any ship.

Exemption of
H. M. ships.

5. Nothing in this Act shall apply to ships belonging to Her Majesty.

Division of
Act.

6. This Act is divided into four parts :

The first part relating to the measurement and registration of ships; and unseaworthy ships;

The second part relating to the licensing of small ships and other vessels.

The third part relating to security for advances on ships in course of construction ;

The fourth part relating to the inspection and classification of ships.

PART I.

MEASUREMENT AND REGISTRATION OF SHIPS.

7. The following ships are exempt from the provisions of this part of this Act, viz :

1. Ships having a whole or fixed deck, not propelled wholly or in part by steam, and not exceeding ten tons burthen.
2. Ships not propelled wholly or in part by steam, and not having a whole or fixed deck, whatever their burthen.

Ships exempt from the provisions of this Act. See 17 & 18 Vict. c. 104, s. 19. (M. S. A. 1854.)

8. Except as hereinafter mentioned, no ship propelled either wholly or in part by steam, whatever her tonnage, and no ship not propelled wholly or in part by steam, of more than ten tons burthen, and having a whole or fixed deck, although otherwise entitled by law to be deemed a British ship, shall be recognized in Canada as a British ship, nor be admitted to the privileges of a British ship in Canada, until, nor unless, she be duly registered in the United Kingdom, or in Canada, or some other British possession, under the said Act as amended as aforesaid.

What ships only shall be recognized in Canada as British ships. See 17 & 18 Vict., c. 104, ss. 18 & 19. (M. S. A. 1854.)

9. In cases where it appears to the Lieutenant-Governor of any Province of Canada, 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 or place within the Province of which he is Lieutenant-Governor, to any other port or place in Her Majesty's dominions, such Lieutenant-Governor may grant a pass accordingly, and such pass shall, for the time and within the limits therein mentioned, have the same effect as a pass granted by the Governor, or as a certificate of registry; and each Lieutenant-Governor shall forward, without delay, to the Governor in Council, a copy of each pass granted by him.

Lieutenant-Governors may grant passes to British ships. See 17 & 18 Vict., c. 104, s. 95. (M. S. A. 1854.)

10. The Governor in Council may appoint, at and for every port at which he deems it expedient to authorize the registry of ships, the collector or other principal officer of customs, who shall be the Registrar for all the purposes of "*The Merchant Shipping Act, 1854*," and the Acts amending the same, and of this Act.

Governor in Council may appoint Registrars of shipping, see 17 & 18 Vict., c. 104, s. 30. (M. S. A. 1854.)

11. The Governor in Council may appoint at every such port, and at any other port in Canada, an officer to superintend the survey and admeasurement of ships in conformity with the said Acts and this Act; and the same person may be appointed both the Registrar and Surveyor at any such Registry Port.

Governor in Council may also appoint Surveyors. See 17 & 18 Vict., c. 104, s. 36. (M. S. A. 1854.)

Surveyors to be entitled to fees and travelling expenses.
See 36 & 37 Vict., c. 85, s. 30. (M. S. A. 1873.)

12. Such Surveyor shall be entitled to such fees for the measurement of ships about to be registered for the first time under this Act, or requiring measurement for the purposes of registry, and to such travelling expenses, when required to travel for the purpose of making any such measurement, as the Governor in Council may, from time to time by Order in Council, see fit to establish; and such fees, and travelling expenses (if any) shall be paid to such Surveyor by the persons requiring his services; and any Surveyor may, in any case, withhold his certificate of measurement, or any other document that may be required of him, until his fees and travelling expenses (if any) be paid, and such fees shall be in lieu of all salary and other remuneration whatever for such services, but no fees shall be charged in Canada for registering vessels or recording transactions relating to the registry of vessels under this Act or under "*The Merchant Shipping Act, 1154*," or its amendments.

Case of conflicting claims to obtain registry of a ship provided for.
See 17 & 18 Vict., c. 104, s. 40. (M. S. A. 1854.)

13. In any case where two or more persons claim to be builders or owners of any ship, or present the builder's certificate to the Registrar of Shipping at any port in Canada for the purpose of obtaining registry for such ship under the provisions of section forty, of "*The Merchant Shipping Act, 1854*," and are not agreed as to who is the builder or owner of the same, such Registrar may refuse to grant registry for such ship, and is hereby empowered to summon witnesses, administer oaths, demand any books or papers, and receive any evidence relating to such ship; and a copy of such evidence taken, and a report thereon, shall be submitted by him to the Governor in Council, who shall issue such directions in the case as to giving of security to the other claimant or claimants, or any other matter or thing, as he may deem necessary; and registry shall be granted in pursuance of such directions and not otherwise.

Case of vessels registered under c. 41 of Con. Stat. Canada provided for.

14. No ship duly registered under the provisions of the said "*Act respecting the registration of inland vessels*," forming chapter forty-one of the Consolidated Statutes of the late Province of Canada, before the day on which this Act takes effect, need be registered after that day in pursuance of the provisions of this Act, except for the purpose of enabling her to proceed to sea as a British ship.

Disabilities of unregistered ships.

But no ship required by the said Act to be registered shall, unless duly registered under the provisions of the said Act, before the said day, and no other ship required to be registered in Canada, under the provisions of "*The Merchant Shipping Act, 1854*," as amended as aforesaid, or under the provisions of this Act, shall, unless so registered before or after the said day, be recognized in Canada as a British ship; and no officer of customs shall grant clearance to any ship required to be registered under the provisions of either of the said Acts, or of this Act, for the purpose of enabling her to proceed on a voyage unless the master of such ship, upon being required so to do, produces to him the proper certificate of registry; and if any such ship attempts to proceed on a voyage as a British ship without a clearance, any officer of customs may detain such ship until such certificate is produced to him.

Liability to be stopped.

15. No new certificate of registry of a ship registered in Canada shall be granted in Canada, under section forty-eight of "*The Merchant Shipping Act, 1854*," without proof on oath of the certificate of registry of such ship having been lost, mislaid, or destroyed.

Proof of loss of certificate of Registry to be on oath. See 17 & 18 Vict., c. 104, s. 48. (M.S.A. 1854.)

16. If any British or foreign registered ship is either actually or constructively 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 Governor, or under a pass from a Lieutenant-Governor under the ninth section of this Act, is either actually or constructively wrecked on the voyage, and during the time and within the limits mentioned in such pass, the Governor in Council 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 of Shipping, on proof being adduced, to the satisfaction of the Governor in Council, that such ship has been thoroughly repaired and made seaworthy, and also that all the transactions connected with the wreck, condemnation, and sale of such ship, were in good faith, and that all the requirements of the law have been complied with; but no Registrar of Shipping shall register any such ship without the authority of the Governor in Council.

Wrecked ship can not be registered except by authority of the Governor in Council. See 36 & 37 Vict., c. 85, s. 6. (M. S. A., 1873.)

17. Every person may, upon payment of a fee of twenty cents have access to the register of any ship registered in Canada, at the port of registry of such ship, at any reasonable time during the hours of official attendance of the Registrar, and such fees shall, from time to time as may be directed by the Governor in Council, be paid by the Registrars receiving the same to the Receiver General, to form part of the Consolidated Revenue Fund of Canada.

Access to Registers of ships. See 17 & 18 Vict., c. 104, s. 92. (M. S. A. 1854.)

18. Subject to the provisions of this Act, collectors or other principal officers of customs in Canada, not being Registrars of Shipping, shall have the same power and be under the same obligation to endorse from time to time on the certificate of registry of any ship at any port in Canada where the said ship may be, any change of master which takes place at that port, as are given to and laid upon Registrars of Shipping under "*The Merchant Shipping Act, 1854*."

Collectors of Customs to endorse changes of masters on certificates. See 17 & 18 Vict., c. 104, s. 48. (M.S.A. 1854.)

19. For and notwithstanding anything to the contrary contained in the forty-sixth section of "*The Merchant Shipping Act, 1854*," in case any Registrar of Shipping, or collector or other principal officer of the customs at any port or place in Canada, receives conflicting directions from owners of any ship registered in Canada as to a change of the master of such ship, such Registrar, or collector or other principal officer, may refuse to endorse a memorandum of the change of master on the certificate of registry of such ship, unless or until he receives a declaration according to the form in the first schedule to this Act, or as near thereto as circumstances permit, from the registered owners representing a majority of shares in such ship, or from their duly appointed agent or agents, setting forth the name of the person appointed in lieu of the former master, who shall be named in such declaration; the said declaration shall be made and subscribed in the presence of the Registrar or collector of custom

Endorsement change of master by Registrar or collector, on what proof to be made.

if the declarant or declarants reside within five miles of the custom house of the port of registry; but if beyond that distance, in the presence of any Registrar or collector of customs in Her Majesty's dominions, or of any Justice of the Peace; and in addition to such declaration, the Registrar of Shipping 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 may deem necessary, as proof of the ownership of the ship; and in case the ship is at or near such port, he shall, on the demand of a majority of the owners thereof, require the master, or any other person in the 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; and every person having possession of the certificate of registry of a ship registered in Canada, and refusing or neglecting to produce and deliver up the same to any Registrar of Shipping or collector of customs requiring the same to be produced and delivered up to him under the provisions of this section, shall incur a penalty of five hundred dollars.

Further provisions if the ship is at or near such port.

Registrars and collectors to keep records of endorsements of changes of master.

20. Every Registrar of Shipping 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 the date of such endorsement, the name of the ship, the official number of the ship, the port of registry of the ship, the name of the old master, 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 thereof; and every such record shall be kept in the office of the Registrar of Shipping 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.

Change of Managing Owner to be registered.

21. Upon the managing owner, or any of the managing owners (if more than one) of a ship registered in Canada being changed, or, if there be no managing owner, upon the ship's husband being changed, the newly appointed managing owner or owners or ship's husband shall forthwith give notice of such change to the registrar of the ship's port of registry, who shall register the same accordingly; any managing owner or ship's husband who fails to comply with the requirements of this section shall incur a penalty not exceeding one hundred dollars.

Rules to be observe as to the names of ships.
See 36 & 37
Vict., c. 85. s.
3, (M. S. A.
1873.)

22. With respect to the names of ships registered in Canada, the following rules shall be observed:

1. A ship shall not be described by any name other than that by which she is for the time being registered:
2. No change shall be made in the name of a ship without the previous permission of the Governor in Council. Upon such permission being granted, 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:

3. If in any case it is shown to the satisfaction of the Governor in Council that the name of any ship has been changed without his previous permission, he may direct that her name be altered into that which she bore before such 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:
4. Where a ship having once been registered has ceased to be so registered no person, unless ignorant of such previous registry, (proof of which shall lie on him), shall apply to register, and registrar shall knowingly register such ship, except by the name by which she was previously registered, unless with the permission of the Governor in Council.

Every person who acts, or suffers any person under his control to act in contravention of this section, or who omits to do, or suffers any person under his control to omit to do any thing required by this section, shall for each offence incur a penalty not exceeding four hundred dollars; and any registrar or principal officer of customs may detain the ship until the provisions of this section are complied with.

Penalty for contravention.

Application for a change of name shall be made in writing to the Governor in Council. If of opinion that the application is made on reasonable grounds, the Governor in Council may entertain the same, and may thereupon require notice thereof to be published in such form and manner as he may think fit.

Publication of notices of applications entertained.

23. Whenever a shipping casualty happens anywhere in the case of a ship registered in Canada, or within the limits 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 may from time to time direct, shall, within twenty-four hours of his first landing in Canada after the happening of such casualty, attend and submit himself for examination 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; but if the casualty occurred elsewhere, at or near the place of such landing 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 the United Kingdom; and if any master, officer or other person makes default in obeying the provisions of this section, he shall incur a penalty not exceeding two hundred dollars.

Statement to be made by the master of a British ship to which a casualty has happened.

24. Whenever the managing owner of any ship registered in Canada has information that such ship is lost, or in consequence of her non-arrival or otherwise has reason to apprehend that she is lost, he shall forthwith send notice of such loss or apprehended loss to the Minister, and shall upon requisition by the Minister furnish to him such information as he may be required and able to furnish respecting such ship and the loss thereof, and the property and persons on board, and if he makes default in obeying the provisions of this section, he shall incur a penalty of not exceeding two hundred dollars.

Notice of loss of ships registered in Canada to be given to the Minister of Marine and Fisheries. See 36 & 37 Vict., c. 85, s. 22.

Registrar to
make annual
returns to
Minister.

25. Every Registrar of Shipping 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 may from time to time direct, of all existing ships of which the registry remained in his registry books on the thirty-first day of December then last.

UNSEAWORTHY SHIPS.

Minister of
Marine and
Fisheries may
declare ships
unseaworthy;
consequent
detention of
ship:

26. If complaint is made to the Minister that any ship registered in Canada is, by reason of the defective condition of her hull or equipment, or by reason of her being over-loaded or improperly loaded, unfit to proceed to sea, or on any voyage on any waters within the limits of Canada, the Minister may cause such ship to be surveyed by a person appointed by him, first exacting from the complainant, if he thinks fit so to do, a deposit of money to defray the expenses of the survey, and to pay any loss which may be sustained by the owner on account of any detention, or such security for the payment of such expenses and loss as he may deem sufficient; and if such person report that the hull or equipments of such ship is or are in such a state, or that such ship is so loaded that she could not proceed to sea or on any such voyage, as the case may be, without serious danger to human life, the Minister may declare such ship to be unseaworthy, and thereupon any principal officer of customs may detain such ship.

Every such complaint shall be in writing, and shall state the name and address of the complainant; and a copy of the complaint, including the name and address of the complainant, shall before or during such survey be given by the Minister to the master or to an owner of the ship.

Costs.

If, upon such survey, such ship is found to be seaworthy, the expenses of the survey shall be paid to the Minister by the person making the complaint, without prejudice to any right of suit or action against him by any person aggrieved by the complaint.

If, upon such survey, such ship is found to be unseaworthy, the expenses of the survey shall be paid to the Minister by the owner of the ship.

Appeal to the
court of vice
admiralty.

27. Any shipowner who is dissatisfied with the decision of any person appointed by the Minister under the next preceding section may appeal to the Court of Vice-Admiralty having jurisdiction in the place where such ship was surveyed, if any there be, and if not then to the Court of Vice-Admiralty holding its sittings nearest to the place where such ship was surveyed, and such court may, if such court think fit, appoint a competent person or competent persons to survey such ship anew. Upon any 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 and damages which may have been occasioned by her detention and as to the payment of the expenses of the original survey and of the survey anew, as to such court seems just.

Powers of
persons so ap-
pointed.

28. Any person appointed either by the Minister or by any Court of Vice Admiralty to survey a ship under the provisions of the

next preceding sections of this Act may in the execution of his duty go on board such ship at all reasonable times and inspect the same or any part thereof, or any of the equipments, cargo or articles on board thereof, or the certificate of registry thereof, not unnecessarily detaining or delaying the ship in proceeding on her voyage; and if such person considers it necessary to do so, he may require the ship to be so dealt with as that he may be able to inspect every part of the hull thereof; and whosoever hinders any person so appointed from going on board any ship; or otherwise impedes him in the execution of his duty under this Act, shall for every such offence incur a penalty not exceeding twenty dollars.

29. Every person, who, having authority, as owner or otherwise, to send a ship registered in Canada to sea, or on any voyage on any waters within the limits of Canada from any port or place in Canada, sends her to sea or on any such voyage from any such port or place in an unseaworthy state, so as to endanger the life of any person belonging to her on board the same, shall be guilty of a misdemeanor, unless he proves that he used all reasonable means to make and keep the ship seaworthy, and was ignorant of such unseaworthiness, or that her going to sea, or on such voyage, in an unseaworthy state was, under the circumstances, reasonable and unavoidable, and for this purpose he may give evidence in the same manner as any other witness. A misdemeanor under this section shall not be punishable on summary conviction.

Sending an unseaworthy ship to sea a misdemeanor.

PART II.

LICENSING OF SMALL SHIPS AND OTHER VESSELS.

30. The master or owner, or managing owner, or one of the managing owners if there be more than one, of every ship exempted by section seven of this Act from the provisions of the first part of this Act, and of every vessel not being a ship within the meaning of this Act, employed in or owned for the purpose of fishing or trading or carrying loads of any kind in any of the waters of Canada at the commencement of this Act, shall within three months from and after that date, and the master or owner of every such ship or vessel so employed or owned for such purpose, shall within one month from the date of her being so employed by him, or of her being built or acquired for the purpose of so employing her, take from the collector or other principal officer of the customs at some port or place in Canada a license, which it shall be the duty of the collector or other principal officer of the customs at every port or place in Canada to furnish, without fee or reward, to every person applying for the same at his custom house or office in office hours and complying with the provisions of this section in respect of such application; and such license shall be in the form of and shall contain the particulars provided for in form B in the second schedule to this Act.

Certain vessels exempted from registry but to be licensed.

31. Upon any such application being made to a collector or other principal officer of the customs, the following provisions shall take effect:

Proceedings obtaining license.

(a). The collector or principal officer of customs shall furnish the applicant gratis, with a printed blank for a declaration in the form of form A in the second schedule to this Act.

(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 owner or owners thereof, and, if the property in the ship or vessel be divided into shares, the number of shares held by each owner, and shall subscribe the same; and return the same to the officer.

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

(d). The officer shall record the particulars contained in the license in a book, to be kept by him for that purpose.

Name of the port and number of license to be painted on ship or vessel.

32. Every ship or vessel required to be licensed under the provisions of section thirty of this Act, shall at all times have the name of the port or place at which she was last licensed, which shall be considered for the time being her port of license, with the number of her last license, painted on her bow or stern in letters not less than three inches long, of light color, on a dark ground.

On change of owner, new license to be taken out.

33. Whenever the property in a ship or vessel required to be licensed as aforesaid, passes wholly into new hands, the master or the new owner or managing owner, or one of the new managing owners, if there be more than one, shall within one month from and after such change of ownership as aforesaid, take out a new license at some port or place in Canada; and upon receiving the same shall deliver up the former license, if in his possession, to the collector or other principal officer of the customs at such port or place.

Penalty for contravention.

34. Every master or owner or managing owner of any ship or vessel required to be licensed under the provisions of this part of this Act who neglects without reasonable cause (the proof of which shall lie upon him) to apply for and take out a license for such ship or vessel within any delay allowed by this Act for that purpose, or who neglects to keep the name of her last port of license and the number of her last license painted on her bow or stern as aforesaid, shall incur a penalty of twenty dollars.

Return of ships and vessels licensed to be sent to the Minister annually.

35. Every officer of customs authorised by this part of this Act 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 may from time to time direct, of all ships and vessels licensed by him during the year ending on the thirty-first day of December then last.

PART III.

SECURITY FOR ADVANCES ON SHIPS IN COURSE OF CONSTRUCTION.

36. A ship about to be built or being built may be recorded under a temporary name by the Registrar of Shipping at or nearest to the port at which she is about to be built or is being built; and any builder desirous of raising money by a mortgage on any ship about to be built or being built, shall furnish to the Registrar of Shipping, 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 the form A in the third Schedule to this Act, and shall indicate the ship to be built or being built by painting on a board near the place of such building in his ship yard, on a dark ground, in white or yellow figures and letters of a length not less than four inches, the number given him by the proper Registrar of Shipping for that purpose, the temporary name of the ship, and the name of the port at which she is intended to be registered.

Ship about to be built or being built, may be recorded by the Registrar of shipping.

37. A ship about to be built or being built, and so recorded as aforesaid, may be made security for a loan or other valuable consideration; and the instrument creating such security, hereinafter termed a "mortgage," shall be in the form marked B in the third Schedule hereto, or as near thereto as circumstances permit; and on the production of such instrument the Registrar of Shipping 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.

Ship so recorded may be made security for a loan.

38. Every such mortgage shall be recorded by the proper Registrar of Shipping in the order of time in which the same is produced to him for that purpose; and such Registrar of Shipping shall, by memorandum under his hand, notify on the instrument of mortgage that the same has been recorded by him, stating the date and hour of such record.

Mortgages to be recorded in the order of their production to Registrar.

39. Whenever any recorded mortgage has been discharged, the proper Registrar of Shipping shall, upon the production of the mortgage deed, with a receipt for the mortgage money indorsed thereon, duly signed and attested, make an entry in the record book to the effect that such mortgage has been discharged; and upon such entry being made, the estate, if any, which passed to the mortgagee, shall vest in the said person or persons in whom the same would, having regard to intervening acts and circumstances, if any, have vested if no such mortgage had ever been made.

Proceedings when such mortgage is discharged.

40. If there is more than one mortgage recorded of the same ship, 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 instrument is recorded in the record book, and not according to the date of each instrument itself.

Priority of mortgages

Mortgagee not to be deemed the owner.

41. A mortgagee, shall not by reason of his mortgage be deemed to be the owner of a ship. nor shall the mortgagor be deemed to have ceased to be owner of such mortgaged ship, except in so far as may be necessary for making such ship available as security for the mortgage debt.

Mortgagee to have power of sale.

42. Every recorded mortgagee shall have power absolutely to dispose of the ship in respect of which he is recorded as such, and to give effectual receipts for the purchase money; but if there are more persons than one recorded as mortgagees of the same ship, no second or subsequent mortgagee shall, except under the order of some court capable of taking cognizance of such matters, sell such ship without the concurrence of every prior mortgagee; and every bill of sale, when duly executed, shall be produced to the proper Registrar of Shipping, 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; and all bills of sale shall be entered in the record book in the order of their production to the Registrar of Shipping.

Rights of Mortgagee not affected by insolvency of Mortgagor.

43. No recorded mortgage of any ship under this Act shall be affected by the mortgagor becoming insolvent after the date of the record of such mortgage, notwithstanding such mortgagor at the time of his becoming insolvent, may have such ship in his possession and disposition and be reputed owner of such ship; and such mortgage shall be preferred to any right, claim or interest in such ship which may belong to the assignee of such insolvent.

Transfer of Mortgages.

44. A recorded mortgage of any ship may be transferred to any person; and the instrument creating such transfer shall be in the form marked C in the third Schedule hereto; and on the production of such instrument the Registrar of Shipping shall enter in the record book the name of the transferee as mortgagee of the ship therein mentioned, and shall, by memorandum under his hand, record on the instrument of transfer that the same has been recorded by him, stating the date and hour of such record.

Transmission of interest of Mortgagee by death, insolvency or marriage.

45. If the interest of any mortgagee in any ship recorded under this Act becomes transmitted in consequence of death or insolvency, or in consequence of the marriage of any female mortgagee, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration of the person to whom such interest has been transmitted, made in the form marked D in the third Schedule hereto, and containing a statement describing the manner in which and the party to whom such property has been transmitted; and such declaration shall be made and subscribed in the presence of the Registrar of Shipping at the port at which such ship has been recorded under this Act, if the declarant resides at or within five miles of the custom house of the port, but if beyond that distance, in the presence of any Registrar of Shipping, collector of customs, or Justice of the Peace, and shall be accompanied by such evidence as is herein before required to authenticate a corresponding transmission of property from one recorded mortgagee to another.

46. The Registrar of Shipping, upon the receipt of such declaration and the production of such evidence as aforesaid, shall enter the name of the person or persons entitled under such transmission in the record book as mortgagee or mortgagees of the ship in respect of which such transmission has taken place.

Entry of transmitted Mortgage.

47. Whenever the building of a ship which has been recorded under this Act shall be duly completed the first mortgagee whose claim is unsatisfied may furnish the builder's certificate for such ship, and thereupon the proper officer may grant a certificate of registry under the laws in force in Canada for that purpose; and all undischarged mortgages recorded under this Act shall be by the proper Registrar of Shipping transferred to and registered under such laws in the register book, in the order and according to the priority in which the same were entered of record under this Act; and the temporary name used for the purposes of this Act, as above provided for, may be changed at the time of granting a certificate of registry; and the registry of all such mortgages shall thus appear, according to their priority in the record book, as if the same had been made or granted under the laws providing for the giving of such certificate of registry; and a fresh instrument of mortgage may be granted for that purpose, according to any form prescribed by law, as a substitute for any mortgage granted under this Act.

Certificate of registry of ship when built.

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

48. In case any person who is a party to any unsatisfied mortgage on any ship under this Act, takes out, or attempts to take out, a register for such ship, at any port other than the port named on the board in the ship yard in which such ship was built, or in the statement and description, in the form A in the third Schedule of this Act, furnished to the Registrar of Shipping, by whom such ship was recorded under this Act, or in any mortgage on such ship under this Act, such person shall incur a penalty of two thousand dollars, to be recovered with costs, by any person who may first sue for the same before any court of competent jurisdiction, in any Province in Canada in which the offender is served with process.

Penalty for attempting to take out register at any other port.

49. No Surveyor of Shipping, who is not also a Registrar of Shipping, shall deliver up any certificate of survey of any ship which he has surveyed for measurement to any person except the Registrar of Shipping at the port at or for which he is Surveyor, and at which such ship is recorded under this Act, until the Registrar of Shipping at such port has endorsed on the back of such certificate either a statement to the effect that there is no undischarged mortgage on such ship recorded in his office under this Act, or a statement of the amount and other particulars, and if more than one, the number, of the undischarged mortgage or mortgages, if any on such ship recorded in his office under this Act; and every Registrar of Shipping is hereby required to endorse one of such statements, according to the facts of each case, on every certificate of measurement presented to him for that purpose by any Surveyor of Shipping.

Certificate of survey not to be delivered up by Surveyor to any person except Registrar until Registrar has endorsed a certain statement on it.

50. In case the Registrar of Shipping at any port at which any ship is recorded under this Act is also Surveyor of Shipping at or for such port, he is hereby required to endorse on every certificate

Registrar who is also Surveyor to endorse a sta-

tement on certificate of survey before delivering it to any person.

of survey of any ship which he has surveyed for measurement, before he delivers the same to any person, either a statement to the effect that there is no undischarged mortgage on such ship recorded in his office under this Act, or a statement of the amount and other particulars, and, if more than one, the number of the undischarged mortgage or mortgages, if any, on such ship, recorded in his office under this Act.

Scale of fees may be established.

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

Saving of right of owner.

52. Nothing in this part of this Act shall take away the right of the owner to his action of account, or such other remedy as he may have by law against the advancer.

Act not to affect mode of executing deeds in Quebec.

53. This Act shall not be construed in any case in such a way as to affect the mode of executing deeds in the Province of Quebec, but whenever the said Province shall be concerned, deeds and documents executed in the said Province shall be made and passed in the form and according to the manner prescribed in the said Province.

PART IV.

INSPECTION AND CLASSIFICATION OF SHIPS.

Governor in Council may make regulations for the inspection and classification of ships built or registered in Canada.

54. The Governor in Council may make such rules and regulations as he may consider necessary for the inspection and classification of vessels built or registered within the Dominion of Canada, and may from time to time alter and amend the same, and may from time to time appoint such officers as may be necessary to carry out this part of this Act, and prescribe the duties of the said officers; and the said officers shall be under the control of the Minister of Marine and Fisheries.

Table of fees may be established for inspection and classification of vessels.

55. The Governor in Council shall, by such rules and regulations, have power to establish a table of fees to be paid for such inspection and classification, and from time to time to alter and amend the same, and shall have power thereby to authorize the granting of certificates of classification in such manner as may be therein prescribed.

Publication of regulations.

56. All rules and regulations made under this part of this Act shall be published in the *Canada Gazette*.

FIRST SCHEDULE.

FORM OF DECLARATION OF OWNER OF OWNERS FOR CHANCE OF MASTERS.

I (or We) of (residence and occupation) being registered owner (or owners) of sixty-fourth shares of the ship of official number tons register, hereby declare that I (or We) have appointed A. B. master of the ship above mentioned in the place of C. D.

Declared before me this day of

SECOND SCHEDULE.

Form A.

DECLARATION.

I, the undersigned, A.B., of in declare as follows :
I am entitled to take a license for the ship (or vessel, as the case may be) now in this port (or at this place, as the case may be), of which the following are the particulars :

Measurements.	Feet.	Inches.	Tonnage.	No. of Tons.
Length.....			Approximate tonnage.....	
Breadth.....				
Depth.....				

Names of Owners (or Name of Owner.)	Number of Shares held by each.*

Dated this day of 18 Master.
(or Managing Owner, or Owner, as the case may be.)

* If the property in the ship or vessel be not divided into shares, this column need not be filled up.

Form B.

No.

Port of Registry.

LICENSE.

This is to certify that the ship (or vessel, as the case may be) of which the particulars are herein contained, was this day licensed by me, the collector (or principal officer, as the case may be) of customs at _____ under the provisions of the Act passed in the thirty-sixth year of her Majesty's reign, intituled "An Act relating to shipping and for the registration, inspection and classification thereof."

Measurements.	Feet.	Inches.	Tonnage.	No. of Tons.
Length			Approximate tonnage.....	
Breadth				
Depth				

Names of Owners (or Name of Owner).	Number of Shares held by each.*
.....
.....
.....
.....
.....

Dated this day of 18 .

* If the property in the ship or vessel be not divided into shares, this column need not be filled up.

THIRD SCHEDULE.

Form A.—(See Section 36.)

DESCRIPTION OF SHIP PROPOSED TO BE BUILT.

TEMPORARY NAME.	PORT OF RECORD.	PROPELLED.

Number of decks.....	Build.....
Number of Masts.....	Gallery.....
How rigged.....	Head.....
Stern.....	Frame work.....

ESTIMATED MEASUREMENT.

FEET. TENTHS.	TONS.
Length.....	Under deck.....
Breadth	Closed in.....
Depth	Space between deck.....
	Poop.....
	Round House.....

I, the undersigned (*name and residence*), ship builder, declare that I propose to build a ship, the particulars of which are contained in the above description, in the (*here describe the place, what ship yard, where situated, and to whom belonging*), and that I intend to launch the said ship on or about the day of 187 and to register her at the port of
(Signed),

Dated at
the day of 187
in the presence of }

From B—(See Section 37.)

MORTGAGE (TO SECURE ACCOUNT CURRENT, ETC.)

For Port of
• (Steamer or sailing.)

Record No.	Where Building.	When intended to be Launched.	Port of Intended Registry.
Intended to Measure.		Intended Tonnage and Temporary Name.	
Length, Breadth, Depth,	feet feet feet	Tonnage, Name,	

Whereas (*state that there is an account current between Mortgagor and Mortgagee (describing both), and describe the nature of the transaction so as to show how the amount of principal and interest due at any given time is to be ascertained, and the manner and time of payment.*)

Now (*I or we*), the undersigned, (*describe them*) in consideration of the premises for (*myself or ourselves*) and (*my or our*) heirs, covenant with the said (*name him or them*) and (*his or their*) assigns, to pay to him or them the sums for the time being due on this security, whether by way of principal or interest, at the times and in the manner above mentioned, and for better securing to the said (*name*), the payment of such sums as last aforesaid; (*I or we*) do hereby mortgage to the said (*name*) the ship above described.

Lastly (*I or we*) for (*myself or ourselves*), and (*my or our*) heirs, covenant with the said (*name of him or them*) and (*his or their*) assigns that (*I or we*) have power to mortgage in manner aforesaid, the above mentioned ship, and that the same is free from incumbrances, *save as appear by the record of the said ship.*

N. B.—The last words to be omitted if the ship is free from incumbrances.

In witness whereof (*I or we*) have hereto subscribed (*my or our*) name
and affixed (*my or our*) seal, at this
day of one thousand eight hundred and
Executed by the above name }
in the presence of }

Form C—(See Section 44.)

N. B.—In case of transfer, it may be made by endorsement in the following form:

TRANSFER OF MORTGAGE.

(a) "I" or "We." or (a) the within mentioned in considera-
tion of this day paid to
(b) "Me" or (b) by hereby transfer to
(c) "Him" or (c) the benefit of the
"Them." within-written security.
(d) "I" or In witness whereof (d) have hereunto subscribed (e) name
"We." affixed and (e) seal, this day of
(e) "My" or one thousand eight hundred and
"Our." Executed by the above named }
in the presence of }

N. B.—In case a mortgage is paid off, the following memorandum of its discharge may be used:

Received the sum of _____ in discharge of the within written
security. Dated at _____ this _____ day of _____ 187
Witness
of _____

Form D—(Section 45.)

Declaration by Representative of _____ taken by Transmission.*

For _____
* (or decease, or marriage, or bankruptcy.)
† (Steamer or for sailing.)

Record No.	Date of Record	187

Temporary name of ship _____
Where building _____
Proposed measurement, length, ft., breadth, ft., depth ft.
Proposed tonnage, _____ tons.
I (or we), the undersigned (declarant's name, description and place of birth,) declare as follows I am (or we are)
I (or we), declare that the person appearing by the record book to be the (owner or mortgagee) of the ship above described (cause of transmission) in the county of (county) on the _____ day of _____ (nature of cause of transmission.)

Made and subscribed the _____ day
of _____ 18 _____ by the above }
named _____
in the presence of _____ }

Canadian Act.

36 Vict. Cap. CXXIX, ss. 77 and 106.

THE SEAMEN'S ACT, 1873.

77. The following rules shall be observed with respect to accommodation for seamen and apprentices on board Canadian Foreign sea-going ships. (that is to say) :—

1. Every place in any such ship occupied by seamen or apprentices, and appropriated to their use, shall have for every such seaman or apprentice a space of not less than seventy-two cubic feet, and of not less than twelve superficial feet, measured on the deck or floor of such place.

2. Every such place shall be such as to make the space aforesaid available for the proper accommodation of the men who are to occupy it, shall be securely constructed, properly lighted and ventilated, properly protected from weather and sea, and as far as practicable property shut off and protected from effluvium which may be caused by cargo or bilge water;

3. No such place as aforesaid shall be deemed to be such as to authorize a deduction from registered tonnage, under the provisions hereinafter contained, unless there is, or are in the ship, one or more properly constructed privy or privies, for the use of the crew; such privy or privies to be of such number and of such construction as may be approved by the surveyor hereinafter mentioned;

4. Every such place shall, whenever the ship is registered or re-registered, be inspected by one of the surveyors appointed by the Governor under the third section of—" *The Colonial Shipping Act, 1868* "—who shall, if satisfied that the same is in all respects such as is required by this Act, give to the Collector of Customs a certificate to that effect, and thereupon such space shall be deducted from the register of tonnage;

5. No such deduction from tonnage as aforesaid shall be authorized unless there is permanently cut in a beam, and cut in or painted on or over the doorway or hatchway of every such place, the number of men which it is constructed to accommodate, with the words "certified to accommodate . . . seamen;"

6. Every such place shall be kept free from stores or goods of any kind, not being the personal property of the crew in use during the voyage;

7. Upon any complaint concerning any such place as aforesaid, one of the surveyors appointed by the Governor in Council may inspect such place, and if he finds that any of the provisions of this Act with respect to the same are not complied with, he shall report the same to the Collector of Customs at the port where the ship is registered, and thereupon the registered tonnage shall be altered and the deduction aforesaid in respect of space disallowed, unless and until it shall be certified by such surveyor or by some other surveyor appointed by the Governor in Council, that the provisions of this Act in respect of such place are fully complied with;

8. If any such place in any such ship is not kept free from goods and stores as aforesaid, the master shall be deemed to be in fault, and shall for every such failure to comply with the provisions of this

Place appropriated to seamen to have a certain space for each man, and to properly constructed and kept clear.
See 30 & 31 Vict., c. 124 s. 9. (M. S. A. 1867.)

section forfeit and pay to each seaman lodged in such place the sum of twenty-four cents a day for each day after complaint made to him by any two or more of such seamen during which any goods or stores not being the personal property of the crew, are stored or kept therein.

9. If in any other respect, the provisions of this section are not observed with respect to any such place in any such ship, the owner shall be deemed to be in fault, and shall for every failure to comply with the provisions of this section, incur a penalty not exceeding eighty dollars.

Change of
Master during
the progress
of a voyage.

106. If during the progress of a voyage, the master of any Canadian Foreign sea-going ship is superseded in either of the said Provinces, 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 shall in default incur a penalty not exceeding four hundred dollars; and such successor shall immediately on assuming the command of the ship, enter in the log book a list of the documents so delivered to him.

INSTRUCTIONS
TO
REGISTRARS OF SHIPPING
IN
CANADA.

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H (1)	Declaration by Representative of a deceased Owner taken by Transmission.
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J (1)	Mortgage (to secure Principal sum and Interest.)
J (2)	Mortgage (to secure Account Current etc.)
K	Transfer of Mortgage to be endorsed on back of Mortgage.
L	Declaration by Representative of a deceased Owner taken by Transmission.
M	Certificate of Mortgage.
N	Certificate of Sale.
O (1)	Revocation of Certificate of Mortgage or Sale.
O (2)	do do do
P	Letter on change of Master.
Q	Builder's Certificate.
R	Application for Registry.
S (1)	Application to Registrar for Transfer of Registry of a Ship.
S (2)	Letter from Registrar transferring Registry of Ship.
T (1)	Application to Registrar for a Lieutenant Governor's Pass.
T (2)	Letter from Registrar to Lieutenant Governor for Pass.
U	Schedule of fees to which Surveyers of Shipping in Canada shall be entitled.

INSTRUCTIONS

TO

REGISTRARS OF SHIPPING IN CANADA, UNDER THE MERCHANT SHIPPING ACTS OF 1854 TO 1873 AND THE CANADIAN ACTS OF 1873.

1. The object of the following Instructions is to direct the attention of Registrars of Shipping in Canada to the duties required of them under the Imperial Merchant Shipping Acts of 1854 to 1873, and the Canadian Acts relating to the Registry of Shipping and Seamen, of 1873. All the parts of the Acts relating to Ship Registry accompany these instructions. It is not intended by these Instructions to supersede a careful study of the Acts themselves, or to relieve Registrars from the obligations under which they lie of making themselves intimately acquainted with their provisions. The Instructions however are of no legal value apart from the Acts themselves, which must govern the Registrars in the performance of their duties. By reference to the 93rd Section of the M. S. A., 1854, the Registrar will observe that he may render himself liable to damages or otherwise for any loss accruing to any person by reason of any act done or default made by him through his neglect or wilful act.

Object of instructions.
2. The Instructions are numbered for facility of reference; the sections of the different Merchant Shipping Acts, and the Canadian Acts are referred to in the Margin hereof.

Instructions numbered.
3. All books, forms and papers required for carrying the different Acts into effect, will be forwarded from time to time to Registrars in Canada by the Department of Marine and Fisheries in Ottawa, on their making application for them; and Registrars in want of any forms or books should make such application in time, so as to ensure a constant adequate supply.

Forms how supplied.
4. In Canada, the Governor General or person administering the Government, is intrusted with the powers which in the United Kingdom are vested in the Commissioners of Customs; but in any case of doubt the Registrar should apply for instructions, to the Department of Marine and Fisheries, which will give him such instructions, or if necessary, submit the case for the consideration of His Excellency the Governor General.

Governor General in Canada holds the place of Commissioners of Customs.
M. S. A. 1854, s. 31.
5. The Canadian Act 36 Vict., c. 128 relating to Shipping and for the registration, inspection and classification thereof which repealed the "Act respecting the registration of Inland Vessels" forming chap. 41 of the Consolidated Statutes of the late Province of Canada,

Repeal of the Inland Act of the late Province of Canada.

Forms to be used for vessels registered under the late Inland Act.

Vessels under the Inland Act need not be measured under the Imperial Act, unless required by owners.

received the Royal Assent on the 20th November 1873, and was proclaimed by His Excellency the Governor General in the *Canada Gazette* of the 17th March 1874 to take effect on the 27th March 1874. No transactions therefore should be made under the old Act at any of the Inland Ports after that date. The forms to be used for the transfer of Shares, mortgages or other transactions relating to vessels registered at any of the Inland Ports under the old Act should be on the new forms, care being taken that the dimensions as found in the old register, are properly inserted in the new forms, so as to make them agree with the old register.

With respect to ships already registered under the Inland Act, it will not be necessary that such ships or vessels should be measured under the Imperial Acts, unless the owners require it. In the case of any transaction having been made respecting any such vessel, the Registrar should close the old Register and make an entry in the following manner, viz: *For further transactions see new Book of Registry No. page* .” He should then open in his Register Book of Transactions subsequent to registry, a register for such vessel, and at the head of the page he should state—The Port number and year of Registry—Official number—Name of ship—and the ownership and encumbrances (if any) existing, as they appear at the time of the closing of the old Register. The entry of all transactions will then be made in the forms directed by the specimen entries given in these instructions, which are the forms used under the Imperial Merchant Shipping Acts.

OFFICIAL NUMBERS BY WHICH TO DISTINGUISH BRITISH SHIPS.

Official numbers to be applied to British Ships.

6. Under the Merchant Shipping Acts of 1854 and its amendments, every British ship must have a distinct number assigned to her, which is called her Official Number, and by which she may be known and recognized, irrespective of her name or other description, and it is not to be confounded with her Port Number, which is simply the number of her register for the year in which she is registered.

Number as to ships registered under M. S. A. See 36 & 37 Vict. c. 85, s. 3. As to ships registered under former Acts.

7. In the case of British Ships registered under the Merchant Shipping Acts 1854 to 1873, the number will be allotted before she is registered, and must be engraven or permanently marked on her main beam in pursuance of the provisions of the Acts; but in the case of British ships retaining their registries under former Acts, the Registrar of any port at which any ship not having her official number already marked, arrives, will write the number in figures and words on the Certificate of Registry, prefixing the words “official number;” he will then affix the same number, in like manner to the registry of the ship in the Register Book at the top of the Register if registered at his port; but if not, he will apprise the Registrar of her port of registry thereof, and such last mentioned Registrar will note it in the Register Book.

Official numbers to be in one continuous series.

8. The series of official numbers applied to shipping will proceed in arithmetical progression; and the same number will never be applied to two British ships. The numbers, for vessels registered in Canada, will be under the control of the Department of Marine and Fisheries, which will allot a series of numbers to every Registrar

in Canada when required; and Registrars should apply to such Department, when their numbers are nearly exhausted, for a fresh supply; but care should be taken that the application is made in sufficient time, to prevent Registrars from being without the necessary supply.

The Department of Marine and Fisheries will obtain from the Registrar General of Shipping and Seamen, London, a supply from time to time, from which Registrars in Canada will be supplied. For instance, to Kingston may be allotted the series from 75,000 to 75,099; to Saint John, N. B. 75,100 to 75,299; to Halifax 75,300 to 75,449; and so forth.

9. A form of Book called the Appropriation Book is given in the Appendix. This Book will be furnished by the Department of Marine and Fisheries. The manner of using the numbers will be most easily understood by reference to the entries given therein; for instance, the "John Bull" of Kingston, Ontario, is a ship already registered; her Certificate of Registry is presented to the Registrar of Kingston on the 1st May 1875, and the Registrar writes on the Certificate the words and figures "official number, seventy-five thousand" adding his initials, and then makes the same entry on the Register of the Ship. Having thus allotted a number to the "John Bull," he makes an entry in his Appropriation Book, by writing in the first column the number "75,000"; in the second the name of the ship "John Bull"; in the third the tonnage of the ship "200"; in the fourth "Steamer"; in the fifth the port of Registry "Kingston, Ontario"; in the sixth, the date of her existing registry, "14th November 1873"; in the seventh the occasion of appropriation, viz: on "Certificate presented"; in the eighth, the date of the appropriation, "1st May 1875."

The next example is the ship "Argus" of Saint John, N. B. She is supposed to be a ship registered for the first time under the Merchant Shipping Acts 1854 to 1873; the Registrar of that port therefore inserts in the seventh column, the words "first registry." In all other respects the entries are made in the same manner as those relating to the "John Bull."

The last example given is the "Fortitude" of Halifax, N. S. She is supposed to have been registered before, but without having been allotted an official number, and to have applied for *registry anew* under the Merchant Shipping Acts 1854 to 1873. The entries in this case correspond with the entries in the case of the "John Bull," except that in the seventh column the Registrar substitutes the words "registry anew" instead of the words "certificate presented."

In the case of a ship registered at Hamilton receiving her official number from the Registrar of Kingston, the entries would be the same as in the case of the "John Bull," and the Registrar of Kingston would apprise the Registrar of Hamilton by letter, of the number allotted; and such last mentioned Registrar would note it on the Register of the ship. The letter should be in the following form, viz:—

PORT OF KINGSTON,
ONTARIO, 1st May, 1875.

Sir,—

I beg to inform you that the official number 75,000 has been

appropriated to the steamer "John Bull," 200 tons, of your port, and I have to request that the Register may be marked accordingly.

Registrar.

To the Registrar of Shipping,
Hamilton, Ontario.

Department
of Marine and
Fisheries to be
apprized
when official
numbers are
appropriated.

10. When official numbers are appropriated, the Registrar should apprise the Department of Marine and Fisheries thereof by the same day's post, which will forward a notice of them to the Registrar General; a form for which is given in the Appendix, and marked R. 2. The Registrar General will enter the several appropriations in a General Appropriation Book, which will comprise all the ports in the Empire. The publication by the Registrar General of Shipping and Seamen in the Mercantile Navy List of the official numbers and signal letters, together with the particulars of the vessels indicated, has been found of great use in reporting the arrival and passing of vessels. Signal letters of the Commercial Code of Signals for the use of all nations will only be affixed to certificates of registry of vessels whose masters apply for them. Registrars should apply to the Department of Marine and Fisheries for a supply of Signal Letters when required; and when appropriated to vessels, should acquaint the Department at once by letter of the fact; a form for which will be found in the Appendix.

Signal
Letters.

FIRST REGISTRY OF SHIPS.

Duty of Reg-
istrars to
investigate
nationality.

11. The persons entitled to be owners of British ships are defined in the 18th section of the Merchant Shipping Act 1854 as natural-born British subjects, persons made denizens or naturalized, and bodies corporate. The attention of the Registrar is particularly directed to these provisions, as one of his most important duties is the investigation of the national character of the persons requiring to be registered as owners, and a careful examination of the evidence adduced in support of their claim, the nature of which will be detailed in the course of these instructions.

Natural-born British subjects are:—

1st. Children of British subjects born in the United Kingdom, or in a British Possession;

2nd. Children of British subjects born in a foreign country;

3rd. Children whose father only is a British subject are entitled to be considered as deriving their nationality from him.

Denizens, or naturalized subjects are:—

Persons who have been made denizens by letters of denization, or who have been naturalized by the authority of any Act of the Imperial Legislature, or by any Act or Ordinance of the Legislature of any British possession. Such persons on applying for registration of British ships or shares therein, must produce to the Registrar the official evidence by which they became denizens or became naturalized, and must also set forth all the facts of the evidence in the declaration of ownership, to the truth of which they declare.

Bodies corporate are:—

Persons associated together for the purpose of carrying on any business, and who are incorporated under some Act of the Imperial Parliament or of some British possession. The particulars required of a Body Corporate before it can be registered as owner of a British ship are fully detailed in the next paragraph.

12. The Registrar will observe by a perusal of the Merchant Shipping Acts, that a ship may now be a British ship, and yet have been built at a foreign port, and be manned and commanded by foreigners; the sole requisite is, that she should be owned by persons who owe allegiance to the British Crown and are subject to British law. Conditions on which ships may claim to be British Ships.

In the case of a Body Corporate or Company however, applying to a Registrar of Shipping in Canada to be registered as the owner of a ship, the Registrar should not question the nationality of the individual shareholders provided that the Body Corporate or Company has been established under, subject to the laws of, and having its principal place of business in Canada, and has been incorporated under the Canadian Joint Stock Companies Act of 1869, or some special Act of the Canadian Parliament, or by the Local Legislature of one of the Provinces of Canada. Such Body Corporate or Company would require to have its recognized officers and its common seal, and to have its principal place of business in Canada. The Registrar will readily understand that a Firm of Merchants or Company of persons connected together for purposes of trade, cannot be considered as coming within the meaning of the term Body Corporate, unless properly incorporated as above,—and for the purposes of Registry can only be considered as private individuals, or Joint Owners. The term Joint Owners will be more fully explained in paragraph 18. Bodies Corporate.

13. The Registrar will observe, that it is not necessary that a ship should be registered at a port near to which some of the Owners reside. The registry may be made at any port, and the ship will be considered as belonging to the port at which she is registered. For instance, an owner may reside at Montreal, Boston, U. S., or Liverpool, England, and may have his ship registered at St. John, N. B., or Halifax, N. S., provided he is a British subject and complies with all the requirements of the law. It is not necessary for an owner to appear personally at the port of intended Registry, as he can make his declaration of ownership before a Registrar of Shipping, if in a British port, and before a British Consul if in a foreign port, and the papers can be transmitted by post to the Registrar of the intended port of registry of the ship. Port of Registry.

14. The preliminaries to registry are:—

1st. A proper written application, a form for which is given in the Appendix, marked

2nd. A survey, and surveyor's certificate of survey and formula of measurement.

3rd. Evidence of ownership.

Preliminaries to Registry.

Application
M. S. A. 1854,
s. 35.

15. The application must be made by an owner or his agent. If an agent is employed, the Registrar will require him to prove his agency by the production of a written authority under the hand of the owner; or if the ship belongs to a body corporate, under the common seal of such body corporate; but no particular form of authority need be required, as the only object is to prove that the applicant has no fraudulent intention. A form however is given in the Appendix, which may be used if necessary.

Survey M. S.
A. 1854, s. 35.

16. The Registrar having approved of the applicants' authority, the latter will procure a survey to be made by the proper officer according to the instructions issued to Measuring Surveyors of Shipping. Upon completion of the survey, the Surveyor will grant a certificate in the form marked A in the schedule to the Act.

M. S. A. 1873.
s. 3.

Before the certificate of registry is delivered to the owner or master of the ship, it will be the duty of the Surveyor to ascertain that her name is marked on each of her bows (and not on head boards), her name and the name of her port of registry is marked on her stern, her official number and the number denoting her registered tonnage is marked on her main beam, and that a scale of feet denoting her draught of water is marked on each side of her stem and on each side of her stern post; and that the rules with respect to the proper accommodation of the crew, as provided for by the Canadian Act, are fully complied with, and the number of seamen that each space is intended to accommodate, is properly marked over the door of such space, and cut in a beam inside, and a certificate thereof given to the Registrar of Shipping, without which no deduction for crew space can be allowed.

Crew Space,
Canadian Act
36 Vict., c.
129, s. 77.

Description
in Surveyor's
Certificate.

17. The description in the certificate of survey forms the legal test by which one ship is distinguished from another, and as such must be delivered up to the Registrar, to be entered in his book, and the particulars contained in it must be prefixed to all subsequent forms used for the registry or transfer of the vessel. The formula of calculation of the tonnage must accompany the certificate of survey to be filed with the other papers of the vessel. The form of certificate of survey properly filled up is given in the schedule to the Act marked A.

Evidence of
ownership.
M. S. A. 1854,
s.s. 38, 39.

18. The evidence of ownership consists, first in the declaration of the owners themselves. Every owner must make a declaration, but it is only necessary that he should personally appear before the Registrar of the port of registry, provided he resides within five miles of the Custom House, but if beyond that distance he may make his declaration either before the Registrar of the port of registry, or before any other Registrar or a Justice of the Peace; but if in a foreign country the declaration may be made before a British Consul. In the case of bodies corporate, however the secretary or other public officer must make his declaration in person before the Registrar of the port of registry.

Forms of
declaration.

The forms of declaration are given in the Appendix, and are adapted to the different descriptions of persons permitted by the Merchant Shipping Acts to own British ships.

Where an individual is sole owner of a ship, or being part owner cannot attend with the other owners, he makes his declaration on the form prescribed for that purpose, marked B (1) in the Appendix; but where there are several individual owners, they may all join in the same declaration marked B (4) in the Appendix. A form is also given for Joint Owners (who must not, with the exception below, exceed five in number) and marked B (5) in the Appendix. In the case however of shares transmitted by death or bankruptcy, the restriction to five Joint Owners does not hold good, as by the 60th section of the M. S. A. 1854 any number, however numerous, may be registered as Joint Owners.

Joint Owners can only deal with their shares under the signatures of the whole number so registered, either in person or by their duly appointed attorney.

In the case of the death of one or more Joint Owners, their interest passes to the survivors. In such case before any further dealings can take place with the shares so held, the survivors must produce to the Registrar of the port of registry, a burial certificate, accompanied by a declaration of identity (marked R. 9 in the Appendix) by some person acquainted with the deceased, and thereupon the shares become vested in the names of the surviving Joint Owners only.

If two or more Joint Owners are at different places, they can make their declaration separately on the form marked B (6) in the Appendix.

The names of the declarants with their residence and occupation should be given in full in the body of the declaration.

The above described forms are intended for natural-born British subjects only.

For naturalized British subjects who have qualified themselves by an Act of the Imperial Legislature, or by an Act or Ordinance of the proper legislative authority in any British possession,—and for bodies corporate, two separate forms are given marked B (2) and B (3) in the Appendix.

The Registrar will point out to the applicant that as British subjects, or bodies corporate established under and subject to British law, can alone hold shares in British ships, any mis-statement on this point will render the declarant guilty of a misdemeanor and the interest in respect of which the declaration is made is forfeited.

19. The Registrar will observe that the attestation of a Registrar or Justice of the Peace or British Consul is an essential guarantee to the declaration, and the Registrar will take care that the official character of the person before whom the declaration was made is apparent on the document itself; if it is not he will not accept the declaration without the sanction of the Department of Marine and Fisheries.

Signature of
Form.

20. The documentary evidence by which the declaration requires to be supported is in the case of a British built ship, the builder's certificate alone, where the builder is also the owner, or where he states in his certificate the name or names of the person or persons on whose account he built the ship; but in other cases, in addition to the builder's certificate, there must be produced the bill or bills of

Documentary
evidence.
Builders cer-
tificate, M. S.
A, 1854, s. 40.

sale by which the person applying to be registered as owner has obtained his title. The bills of sale in this case need not be on the form prescribed by the Act. An endorsement of the transfer on the back of the builder's certificate will be sufficient.

Foreign built ships M. S. A. 1854, s. 40.

21. If the ship is foreign built, the Registrar may dispense with the builder's certificate if the declaration states that the time and place of building of the ship is unknown to the declarant, or that the builder's certificate cannot be found; but he must produce to the Registrar the foreign bill or bills of sale under which he acquired his title, and these should be certified by a British Consul; and a certificate from the Collector of the ship's foreign port of registry should also be produced, showing the ownership, and that there were no mortgages or other encumbrances recorded against any of the shares of the said ship, at the time of such sale. Upon the production of the above the Registrar will then require the declarations of ownership and other evidence as in the case of a British ship.

Ships condemned may be registered. M. S. A, 1854, s. 40.

22. In the case of a ship condemned by any competent court, such as a Court of Admiralty or Foreign Court, the official copy of the condemnation must be produced, and is to be retained by the Registrar; and if the party in whose favour the condemnation was made is not the person applying to be registered, the intermediate bill or bills of sale from him to the persons applying for registry must be produced to the Registrar as evidence of title.

Ships actually or constructively wrecked, may be registered, Canadian Act 36 Vict., c. 128, s. 16.

Provision is also made for the registry of a British or foreign ship or a ship under a Governor's Pass that has been actually or constructively wrecked, and the register thereof closed, and the certificate of registry is delivered up to the proper officer and cancelled. Application for registry will require to be made to the Governor in Council, through the Department of Marine and Fisheries, and proof adduced to their satisfaction that all the transactions connected with the wreck, condemnation and sale of such ship were in good faith, that the ship had been thoroughly repaired and made seaworthy, a certificate for which would be required under the hand of one or two respectable shipcarpenters or shipbuilders, such certificate to be endorsed or approved of by the Surveyor, and upon all the other requirements of the law being complied with, the Governor in Council may direct that such ship may be registered as a British ship; but no Registrar of Shipping should register any such ship without the authority of the Governor in Council.

Documents required on first registry of a British Ship.

23. Upon the first registry of a British ship there are required the following documents in addition to the official application for registry before mentioned:—

1. A certificate of survey by the Measuring Surveyor of Shipping.
2. A certificate of inspection for crew space by the Surveyor.
3. The builder's certificate, which requires to be signed by the builder personally, and cannot be executed under a power of attorney; the signature of a firm will be sufficient, if a firm are the builders; but, in the case of a body corporate being the builder, the certificate should be under the seal of such body corporate, duly affixed and attested by the signature of the President or Secretary, or as other-

wise specially provided for in the Act of Incorporation. The form of a builder's certificate is given in the Appendix.

In the case of foreign built and condemned vessels, where a builder's certificate cannot be obtained, the bill or bills of sale of the former, and the official copy of condemnation and bill of sale of the latter should be produced to the Registrar, as noticed in a preceding paragraph.

Foreign built and condemned vessels.

A builder wilfully making a false statement in any certificate required to be furnished by him, incurs a penalty for each offence of one hundred pounds stg.

M. S. A. 1854, s. 41.

Where in any case two or more persons claim to be builders or owners of any ship, but are not agreed as to who is the builder or owner thereof, it is provided in the Canadian Act that the Registrar may refuse to grant registry to such ship, and he is empowered to examine witnesses under oath, to demand books and papers, and take evidence in the case; and should submit a copy of such evidence and a report thereon to the Governor in Council, who shall issue such directions as he may deem necessary.

Case of conflicting claims to obtain registry of ship provided for. Canadian Act 36 Vict., c. 128, s. 13.

4. Declaration or declarations of ownership, to be personally made by all the owners before a Registrar, Justice of the Peace, or British Consul, as the case may require, but if by a body corporate, then by their duly appointed officer.

24. When the Registrar has satisfied himself of the accuracy of the above documents, he will proceed to enter the particulars of the ship and the names of her owners in the registry book.

Entries in Register Book. M. S. A. 1854, s. 42.

The rules as to the entries of the names, residence, occupation and number of shares of the owners are given in the 37th and 42nd ss. of the M. S. A. 1854.

Entry of names of owners. M. S. A., 1854, s. 37 42.

The ship is divided into 64 shares, and the number of separate owners is limited to 32.

No fractional part of a share can be recorded upon the register of a ship.

Entries of three description of owners can be made, viz:—

1st. An individual may be registered as owner.
2nd. Any number of individuals, not exceeding five, may be registered as Joint Owners.

3rd. A company may be registered in its corporate name. But no entry can be made except in one of these three forms.

In respect of the above rules however, Joint Owners constitute but one such ownership, and a body corporate is treated in the same manner.

Joint Owners, it might be observed, can only transfer the interests registered in their names by the consent of all the Joint Owners; if alive, all must sign the bill of sale.

Joint owners.

In the case of the death of a Joint Owner, his interest reverts to the survivors, and not to the representatives of the deceased.

No trust of any description can be entered on the Register Book or be received by the Registrar.

No trust can be entered.

25. Four specimen pages of a Register Book are given in the forms in the Appendix marked R. 3, R. 4, R. 5, R. 6. The first page

Specimens of register book. R. 3, R. 4, R. 5, R. 6.

alone R 3, contains the entries made on the first registry of a ship; the subsequent pages contain only various examples of entries made subsequently to first registry. The attention of the Registrar is, in the first place, directed to that portion of the form R. 3, which is above the columns; the explanation of which is as follows:—

Number 1021 is the official number as given in the Appropriation Book. The number 105 is the Port number. The description of the ship is filled in from the certificate of survey. The question contained in the heading "British or Foreign built," will be answered by the declaration of ownership, except in the case of a condemned ship, when the necessary information will be supplied by the official copy of the condemnation.

CERTIFICATE OF REGISTRY.

Certificate of Registry. M. S. A., 1854, s. 44.

M. S. A. 1873, s. 3.

M. S. A. 1867, s. 9.

Indorsement of changes of ownership.

245. The form of the certificate of registry is given in the schedule of the Act, and is there marked D. The certificate of registry must not be given up by the Registrar until he has received a certificate from the Surveyor or other proper officer of Customs that the official number is engraved or marked on the main beam, that her name has been painted on each of her bows, her name and the name of her port of registry painted on her stern, and a scale of feet denoting her draught of water marked on each side of her stem and each side of her stern post, as required by the M. S. A. 1873. And in case of deductions being required for crew space, a certificate from the Surveyor to the effect that all the requirements of the Act in respect of such crew space have been fully complied with, without which no deductions can be allowed. The certificate of registry will have the names of the original owners in full written on the face of it, in the space appropriated for that purpose, and it will be the duty of the Registrar from time to time, whenever the certificate is presented to him by the master or owner to endorse on the back of it any changes that may have been made in the ownership, (not including Mortgages) so as to bring it into accordance with the entries in his register book. It will also be his duty, if he is applied to by or on behalf of an Owner, to transmit to any other British Registrar a certificate of any changes of ownership that may have taken place, in order that the latter Registrar may make the endorsements on the certificate of registry. The forms of these indorsements will be in the following form :

Names of the several persons, owners of the ship within described, on the First day of May, 1875.	Number of shares held by each owner.
John Carruthers, of Kingston, Province of Ontario, Merchant...	Thirty-two. 32
Dileno Dexter Calvin, } both of Garden Island, Coun- } Joint Ira Alexander Breck, } ty of Frontenac, Province of } Owners }	Thirty-two. 32
	64

I hereby certify that the several persons above mentioned are, on this First day of May, 1875, registered owners of the respective number of shares in the ship within described, set opposite their respective names.

(Signed) _____,

Registrar of the Port of Kingston, Ont.

In cases where the indorsement is made by a Registrar other than the Registrar of the Port of Registry, the indorsement will be in the following form:

Names of the several persons, owners of the ship within described, on the First of May, 1875.	Number of shares held by each owner.
Jacob Valentine Troop, of Saint John, New Brunswick, ship-owner.....	Thirty-two. 32
William Thomson, of Saint John, New Brunswick, Merchant.....	Thirty-two. 32
	64

Saint John, N. B., the 10th day of May, 1875.

In pursuance of an advice sent to me by _____, Registrar of the Port of Halifax, N. S., I hereby certify, that the several persons above named were, on the 1st day of May, 1875, registered owners of the respective number of shares in the ship within described, set opposite their respective names.

(Signed) _____,

Registrar of the Port of St. John, N. B.

27. The Registrar, Collector, Sub-Collector or other principal officer of Customs of any port in Canada at which the ship may be, will also from time to time indorse on the Certificate of Registry any change of master which takes place at that port, and report the change to the Department of Marine and Fisheries who will forward it to the Registrar General of Shipping and Seamen, London. A form of letter for change of master will be found in the Appendix, marked P

Change of Master.
M. S. A. 1854,
s. 46.

The form of Indorsement will be as follows:—

Saint John, N. B., 1st August, 1875.

Form of indorsement.

I hereby certify that John Thomson, the number of whose certificate of competency (or service, as the case may be, and whether British or Canadian) is 2,405 has this day been appointed master of the ship within described, in the place of James Jamieson.

(Signed) _____,

Registrar of the Port of St. John, N. B.

Indorsement
of change of
Master in case
of conflicting
instructions,
provided for.
Canadian Act
36 Vict., c.
128, s. 19.

In the case of a dispute amongst the owners, or conflicting instructions being given, to any Registrar in Canada, as to who shall be the master of any ship registered in Canada, full directions will be found in the Canadian Act 36 Vict., c. 128, s. 19. It will be observed by this section, that before a Registrar can endorse a master under conflicting directions from the owners of any ship registered in Canada, he will require a declaration from the registered owners representing a majority of the shares of such ship according to the following form, or as near thereto as circumstances permit:—

I (or we) _____ of _____
(residence and occupation) being registered owner (or owners) of
sixty-fourth shares of the ship
of _____ official number _____ and _____
tons register, hereby declare that I (or we) have appointed A. B.
master of the ship above mentioned in the place of C. D.

Declared before me _____ }
this _____ day of _____ 18 _____ . }

This declaration should be made in the presence of a Registrar or Collector of Customs, if the declarant or declarants reside within five miles of the Custom House of the Port of Registry, but if beyond that distance before any Registrar or Collector of Customs or any Justice of the Peace; and if the ship is not at her Port of Registry, the Registrar of Shipping or Collector of Customs requested to make the change of master, may require a certified copy of the Register to be produced, or such other evidence as may satisfy him of the ownership of the ship; and on a demand of the owners representing a majority of the shares thereof, he may require the master or other person having possession of the Certificate of Registry to deliver it up to him; and in default of its being delivered up, he may detain the ship until it is produced and delivered up to him; and the person having possession of the Certificate of a ship registered in Canada, and refusing to deliver it up to any Registrar of Shipping or Collector of Customs under the provisions of this Act, shall incur a penalty not exceeding five hundred dollars.

Court of admiralty may
change
master.
M. S. A. 1854.
s. 240.

In the event of the owners representing a majority of shares in any ship, not agreeing as to who shall be master, the owner, part owner, consignee, agent of the owner, certificated mate, or one third or more of the crew of such ship, may apply to any Court having Admiralty Jurisdiction in any of Her Majesty's Dominions, and upon proof on oath to the satisfaction of such Court, the Court may remove such master if thought necessary, and may with the consent of the owner, his agent, or consignee of the ship, if within the jurisdiction of the Court, appoint a new master in his stead; but if not within the jurisdiction of such Court, then they may appoint a new master without such consent; and may also make such order, and may require such security in respect of costs in the matter as it thinks fit.

Record of
change of
master to be
kept.
Canadian Act
36 Vict., c.
128, s. 20.

Every Registrar of Shipping and every Collector of Customs in Canada shall keep a record of every indorsement of a change of master made by him on the Certificate of Registry of a ship, and a Book will be furnished him for that purpose on application to the Department of Marine and Fisheries.

Indorsements of a change of master are made in the United Kingdom by Registrars of Shipping and in Foreign Ports by British Consular Officers, in the form above described.

No person can be recognized as the master of a ship unless his name actually appears on the Certificate of Registry, which should be followed by the number of his certificate of competency or service, if he has one. In the case of first registry or of registry anew, the name and number of his certificate appears on the face of the Certificate of Registry, but in the case of vessels already registered, the name of the master is indorsed on the Certificate, and is repeated on every subsequent change; and the master last endorsed, as shown by the date of such indorsement can alone be recognized as the master of the vessel.

Recognized Master must have his name on the certificate of Registry.

28. The further duties of the Registrar with respect to Certificate of Registry are defined by sections 47, 48, 49, 50, 52 and 53 of the M. Shipping Act 1854. The power given by sec. 47 of granting a new Certificate of Registry will be exercised in cases where the old certificate is worn out, obliterated or otherwise damaged. Section 47 applies to cases where there are special reasons for requesting a new certificate although the original is still in existence.

Further duties.

The owners or master in such a case, should make an application in writing to the Registrar of the Port of Registry of the Ship and should state all the particulars and circumstances of the case. The application should then be forwarded by the Registrar to the Department of Marine and Fisheries with his report thereon as to the merits of the case.

Should a new Certificate of Registry be ordered to be granted, the original certificate will be retained by the Registrar, who on issuing a new one will see that it contains an exact copy of the particulars of the ship, ownership and master as they appear on the face of the old one. It is not necessary to make the endorsements that are on the old certificate on the back of the new one, with the exception of the latest ownership and master's name, which should be endorsed; the Registrar should then make a note on the face of the new certificate, stating the authority under which it was issued, to which he will add the date of the issue and his own signature.

New certificate of registry in place of the original.

Before granting a new Certificate of Registry under section 48, for any Certificate that is mislaid, lost, or destroyed, it is not necessary to apply to the Department of Marine and Fisheries. The Registrar is authorized to issue a new one, on proof being adduced to him *on oath*, that the former one had been mislaid, lost, or destroyed. In the case of certificates being destroyed, but where a sufficient portion of the fragments can be produced as proof of such destruction, and in the case of Certificates which have been so filled with endorsements as to be unfit for further use, new Certificates may be issued in the manner above described, in lieu of the old ones which require to be given up.

Proof of loss of certificate of Registry, must be on oath.

Canadian Act 36 Vict., c.128, s. 15.

When the loss of a Certificate of Registry takes place elsewhere than in the Country in which the Port of Registry is situated, the master or other person having knowledge of the circumstance should make a declaration before the Registrar of any port having a British Registrar, containing the requirements stated in 48th section, and

Provisional certificate.

the Registrar of such port will issue a Provisional Certificate to enable the ship to proceed on her voyage. The word "*Provisional*" should be inserted in large and distinct letters at the head, and the body of the certificate should contain the description of the ship, the names and descriptions of the registered owners and master, as far as is known to the declarant, and a statement of the circumstances under which such Provisional Certificate is granted.

M. S. A. 1854,
s. 49.

Upon the arrival of the ship at the country in which the Port of Registry is situated, the master is bound to deliver up the Provisional Certificate within ten days after his arrival, to the Registrar of the Port of Registry, who will grant him a duplicate of the original Certificate of Registry in lieu thereof.

The penalty for not delivering up the Provisional Certificate within the ten days mentioned is Fifty Pounds Sterling.

Entry of cancellation of certificate of Registry upon loss of a ship.
M. S. A. 1854,
s. 53.

29. When a ship is lost or ceases to be a British Ship, the owner or owners are required by section 53 of the M. S. A. 1854 to report the same to the Registrar of Shipping of the port of Registry of such Ship, and the master should deliver up the Certificate of Registry, if it has not been lost; the Registrar will then enter the cancellation in his Registry Books, and forward the Certificate to the Department of Marine and Fisheries with a memorandum endorsed thereon stating the grounds of closing or cancelling the Register. If the Certificate of Registry is lost, the particulars of the closing of the Register should be forwarded to the Department of Marine and Fisheries on Form 20.

Forms may be used to close Registers.

The following entries may be used to close Registers of vessels, according to the circumstances under which they were lost, or ceased to be British:—

Vessel was abandoned at sea on the 1st January 1875 in Lat. 45° 30' Long. 33° 15' while on a voyage from St. John N. B. to Liverpool G. B. Registry closed 1st April 1875. Certificate of Registry returned and cancelled and sent to Ottawa 4th April 1875.

Ship was stranded on the Island of Anticosti in the Gulf of St. Lawrence on the 23rd October 1874, and became a total loss. Registry closed the 15th November 1874. Certificate of Registry was lost with the vessel.

Ship put into Fayal leaky on the 6th May 1875; was condemned as unseaworthy, and sold for the benefit of all concerned. Registry closed the 14th August. Certificate of Registry has not been delivered up.

Ship was sold to a Foreigner at Antwerp on the 1st June 1875. Certificate of Registry returned and cancelled and Registry closed the 1st August 1875. Certificate of Registry forwarded to Ottawa 2nd August 1875.

Canadian Act
36 Vict., c.
128, s. 24.

The managing owner of any ship registered in Canada is required to notify the Minister of Marine and Fisheries in case of the loss of such ship, or apprehended loss if he has reason to fear such, on account of her non-arrival or otherwise, and give such particulars of the ship and loss thereof, and the property and persons on board, as he may be able to furnish; and in default of giving such notice, he is liable to a penalty of Two Hundred dollars.

30. A Certificate of Registry is not a document of title; provision is made however for having the names of the owners endorsed upon the Certificate whenever possible, yet it will frequently happen that sales may have taken place either at home or abroad which cannot be so endorsed, and no notice of mortgages whatever should ever be endorsed thereon. The Certificate of Registry therefore, though it may contain a correct record of the owners, is not under the Merchant Shipping Act any *legal* evidence of ownership, and the omission of the name of a registered owner thereon in no respect derogates from his rights. The province of the Certificate of Registry is to be a document always accompanying the Ship, to indicate its nationality and tonnage, but not to be evidence of the interests of the owners or incumbrancers. The following note appears at the foot of Certificates of Registry:—

Nature and object of certificate of Registry.

Notice.—A Certificate of Registry granted under the Merchant Shipping Act 1854, is not a Document of Title. It does not necessarily contain notice of all changes of ownership, and in no case does it contain an Official Record of any Mortgages affecting the ship. With the exception of rights and power given by Certificates of sale or mortgage, the entries in the Register Books will constitute the title to the ship.

The duly appointed master of a ship which is lawfully employed in trading, is the proper person to have possession charge of the Certificate of Registry of such vessel. It will be observed by section 50 that the Certificate of Registry shall be used only for the lawful navigation of the Ship. Owners, Mortgagees or other persons having claims against a ship, have no legal right to detain the Certificate of Registry for the purpose of enforcing such claims. The Registrar or other proper Officer of Customs however is legally entitled to require its delivery for the purpose of entering or clearing the ship, or where he wishes to ascertain that the provisions of the Merchant Shipping Acts have been fully complied with. Any person refusing to deliver up the Certificate to the person duly entitled to sail the Ship, when required to do so, may be summoned before a Justice of the Peace, or competent Court, and unless he can shew reasonable cause for his refusal, renders himself liable to a penalty of one hundred pounds. If however it appears that the Certificate is lost, or that the person charged with detaining it absconds, the Justice or Court will certify to the facts of the case, and a new Certificate may be issued by the Registrar, in the same manner as if the original had been mislaid, lost or destroyed, noting on the face of the document the authority under which it is issued.

Possession of the certificate of Registry.

ENTRIES IN THE REGISTER BOOK SUBSEQUENT TO FIRST REGISTRY.

General.

31. In the specimen pages of a Registry Book in the Forms marked R3, R4, R5 and R6, in the appendix, are columns, the headings of which will in a great measure explain their use; but to prevent mistake the following detailed explanations and directions are added.

Explanations of columns in Register Book. R. 3, R. 4, R. 5, and R. 6, appendix.

Col. 1, numbers denoting successive transactions.

32. Every transaction is to be entered separately, and when the entry is complete, a line will be drawn across the whole page. Each transaction will be distinguished by a different number, and these numbers will be entered in column 1, beginning for each ship with the number *one*, and continuing with a successive number for each successive transaction in the order in which they are respectively entered in the Book.

Col. 2, letters denoting priority of Mortgages.

33. In column 2 will be entered Letters, the object of which is to facilitate the tracing of incumbrances and their respective priorities. These incumbrances will be either Mortgages effected by entry in the Register Book, or Certificates of Mortgage, or Mortgages made under Certificate of Mortgage. Opposite the first Mortgage or Certificate of Mortgage will be entered the capital letter A. Opposite the next mortgage made at the Port of Registry, or the next Certificate of Mortgage, as the case may be, will be entered the capital letter B, and so on through the alphabet. When a mortgage is made under a Certificate of Mortgage and recorded in the Register Book, there must be placed opposite the entry the capital letter denoting the Certificate of Mortgage and the numeral 1, and if a second Mortgage is made under the certificate and recorded it must be denoted by the same capital letter, and the numeral 2, and so on. For example, if the Certificate of Mortgage is marked A, the first mortgage under it will be marked A1, the second A2. It will thus be easy, by looking down column 2, to see what mortgages exist, and as mortgages made under a Certificate of Mortgage have priority over other mortgages made subsequent to the issue of the certificate, it will be seen at a glance that if there is a mortgage denoted by the letter A 1, in column 2, that mortgage will take priority over mortgages denoted by subsequent letters of the alphabet, although they may have been entered previously to it in the Register Book. It is also desirable that every mortgage, whenever mentioned or referred to in the Register Book, should be denoted by its own letter, as shown in the forms R4 and R6 of the appendix. The use of these letters will be understood without difficulty on referring to those forms and the explanation given of them below paragraphs 61 to 75 and 86.

Column 3, names of persons from whom title is derived.

34. In the third column will be inserted the names of the persons from whom the title, interest, or power which is affected by the particular transaction is derived. These names will be taken either from the entry of the owners on first registry or from previous entries in the sixth column, and as the description and residence of the persons will already have been entered, it will not be necessary to enter these latter particulars in the third column unless they have been changed since the previous entry. Wherever persons are entitled as joint owners, their names should be included in brackets, and the words "Joint Owners" be written opposite the bracket.

Column 4, number of shares affected.

35. In the fourth column will be entered the number of shares affected by the transaction.

36. In the fifth column is to be entered the actual date and hour at which the Instrument affecting the transaction is *produced* to the Registrar, and which is to be deemed the date of Registration, notwithstanding that the actual entry in the Register Book be subsequently made. Column 5,
date of Regis-
try.

The date and hour at which the Instrument is *produced* is to be carefully noted at the time of its production, and the Registrar is to make the entry in the Register Book at the very earliest possible period after the production of the Instrument.

In the case of a Mortgage made under a *Certificate of Mortgage*, the date at which the Mortgage has been actually recorded thereon must also be entered in the Registry as shown by the specimen in form R6 of the appendix No. 8 of column 2.

37. In the sixth column will be entered the nature and date of the transaction. The extent to which it is necessary to particularize will be obvious from the examples given below. The date of the instrument or event referred to should always be inserted. Column 6,
nature and
date of tran-
saction.

38. In the seventh column will be entered the names in full of the persons who acquire any title or power by the transaction. Their residence and occupation must be entered in every case. The names of joint owners or joint mortgagees must be entered with brackets, and the words "Joint Owners" or "Joint Mortgagees" must be written opposite to them. Column 7,
names and
description of
persons ac-
quiring title.

39. Column 8 is added for the purposes of reference. In it will be entered opposite to the number of each transaction the number of any subsequent transaction or transactions by which the interest acquired by the transaction opposite which the entry is made is transferred or disposed of. To this will be added a word or words denoting the effect of the subsequent transaction. The entry of course cannot be made before the subsequent transaction is entered. Thus, for example, if a person acquires an interest in a ship or shares as owner, and subsequently mortgages it, and that mortgage is subsequently discharged, entries will be made in column 8 as follows, viz, opposite to the entry of the Bill of Sale to the owner the word "*mortgaged*" with the number of the entry of the mortgage, and the word "*discharged*" with the number of the entry of the discharge; and opposite the entry of the mortgage will be entered the word "*discharged*" with the number of the entry of the discharge. (See R6, column 8, Nos. 1 and 3). These entries in the case of Mortgages will cease on the discharge of the mortgage, and in the case of sales will not be carried beyond the point at which the interest entirely changes hands. Thus if there are three successive sales of the same ship or shares, it will be sufficient to enter in Column 8, opposite to the first sale a reference to the second sale, and opposite to the second sale a reference to the third sale, as the chain of reference is then complete. Column 8,
number and
account of
subsequent
transaction
showing how
interest is
disposed of.

40. The object of the summary, comprising columns 9, 10, 11, 12 and 13, is to show upon each transaction, the state of the title for the time being, and to check the correctness of the other entries. In column 10 will be entered the names of the owners, bracketing and Summary co-
lums 9, 10, 11,
12, and 13.

distinguishing the names and shares of joint owners. In column 11 will be entered the words "*Mortgage*" or "*Certificate of Mortgage*" where such incumbrances exist, with the principal sum due, or authorized to be raised, and the letter distinguishing the Mortgage or Certificate of Mortgage. In column 12 will be inserted the names of the holders of any such mortgages, whether original mortgagees or transferees, or of the persons who are empowered to mortgage under certificates of mortgage, bracketing them as joint mortgagees, transferees, or attorneys, where they have joint interests or powers. In column 13 will be entered, opposite the name of each owner, the number of shares to which he is entitled. In order to keep the title distinct, great care must be taken to keep the number of the shares to which any owner is entitled in column 13, his name in column 10, the incumbrances on those shares in column 11, and the names of the incumbrancers in column 12, on the same line and opposite each other. With the same object, if an owner holds shares of which some are affected by mortgages, and of which others are unincumbered, or of which some are affected by one incumbrance and others by another, separate entries must be made in the summary for each different set of shares. In column 9 will be inserted, opposite to the name of each owner, the number or numbers of the transactions by means of which he has acquired his title, and also if there are any mortgages or certificates of mortgage, the number or numbers of the transactions by which those incumbrances were created and have become vested in the persons whose names appear in column 12. After completing these entries in the summary the Registrar will add up, in column 13, the number of shares and insert "64," and write opposite to the figures 64 the word "Total" (and date) which will correspond with the date of the entry he has just made in Column 5.

Column 14, re
marks.

41. In the column headed Remarks may be entered any particulars which are not specially provided for by these Instructions, and which do not naturally fall under the headings of any of the other columns. For instance, in the case of the Sheriff giving notice to the Registrar, that he had levied, on a y shares of a vessel, the Registrar should enter a notice of it in this column, stating the day and hour on which he received the notice. If the Sheriff subsequently sells the shares on which he has levied and furnishes the Registrar with a proper bill of sale shewing that he sells as Sheriff, and setting forth the name of the person whose shares he sells, the Registrar should enter the Bill of Sale in the usual way, shewing in column 3 that it is as Sheriff he sells and shewing also the name of the person whose shares he sells.

In a case where the Sheriff has levied on and sold any shares of a vessel, but had not given notice to the Registrar of such levy but presented a bill of sale of such shares which he had sold, to the Registrar for the purpose of being recorded, the Registrar should enter the Bill of Sale if it is accompanied by a proper declaration of ownership of the purchaser in the usual way. In making the entry, the Registrar should enter in column 3, the name of the Sheriff and shew in the same column the name of the person whose shares he is selling.

42. The Registrar will observe that with column 7 the Register properly so called ends, and, so far as the titles of persons entered are concerned, it would be complete if it stopped here. The subsequent columns are added for the sake of convenience, but the Registrar must bear in mind that the previous columns contain the true registry, and that it will not be safe to rely on the entries made in the summary without referring to the original entries.

Columns 1 to 7 contain the Real Register.

43. The Registrar will also observe that columns 8 and 9, if properly filled up, will greatly facilitate reference, and enable persons to trace titles at a glance. Column 8 will show how the interest acquired by any particular transaction is subsequently disposed of, and column 9, by giving a reference to previous transactions affecting the same ship or shares, will enable any persons consulting the books at once to trace the history of the title.

Columns 8 and 9 added for purposes of reference.

44. The above explanations must be read in connexion with the examples given in forms R3, R4, R5 and R6 in the Appendix and with the explanations of those forms given below, paragraphs 46 to 86. Those examples are selected so as to illustrate all, or nearly all of the transactions which are likely to occur, and with their assistance the Registrar will have little difficulty in making the requisite entries. In order to prevent complication, the forms and examples are arranged as follows, viz : first those relating to *transfer* ; secondly those relating to *mortgages* ; thirdly, those relating to *transmissions* ; and lastly a form is given containing *miscellaneous entries*. A list of various transactions is given in form R10 of the Appendix, with references to the text and forms in the Appendix : so that the Registrar may in no case have any difficulty in referring to any example which the occasion may require.

Examples and further explanation given below.

45. Forms of the following instruments, namely, Bills of Sale (form E) instrument of Mortgage (form J), transfer of Mortgages (form K), Certificates of Mortgage (form M), Certificates of Sale (form O), are given in the Schedule to the Act. Printed forms of these instruments will be issued by the Department of Marine and Fisheries and the Registrars should insist on their being used whenever it is practicable. The Registrars will advise parties interested that so far as relates to the dealings with, and the title to, the ship, no advantage whatever can be gained by the use of longer or more cumbrous instruments. If there are collateral arrangements between the parties they should be carried into effect by separate instruments.

Forms of instruments to be used. Schedule to Act. Forms E. G. K. M. N. O.

ENTRIES ON THE REGISTER BOOK RELATING TO TRANSFERS.

46. A Transfer of a ship or of shares in a ship is always effected by a Bill of Sale, whether any purchase money passes or not. A form of the Bill of Sale is given in the Schedule to the Act, and is there marked E.

Transfers M. S. A. 1854, s. 55.

The statutory form is not absolutely essential, but the Registrar ought not to admit any other form without the sanction of the Department of Marine and Fisheries.

A Bill of Sale should contain the particulars of the ship as described in the Surveyor's Certificate, or such other description as may be sufficient to identify the ship to the satisfaction of the Registrar.

All the persons interested in a Bill of Sale, whether as sellers or purchasers, should have their names, residences and occupations given in full.

The consideration money, or price paid, should also be filled in and however small the sum may be, it is not the Registrar's duty to raise any question as to the amount.

Registrar to see to the execution of Bill of sale.
M. S. A. 1854 ss. 55, 37.

47. Before recording a Bill of Sale, the Registrar will see that it has been properly filled in, and executed by the transferrer by affixing his signature and seal thereto, and attested by one or more witnesses. Witnesses should be 21 years of age, have no interest in the transaction, and should add to their signatures their residence and occupation. It is preferable to have a male witness, but where it is a female, she should either be a spinster or a widow. In the case of Joint Owners, the concurrence of all, if alive, must be obtained before any transfer of the share can be made.

Declaration by transferee.
M. S. A. 1854 s. 56.

48. Bills of Sale conveying title to British ships or shares therein should always be accompanied by declarations of ownership when presented to the Registrar for record. After first registry it is not considered necessary that the master's name and number of his certificate should be filled in, as it is not always in the power of the declarant to do so. Declarations being entirely of a personal nature can only be made by the individual and not by his Attorney. As already mentioned, they should be made before the Registrar of the Port of Registry of the ship, if within five miles of the Custom House, or before any Registrar or Justice of the Peace if beyond that distance, and if in a foreign country before any British Consular Officer. The declarations will be the same as in the case of Individual Owners, Joint Owners, or Bodies Corporate on First Registry, with the exception of the master's name, &c., as above described. On the production of the Bill of Sale accompanied by the proper declaration, the Registrar will make the entries in the Register Book, and will re-deliver the Bill of Sale to the transferee, having first endorsed thereon the date and hour of the entry.

Explanation of joint ownership as regards partners and trustees.
M. S. A. 1854 ss. 37 et 48.

49. The Registrar will observe that sections 37 and 43 of the M. S. A. 1854 permits the registry of Joint Owners and of Bodies Corporate, but a Firm or partners cannot be registered as such, nor can the Trustees of a Joint Stock Company. The permission however of allowing five persons to be registered as Joint Owners, and forbidding

any of them to sever their joint ownership (i. e. to deal with their shares without the concurrence of all the rest) is intended to prevent any inconvenience that might arise from the prohibition to register persons as partners or trustees. In the case of partners, the whole of the partners, if not exceeding five, or such of them as the firm select, may be registered. In case of ships, or shares therein, held in trust, it is for the beneficial owners to appoint any persons they please, not exceeding five, to be registered as owners; and no Bill of Sale should be received by the Registrar in which the purchasers are described as co-partners, even though the parties consent to be registered as Joint Owners.

An illustration of a case of trust is afforded by transactions 3, 4 and 5 in form R3 in the Appendix. Suppose that Messrs Cole & Co., are the real purchasers of ten shares, and wish to appoint Christopher White, Caleb White and Cæsar White, their trustees, the names of the latter are entered as joint owners. They are then, as far as the Registrar is concerned, absolute owners; but no one of them can part with the property without the concurrence of the others. The beneficial owners, Messrs. Cole & Co., therefore run little risk of the commission of any breach of trust. Christopher White dies, and Dennis Black is appointed a new trustee by Messrs. Cole & Co., and in order to get his name inserted in the Register, Transactions 4 and 5 are completed, and thereupon Dennis Black becomes registered as joint owner with the former trustees. Of the existence of the trust, the Registrar, of course, knows nothing; his duty is confined to seeing that the requisitions of the Act are complied with, and to making fresh entries of the Register Book.

50. The Registrar will have no difficulty in applying this system (that of partners and trustees as joint owners) to cases where persons have been registered as partners or trustees before the passing of the Merchant Shipping Act 1854 or with reference to vessels registered under the Inland Registry Act, before the passing of the Canadian Act 36 Viet. chap. 128. In such an event the surviving or continuing trustees or partners will be considered as absolute owners, and the shares will be dealt with in the same manner which is adopted in the Transactions number 3, 4 and 5 above explained in paragraph 49.

Partners and Trustees registered under former Acts.

51. In Form R3 (in the Appendix) is a specimen of a page in the Register Book, the entries in which relate chiefly to transfers. The transactions have been selected so as to illustrate various species of transfers of ships or shares, and the corresponding entries. The several transactions are as follows:—

Entries in Form R. 3.

Number 1. John Jones, the original owner, sells four shares to Andrew Brown.

Number 2. Andrew Brown sells four shares to John Robinson.

Number 3. John Jones sells ten shares to Christopher White, Caleb White and Cæsar White, as joint owners.

Number 4. Christopher White dies, and an entry is made of the ten shares as belonging to the survivors, Caleb White and Cæsar White, as joint owners.

Number 5. Caleb White and Cæsar transfer their shares to be held in joint ownership by themselves and Dennis Black.

Number 6. John Jones sells sixteen shares to the Dublin Steam Packet Company.

Number 7. John Jones is prohibited by order of Court from dealing with his remaining thirty-four shares.

Number 8. The order is discharged.

Number 9. A Certificate of Sale is granted by all the owners of shares in the ship.

Lastly. The ship is sold under the Certificate to a foreigner, and the registry is closed.

No. 1 Sale.

52. The transaction Number 1 is conducted as follows :—

John Jones, on the 30th of December 1856, executes a Bill of Sale, transferring four shares to Andrew Brown.

Andrew Brown produces the Bill of Sale to the Registrar on the 1st January 1857, at 1 p. m., and makes a declaration of ownership in his presence. The Registrar then makes the entries appearing in the Form R3 Number 1.

Having made these entries he endorses on the Bill of Sale the following words :—

“ Entered 1st January 1857, at 2 p. m.

“ JOHN SMITH, Registrar,”

and re-delivers the Bill of Sale to Andrew Brown.

John Jones having thus parted with four shares, the Registrar fills in the columns of the *Summary* as shown in R3 Number 1.

The transaction is now complete, and Andrew Brown is, so far as the registry is concerned, absolute owner of the four shares in respect of which he is entered.

No. 2 Sale.

53. Number 2 requires no detailed explanation as the process is similar to that in Number 1.

No. 3, joint ownership.

54. The peculiarity in Number 3 is that the Whites take as joint owners. The Registrar, therefore, will enter their names as joint owners in Column 7, inclosing them in brackets, and adding the words “ joint owners ; ” the result is, that the concurrence of all the joint owners, if alive, or of the survivors or survivor, if any are dead, will be required in any dealing with the shares.

No. 4 survivorship.

55. Transaction 4 requires attention. Christopher White dies, and consequently Caleb White and Cæsar White take the whole ten shares by survivorship. They cannot, however, deal with their shares till an entry of Christopher White's death is made in the books. To meet such a case a certificate of burial, accompanied by a declaration of identity, should be produced, and retained by the Registrar. The necessary entries in such a case are shown in Form R 3 in the Appendix, Transactions (4) and (5).

No. 5 Transfer by surviving point owners to themselves and another.

56. The peculiarity in Transaction 5 is that the two Whites, Caleb and Cæsar, convey their interest to be held in joint ownership by themselves and Dennis Black. The only difference between this Bill of Sale and the previous one is, that in this case the Registrar will not require any consideration to be stated, and that the whole

effect of transaction 5 is to make Dennis Black joint owner of ten shares with Caleb White and Cæsar White. See above, paragraph 58.

57. Transaction No. 6 is a sale of sixteen shares to a Company incorporated under the name of the Dublin Steam Packet Company. In such cases the Company will probably require to be registered in its corporate name, and, as before stated, provision for that purpose has been made in the Act; but there is nothing to prevent such a Company from registering its ships in the name of individuals who will, as regards the Company, be trustees, though they will not appear as trustees upon the Register Book. The individuals selected to be registered as owners, would simply be entered in the Register Book as Joint Owners.

No. 6, Sale to
"Corporate
Company."

58. Transaction No. 7 shows the mode of entering an Order of Court, prohibiting John Jones from dealing with his shares. When such an order has been made, the Registrar will not, until it has been discharged by another order, enter any dealing with such shares on the part of John Jones or his representatives. The entry to be made, on such order of discharge, is shown in Transaction No. 8.

Nos. 7 and 8
"Injunction"
by Court of
chancery.

59. Transaction No. 9 is an entry of a Certificate of sale. This document requires explanation. Certificates of Sale are statutory powers of attorney enabling owners to effect sales of their ships out of the country in which the port of registry is situate. The rules relating to these are contained in sections 77 to 83 of the Merchant Shipping Act 1854, and a form of the certificate of sale is given in the Schedule to the Act and marked N. A certificate of sale of a Ship registered in Canada, cannot be used in Canada.

No. 9 certifi-
cate of Sale.
M. S. A. 1854
ss. 77 to 83.

Before stating the process in detail, it might be well to remark several particulars in reference to Certificates of sale.

A Certificate of Sale, as above stated, is a statutory power of attorney, by which the owners are enabled to sell the whole ship at any port or place out of the country or possession in which she is registered; but such certificate is not to be granted for any *partial* sale of a ship. It guarantees the title to a *bona fide* purchaser, and after his purchase he can register the ship at whatever port he chooses.

Upon application to the Registrar for a Certificate of sale, he will see that the particulars of the Ships' description is the same as in her Register:

That the names of all the owners, and numbers of [shares hold by each are correctly stated:

That all Mortgages or other incumbrances are set forth in full:

The name or names in full of the attorney or attorneys who are empowered to sell, with their residence and occupation.

The Registrar will observe that a Firm, as such, cannot be made attorneys, they can only be empowered in their individual names, and may be so either jointly or severally:

The particular place or places at which the power is to be exercised, and if no particular place is required by the owner, then at any port or place outside of Canada.

The limit of time for which such power is granted ; but such time is better not to exceed Twelve months, as otherwise the sale might not hold good in the event of the bankruptcy or insolvency of the owner ;

Owners must execute the "Certificate" personally.

All the owners must then execute the certificate in the presence of a Registrar of Shipping, a Justice of the Peace or Consular officer in the same manner as they would declarations of ownership, with the exception that the certificate of sale should be executed under Seal, and must be signed by the owners personally; they cannot in this case delegate their powers to attorneys. It is not necessary that all the owners should sign at the same time, or before the same Registrar.

Owner his own Attorney

An owner may appoint himself his own attorney. This sometimes happens in the case of an owner proceeding in his own ship to distant countries, where he might have an opportunity of selling her. Although he has the power to sell at a distance from the port of registry in the usual way by Bill of Sale, still the purchaser has no absolute security that in this way he is getting a valid and legal title ; while by a certificate of sale his title is guaranteed, and he can register the vessel at once at any port he chooses.

Certificate of Sale may be used as an Ordinary power of Attorney.

A certificate of sale is sometimes used as an ordinary power of attorney, in cases where the certificate of registry is required for the usual navigation of the ship and the purchaser does not wish to change her port of Registry. This might take place when a British Ship is sold to a British subject at a foreign port ; in such case the Certificate of Sale and Bill of Sale with the usual declaration of ownership should be transmitted to the Registrar of the port of Registry of such ship for record, and the entry is then made in the usual manner,

The process for the steps taken in regard to a certificate of sale is as follows :—On the 15th January 1858, John Jones, John Robinson, Caleb White, Cæsar White, Dennis Black and the Dublin Steam Packet Company are owners of the ship "Victory" registered in London, they apply for and execute a certificate of Sale in the form marked N in the Schedule to the act, empowering James Simpson, master of the "Victory" to sell her within six months from the date of the certificate for a sum not less than £20,000 stg. at Bombay, Sydney or Canton. The Registrar enters the certificate in manner shown in form (R 3) No. 9.

M. S. A. 1854 s. 81.

On his arrival at Canton, James Simpson sells the ship to a person who is not a British subject ; in this case, of course, the ship ceases to be a British ship, and no new registry can be made. It will be the duty however of James Simpson to produce the Bill of Sale to the British Consul, and to deliver to him the Certificate of Sale and the Certificate of Registry ; and if James Simpson neglects to perform that duty, he will incur a penalty not exceeding £100, while the purchaser will not by British law have any title whatever to the ship ; and consequently, if she is brought into a British port, he may, notwithstanding he has paid his purchase money, be deprived of his property

Example of exercise of power in favour of British subject,

If instead of selling the ship to a foreigner at Canton, James Simpson were on his arrival at Bombay, to enter into a contract with Stephen Malcolm, a British subject, for the sale of the ship "Victory" for £20,000, the process would be as follows :—The transfer would

be made by a Bill of Sale in the usual form, the instrument would purport to be made by the owners themselves, and would be executed in their names by James Simpson, subscribing himself as their attorney. James Simpson and Stephen Malcolm would apply to the Registrar at Bombay, and produce to him the Bill of Sale, the Certificate of Sale, and the Certificate of Registry. The Bombay Registrar would return the Bill of Sale to the purchaser, retaining the Certificates of Sale and Registry, for the purposes hereinafter mentioned; but before dealing with them, he would register the "Victory" anew at Bombay, without, however, requiring a new survey to be made. To the ordinary entries he would prefix the following:—

Proceedings
before the Registrar
at Bombay.

"The ship "Victory," formerly of London, registered anew, in consequence of a Sale dated the 1st day of May 1858, made by James Simpson, attorney for John Jones and others, owners, under a Certificate of Sale, dated the 15th January 1858."

Having completed this part of the transaction, the Bombay Registrar would make an indorsement on the Certificate of Sale and on the Certificate of Registry to the following effect:—

Indorsements
on Certificates
of Sale
and registry.

"Bombay, 1st May 1858.

"I, the undersigned, Registrar of the Port of Bombay, hereby certify that the within-mentioned Ship was this day sold to Stephen Malcolm, of this port, merchant. (Add number and date of the New Registry, or a person not qualified to own British Shipping, as the case may be.)

(Signed) Registrar."

And having done this, he would take the first opportunity of forwarding the certificates to the Registrar of the port of Registry, viz: London. On the arrival of the certificates in London, the London Registrar would conclude the transaction, and close the registry of the ship "Victory," by making in the Register Book the entry to the following effect:—

Certificate
forwarded to
London.

"Sold to Stephen Malcolm, at Bombay, on the 1st May 1858, and Registry closed."

If no sale is made under the certificate it must be returned to the port of registry, and retained and cancelled by the Registrar. In that case he will enter in column 8, opposite the entry of the certificate, the words "Cancelled the . . . day of . . . 18 . . . no sale having been made."

Cancelling
when no Sale
is made.

The owners of the ship or their attorney should be particular in returning the Certificate of Sale to the Registrar of the Port of Registry, in the event of *No Sale* having been made, or the time for which the powers were conferred having expired, as the incumbrance of the outstanding Certificate of Sale might interfere with any subsequent dealings with the ship.

The duty of the Consul at a Foreign port with respect to the endorsements on, and forwarding of the Certificates of Sale and Registry to the Registrar of the Port of Registry of a ship, is similar to that imposed upon the Registrar at a British port.

Duty of consul.

It will be observed that, in the instance given, the ship "Victory" is supposed to be free from incumbrances. If such incumbrances exist, the M. S. A. provides that they shall not be affected by the sale, and directs that they shall be entered on the certificate, and

Observations
as to incumbrances.

that the new registry shall contain a notice of all such incumbrances as appear on the old registry. To effect this the Registrar must see that all mortgages or certificates of mortgage or certificates of Sale are entered on the Certificate as they are entered in his Register Book. Such a state of circumstances, however, creates considerable complexity in the Registry and uncertainty in the title, and it will be the duty of the Registrar to impress upon the owners of vessels the expediency of discharging all mortgages or incumbrances before issuing a Certificate of Sale. To illustrate this by an example:—

Suppose that in the case of the ship "Victory" a mortgage had been existing at the date of the issue of the Certificate of Sale, the consequence would have been that notice of the mortgage would have appeared on the Certificate of Sale and on the Register Book at Bombay. In point of fact, therefore, to the extent of the mortgage, two registries would be in existence at the same time, namely the one in London and the one in Bombay; while as respects the purchaser, the consequences would be most prejudicial, for the mortgagee might at any moment exercise his power of sale and thereby entirely defeat the title of the purchaser.

Dealings may take place after the issue of certificates of either Sale or mortgage.

The issue of a certificate, whether of sale or mortgage, does not prevent subsequent dealings with the ship by a prior mortgagee, or even by an owner, so long as no title to the ship is completed under the certificate.

No injustice can arise from the fact that various titles may thus appear on the Register at the same time, since every person who advances money or purchases upon the strength of a title which is liable to be defeated by a prior incumbrance, must in all cases have, at the time he advances money or purchases, full notice of the prior incumbrance, and ought therefore to be fully aware that his own title is liable to be defeated.

In regard to unmortgaged vessels, no harm can arise from permitting the record of bills of sale and mortgages, while a Certificate of Sale is outstanding, as it appears quite clear from the terms of section 81, clauses 5, 6, and 8, that the purchaser under the certificate would, according to the strictest construction of the words of the Act, and almost without reference to its general policy, have a clear priority. When, however, the general policy is considered, all doubt must be set at rest.

The Merchant Shipping Act does not give an indefeasible title to the ship to the person whose name appears on the Register, as against claims of which he has full notice. What it does give to the person whose name is on the Register is the power of conveying an indefeasible title to a *bona fide* innocent purchaser or mortgagee. A purchaser or mortgagee who has, by the Register itself, notice of a prior claim, or possibility of claim, cannot as against that claim be a *bona fide* innocent purchaser, and cannot therefore get an indefeasible title.

It is, however, obvious that persons who purchase or advance money under such circumstances are liable to very great risk, and the Registrars should make it their business to point out the risk.

In the event of the sale of a ship by the owner at the Port of Registry whilst a certificate of sale or mortgage is outstanding, if registry anew or transfer of Registry to another Port be demanded

by the purchaser, care should be taken by the Registrar that the outstanding certificates be brought forward until such certificates are duly returned, or satisfactory proof of their loss given under the 82nd section of M. S. A. 1854.

A note to the following effect will be printed on all future certificates of sale or mortgages, and a similar note should also be written by the Registrar on the existing forms on which no such note is printed.

Nota Bene.

Persons who purchase under a certificate of sale, or who advance money under a certificate of mortgage, when there is a previous mortgage or a previous certificate of sale or of mortgage endorsed on the certificate under which they purchase do so at their own risk.

Their title is liable to be defeated by the persons claiming under the incumbrance so endorsed.

Note to be printed on Certificate of Sale or Mortgage.

The form of entering revocations of Certificates of Sale, and the process in such cases, will be precisely the same as in the case of a revocation of a Certificate of Mortgage, which is explained below, paragraph 73, and Form R4 in Appendix.

Should a Certificate of Sale of any ship registered in Canada get lost, or be so obliterated as to be unfit for further use, application should be made to the Department of Marine and Fisheries through the Registrar of Shipping of the Port of Registry of the ship and should be accompanied by a declaration made by the person having a knowledge of the facts of the case, executed before a Registrar, Justice of the Peace or British Consul, setting forth the particulars of the loss; and such order will be issued as the circumstances of the case require.

Loss of Certificate of Sale.
M. S. A. 1854
s. 82.

Should the owners wish to continue the Certificate of Sale, they should apply for a new one, after the former one has been cancelled, as a Duplicate cannot be granted.

Duplicate certificate of Sale cannot be granted.

60. In cases where the Court of Chancery, or other Court having jurisdiction, vests the right to transfer the share of an unqualified person in some nominee under section 63 of the Act, such nominee will execute a Bill of Sale to a purchaser in the usual form; and will prove his title to the Registrar by the production of the Order of the Court.

Nominee of the Court of Chancery.
M. S. A. 1854
s. 63.

ENTRIES IN THE REGISTER BOOK RELATING TO MORTGAGES.

61. There are certain points of law relating to Mortgages to which it is desirable to call attention in the first instance, viz:

Law relating to Mortgages.
M. S. A. 1854
s. 69.

First.—That mortgages rank in priority according to the date at which they are registered, and not according to the dates of the instruments by which they are created;

Secondly.—That a mortgagee has an absolute power of selling the ship or shares which form his security, subject to the following restriction, viz: that if there are more mortgagees than one of the same ship or share, no second or subsequent mortgagee can sell without the concurrence of every prior mortgagee;

And, lastly, that upon an entry of discharge of a mortgage in the Register Book, the property reverts without any re-conveyance

S. 71.

S. 68.

The Registrar will also note the following points :—

That there are two forms of mortgage instruments in use, the first is for the security of a principal sum, with or without interest; the second is for an Account Current in which no particular sum is stated, but is generally used when sums are advanced from time to time.

The names of all persons mentioned in a Mortgage whether as owners or mortgagees, should be in full, stating also their residence and occupation.

As in the case of owners, a firm cannot be entered as mortgagees; where there are more than one person they must be entered in their individual names as joint mortgagees.

The Discharge or Transfer of a mortgage must be for the whole security, as partial discharges or transfers cannot be recognized by the Registrar; so also, as in Bills of Sale, fractional parts of shares cannot be recorded.

Receipt to discharge a mortgage.

The receipt for the monies to discharge a Mortgage must be endorsed on the Mortgage itself, and it must be signed personally by the Mortgagees, or by their duly appointed Attorneys, and duly attested by the signature and address of a competent witness, who should have no interest in the transaction. When discharged under a Power of Attorney, the Power must be presented to the Registrar, who will note the fact of its being presented and also its date on the Mortgage. After the Discharge of the Mortgage, the Power of Attorney may be returned to the person presenting it, if he desires it.

Discharged under Power of Attorney.

Mortgage lost or mislaid.

When the Mortgage of a ship registered in Canada, has been lost or mislaid, and it cannot be produced for the purpose of discharging the security for which it was held, which is usually by endorsement on the back thereof, application should be made to the Department of Marine and Fisheries through the Registrar of the Port of Registry, to allow the discharge to be recorded, without the production of the original Mortgage. For this purpose a Receipt in full for the Mortgage money should be produced, and so worded as to leave no doubt as to the ship and security for which it is paid, and a declaration properly attested of all the circumstances and particulars of the loss.

Forms of Instruments 17 & 18
Vict. c. 104 s. 96, and M. S. A. 1855, s. 11 and 18 & 19
Vict. c. 91.

A Registrar is not required to record a Mortgage, Bill of Sale or other Instrument for the disposal of any ship or shares therein, if it is made in any Form or contains any particulars, other than the Form and particulars prescribed by the Merchant Shipping Act 1854, without the express direction of the Commissioners of Customs. In Canada the Governor in Council occupies the place of the Commissioners of Customs, and any application for such authority should be made through the Department of Marine and Fisheries.

Mortgages rank in priority.

As Mortgages rank in priority according to the date at which they were recorded and not according to the dates of the instruments by which they were created, care should be taken by Mortgagees to have them recorded immediately after they are executed, so as they may have their proper legal effect.

Owners selling to a Mortgagee.

When an owner sells his ship or shares to a Mortgagee, the Mortgage still remains on the Register, and should be discharged in the usual manner on the back of the mortgage, otherwise it remains an incumbrance.

When a Mortgagee sells a ship or any shares therein under the powers contained in the Mortgage, he will describe himself in the Bill of Sale as *Mortgagee*; in all other respects the Bill of Sale will be in the usual form.

Mortgagee sells under power of Mortgage.

62. Between transactions relating to ownership, and transactions relating to Mortgages there is the material distinction that foreigners are allowed to be Mortgagees of a ship, and consequently the declaration of nationality is in their case not required. The duty of the Registrar, therefore, is confined to seeing that the instruments of mortgage and the declarations authenticating any transmission of the Mortgage title, are in accordance with the Act.

Evidence of Mortgagees, right to be registered.

63. The Form marked R 4 in the Appendix is a specimen page of Register Book, with entries intended to illustrate the manner of entering mortgages and certificates of mortgage. The transactions on this page are as follows:—

Specimen of page of Register Book, with entries of mortgages R 4 app.

Number 1.—John Jones, being the owner of 64 shares, gives a Certificate of Mortgage to John Thompson, with power to raise £1000, with interest not exceeding 5 per cent; the power to be exercised at Calcutta within six months.

Number 2.—John Jones mortgages his 64 shares to John Smith for £5000, at 5 per cent interest.

Number 3.—John Thompson, acting under the Certificate of Mortgage, mortgages the 64 shares to Abel Brown for £1000, with interest at 5 per cent.

Number 4.—John Smith transfers his mortgage to Thomas Coutts.

Number 5.—John Jones makes a further Mortgage to Thomas Coutts to secure the balance of an account current; with interest at 5 per cent.

Number 6.—Thomas Coutts' first mortgage is discharged.

Number 7.—John Jones sells the 64 shares, subject to the mortgage to Abel Brown, and the second mortgage to Thomas Coutts, or in other words, sells his equity of redemption in the ship to Edward Davis.

Number 8.—Abel Brown, the Mortgagee under the Certificate of Mortgage, sells the whole ship to John Lewis.

Number 9.—John Lewis gives a Certificate of Mortgage to Robert Green to be executed at Quebec.

Number 10.—John Lewis sends out a revocation of Certificate of Mortgage.

64. Transaction 1 is a grant of a Certificate of mortgage. These certificates, are like Certificates of Sale, statutory powers of attorney; they are given for the purpose of enabling owners to effect mortgages of their ships or shares out of the country in which the Port of Registry is situate. The rules as to these certificates are contained in sections 77 to 83, and a form of certificate of mortgage is given in the Schedule to the Act, and is there marked M. The steps in the transaction are as follows:

No 1. Certificate of mortgage. M. S. A. 1854, see ss. 77 to 83.

John Jones, being desirous of enabling John Thompson, of Calcutta, merchant, to create a mortgage on the ship for securing £1000, at interest not exceeding 5 per cent, applies to the Registrar of the Port of Registry to issue a certificate of mortgage. The Registrar having seen to the proper execution of the certificate, makes the several entries in the Register Book appearing in Transaction 4.

No. 2.
Second Mortgage.

65. After this certificate is given, John Jones executes a second mortgage in the form 1, in the Schedule to the Act, and the Registrar enters the particulars as shown in Transaction No. 2. This mortgage, it will be observed, is marked B in the second column. Finally the Registrar makes on the mortgage the following indorsement:

"Entered 3rd January 1858, at 1 P. M."

JOHN SMITH, Registrar

No. 3.
Mortgage under Certificate.

66. The ship arrives at Calcutta in April 1858, and John Thompson determines to mortgage the ship to Abel Brown to secure £1000 with interest at 5 per cent; a form of mortgage instrument accompanies the Certificate, and John Thompson, as attorney for John Jones, executes it in favour of Abel Brown. The Certificate of Mortgage and the mortgage instrument are produced to the Calcutta Registrar, who makes an indorsement thereon in manner appearing in the note to the form M in the Schedule to the Act. The Certificate of Mortgage is sent to the Port of Registry, and produced to the Registrar, on the 1st December 1858, and he cancels and retains it, and enters the name of Abel Brown in his book as mortgagee. This transaction is marked A 1, in the second column, thus denoting that it takes priority from the date of the Certificate under which it is made, and that it is prior to the mortgage marked B. In column 5, the Registrar enters "*8th May 1858, 2 p. m.*" as the date appearing on the Certificate as the date at which the mortgage was made, and he then adds in the same column, "*Recorded 1st Dec. 1858.*"

No. 4.
Transfer of Mortgage.

67. Transaction 4 is a simple transfer of the second mortgage from John Smith to Thomas Coutts. It is effected by an Instrument in the form K, in the Schedule to the Act, and is marked B in column 2. The Registrar will indorse on the instrument the day and hour of entry, as in the case of Mortgages, (paragraph 65.)

No. 5.
Further charge.

68. Transaction 5 is a further charge upon the ship by John Jones, to secure to Thomas Coutts the balance of an account current, in addition to the £5,000 due to him under Transaction 4. The point to be noticed is, that such a charge, though made at the same time with the transfer of the previous mortgage, must be entered as a separate transaction. So if the further charge had been in favour of the original mortgagee, instead of the transferee, it must no less have been entered as a separate transaction.

The entry is marked C in column 2, thereby denoting that the mortgages marked A1 and B are both prior to it.

No. 6.
Discharge of Mortgage M.
S. A. 1854, s. 68.

69. John Jones pays off Thomas Coutts' first mortgage for £5,000, and on John Jones producing the receipt for the money indorsed on the mortgage deed, and satisfying the Registrar that it is genuine,

the Registrar makes the entries appearing in Transaction 6. No reconveyance is of any use whatever; nor would it have been if Thomas Coutts had been first instead of second mortgagee, as the ship reverts by the operation of the Act.

70. John Jones sells his ship, subject to the existing mortgages. This is effected by Bill of Sale, as if no mortgages existed. The entries need no explanation. No. 7.
Sale of a ship
subject to
Mortgages.

71. Abel Brown, who is the first mortgagee, is unable to get his money, and sells the ship under the power given to him by the Act. The sale is effected by a Bill of Sale, in the same manner as in the case of a Bill of Sale by the owner. The purchaser, John Lewis, gets a title free from incumbrances, and Thomas Coutts, the subsequent mortgagee, and Edward Davis, the person to whom the equity of redemption has been sold, are thereby deprived of all right or title to the ship. It is most important that the Registrar should notice this effect of a prior mortgage, and should warn persons dealing with a ship of the risk they run in taking a title subject to prior mortgages or Certificates of Mortgage. No. 8.
Sale by first
Mortgagee.
M. S. A. 1854,
s. 71.

72. Transaction 9 is a Certificate of Mortgage, the steps in respect of which have been already explained in Transaction 1. It is introduced for the purpose of illustrating the way in which Certificates of Sale and Mortgage (for the practice will be the same in both cases) may be revoked. The practice is as follows in paragraph 73 :— No. 9.
Certificate of
Mortgage.

73. In cases where a certificate of sale or mortgage has been granted, specifying the place or places at which the power may be exercised, the owner, who has obtained such certificate, or any subsequent registered owner, who has obtained his title by transfer or transmission from such first mentioned owner, may revoke the power. For this purpose the following steps must be taken: No. 10.
Revocation of
Certificate of
Sale and
Mortgage.
M. S. A. 1854,
s. 83.

The owner who desire to revoke the certificate must obtain from the Registrar an instrument in the Form marked O, in the Schedule to the Act.

The Registrar who has granted the certificate will then by the earliest opportunity, send to the Registrar or Consular Officer (as the case may be), of the place or places where the power is to be exercised, a duplicate of the instrument of revocation certified under his hand. He will also enter on his Register Book the fact of the revocation, and that it has been so sent.

The Registrar or Consular Officer, who receives such duplicate will enter the same in a special book, kept for the purpose—a Form of which is given in the Appendix, and is there marked (R 7), and will give notice to any person seeking to exercise the power conferred by the certificate of sale or mortgage, or to become a purchaser or mortgagee under the power, that it no longer has any operation, and will, if possible, indorse on such certificate notice to that effect. R. 7. App.

Lastly the Registrar or Consular officer receiving the duplicate revocation, will by letter of advice under his hand and, at the first opportunity, inform the Registrar who has sent it, whether the power

had been exercised or not previously to the receipt by him of the instrument of revocation sent to him, and the Registrar of the Port of Registry will note the same in the column headed Remarks, opposite the entry of the Certificate. A form of the letter of advice is given in the Appendix, and is there marked (R 8).

R. 8. App.

Effect of revocation.

74. It will be obvious that the effect of the revocation depends upon the question whether the instrument of revocation reaches the Registrar or Consul at the place where the power is to be exercised, before or after the exercise of the power. It will not affect sales or mortgages made before it is received, but it will invalidate all sales or mortgages made at the place after it is received. It will therefore be the duty of the Registrar who issues the instrument of revocation to dispatch it by the first opportunity, and of the Registrar who receives it to record it at once, and to take especial care to give notice of it to persons who wish to deal under the certificate.

Application of these rules in Transaction 10. Effect of revocation.

75. The several steps in Transaction 10, Form R 4, are as follows:—

John Lewis having granted a Certificate of Mortgage of the whole ship as shown in Transaction No. 9, becomes desirous of preventing the exercise of power thereby given.

In order to effect this, he applies to the Registrar of the Port of Registry, and executes in his presence the instrument of revocation.

The Registrar, having entered the revocation as shown in Transaction 10 in the Form R 4, forwards the instrument to the Registrar at Quebec, who retains the document, making an entry in the manner shown in the last column of Form (R 7) in the Appendix, and gives notice to the Registrar in London, stating that the power given by the Certificate has not been exercised. The London Registrar on receiving intelligence from the Quebec Registrar, makes a note in his book to the effect, shown in column 14 of Form R 4, Transaction 10.

R. 7. App.

It will be observed that John Lewis, who granted the certificate, is the person who revokes it. But if his interest had passed to any other person, or persons, e. g., a purchaser, or assignees in bankruptcy, or executors, and they had been duly registered, they might exercise the power of revocation no less than John Lewis himself.

ENTRIES IN THE REGISTER BOOK RELATING TO TRANSMISSIONS BY DEATH, MARRIAGE AND BANKRUPTCY.

Transactions in Form R 5.

76. Form R 5, in the Appendix, is a specimen of entries relating to transmissions by death, marriage, and bankruptcy. The transactions are as follows:—

Number 1. John Jones, sole owner, dies, and by his will appoints Thomas Smith his executor, and leaves the ship to Anna Brown as legatee. Thomas Smith proves the will in the Prerogative Court of Canterbury.

Number 2. Thomas Smith conveys the ship to Anna Brown.

Number 3. Anna Brown marries James Black.

Number 4. James Black becomes bankrupt, and Abraham Sturgis is appointed official assignee, and Thomas Edwards and Robert Inglis are appointed creditors' assignees.

Number 5. The assignees sell to Charles Green.

Number 6. Charles Green dies intestate, and Letters of Administration are granted to Richard Lane by the Consistory Court of London.

Lastly the ship is broken up, and the Registry closed.

77. If a registered owner dies, his executor or administrator is entitled to be registered in his place on making a declaration in the Form marked H, in the Schedule to the Act, and producing to the Registrar the probate or letters of administration. The Registrar will not in any case recognize the title of any other person: he will leave it to the executor or administrator, by executing a Bill of Sale in favour of the person entitled under the will or upon the intestacy, to clothe such person with a right to be registered as owner. The executor or administrator is, in short, for the purposes of registry, the absolute owner.

No. 1.
Transmission
on death.

Transactions (1) and (2) in Form R 5 in the Appendix, relate to a case where there is a will by which the property passes. In that case John Jones dies, having made his will dated 1st December 1856, whereby he bequeaths the ship "Victory" to Anna Brown, and appoints Thomas Smith his executor. Thomas Smith proves the will in the Prerogative Court of Canterbury, and having produced the probate to the Registrar, is entered as owner, without any notice of his capacity of executor, as shown in Transaction 1.

78. No notice of the bequest is given to the Registrar, but Thomas Smith being in fact, only executor, executes a Bill of Sale in the ordinary form to Anna Brown, who thereupon is registered, as shown in Transaction 2.

No. 2.
Transfer of
interest to
legatee.

79. If a female owner marries, her husband becomes entitled to be registered in her place, unless there has been a previous settlement of her interest. With such settlement, however, the Registrar will have nothing to do, as it will be effected by a Bill of Sale from her in the usual form to the persons appointed trustees of the settlement as joint owners. The Bill of Sale must be executed before the marriage, and the trustees will be entered as joint owners on the Register, without any notice of the trusts. If, however, the wife has not before marriage parted with her interest, her husband will upon the marriage become entitled to be registered in her place. In order to prove his title, he must produce the certificate of marriage, and a declaration must be made in the form marked A in the Schedule to the Act. In the example in the Appendix, Transaction (3), Anna Brown being the owner, is supposed to have married James Black without having previously parted with her interest.

No. 3.
Transmission
by marriage.

80. Upon the bankruptcy of any owner or mortgagee, the official assignee, and creditors' assignees are entitled to be registered in his place. As the official assignee is appointed first, he will probably apply to be registered alone, and if so the Registrar will make such registry accordingly, reserving a space for the entry of the names of the creditors' assignees, as soon as they apply, who will then become joint owners with the official assignee, and be entered accordingly. The evidence in both cases will be the production of the

No. 4.
Transmission
on bankrupt-
cy.

appointment under the seal of Bankruptcy Court. The identity of the registered owners and the bankrupt will be proved by the declaration of some competent person.

An example of such an entry is given in Transaction 4.

No. 5.
Sale.

81. Transaction 5, being a simple sale, needs no explanation.

No. 6.
Example of
Transmission
on intestacy.

82. Transaction 6, in the same form, relates to a case where there is no will. In that case, Charles Green dies intestate, and letters of administration are granted to Richard Lane; Richard Lane becomes entitled to be registered, upon producing to the Registrar letters of administration, and is thereupon entitled, so far as the Registrar is concerned, to deal with the ship as an absolute owner.

Death of one
Joint owner.

83. The Registrar will observe, that where persons are registered as joint owners, and one of them dies, the ship or shares pass by survivorship to the other or others, and nothing passes to the executor or administrator of the deceased. To meet such a case, a certificate of burial, accompanied by a declaration of identity, should be produced, and retained by the Registrar. The necessary entries in such a case are shown in form R3, in the Appendix, Transactions (4) and (5), and are explained in paragraph 55.

Transmission
of mortgages.

84. On the death or bankruptcy of a mortgagee, or in the case of marriage of a female mortgagee, the interest of the person so dying, becoming bankrupt, or marrying, will be transmitted in precisely the same way as in the corresponding case of an owner. A form of declaration marked I, for a mortgagee taken by transmission, is given in the Schedule to the Act. The nature of the evidence required, as well as the mode of making entries in these cases, will be understood without further explanation or example.

Evidence in
countries
where the law
differs.

85. In Canada where the law in respect of the evidence of death or marriage, or in respect of wills and intestacies, or in respect of bankruptcy, differs from that of England, the Registrar will, instead of the evidence above mentioned, require such evidence in each case as, according to the ordinary rules of law in this country, would be received as sufficient legal evidence of the matter or title to be proved.

SPECIMEN OF REGISTER, WITH MISCELLANEOUS ENTRIES.

Specimen of
register, with
miscellaneous
entries. R. 6
App.

86. Form R6 in the appendix contains entries of various descriptions, arranged without reference to subjects in the order in which they may occur in practice. The transactions are as follows:

Number 1. John Jones, being as before sole owner of the ship, sells 32 shares to Thomas Brown.

Number 2. John Jones sells 16 of his remaining shares to Robert Green.

Number 3. Thomas Brown mortgages his 32 shares for £1,000 and interest to Andrew Black.

Number 4. John Jones dies, having appointed William Smith and Eliza Davies his executor and executrix, who prove the will in the Prerogative Court of Canterbury.

Number 5. Robert Green grants a Certificate of Mortgage as to his 16 shares to Abel Wood.

Number 6. William Smith dies, leaving his co-executrix, Eliza Davies, who is joint owner with him, surviving, and she accordingly is registered sole owner of their 16 shares.

Number 7. Andrew Black transfers his mortgage of 32 shares to Richard Emlyn.

Number 8. Abel Wood exercises the power of mortgaging 16 shares under the Certificate granted by Robert Green in favour of Edward Ellis.

Number 9. Eliza Davies marries Charles Wood, and he is registered as owner of her 16 shares.

Number 10. Robert Green sells his 16 shares (subject to the mortgage to Edward Ellis made under the Certificate) to Thomas Brown.

Number 11. Charles Wood sells his 16 shares to Thomas Brown.

Number 12. Thomas Brown discharges Richard Ellis' mortgage on the 16 shares bought by Thomas Brown from Robert Green.

Number 13. Thomas Brown discharges Richard Emlyn's mortgage on the 32 shares bought by Thomas Brown from John Jones. Thomas Brown thus becomes sole owner of the ship, free from incumbrances.

Lastly, the ship is broken up near Pernambuco and the Registry closed.

REGISTRY ANEW.

§7. Registry anew is no longer required on the sale of a ship, unless the sale is made in pursuance of a Certificate of Sale. It may be convenient, however, to new owners to have a fresh registry; and, accordingly, it is provided, that the Registrar may, on application made to him, and on delivery up of the old Certificate of Registry make such registry anew, and grant a new Certificate of Registry.

Registry anew should not be granted by Registrars unless for some special cause, such as:—

A change of ownership,

A material alteration in the ship's tonnage, or

A deduction for Crew space,

Registry
anew.

M. S. A. 1854,
s. 88.

M. S. A. 1854,
s. 88.

s. 85.

And such Registry anew can only take place at the port of Registry of such ship.

When registry anew is required on a change of ownership, either for a part, or for the whole of a ship, the Bill of Sale (accompanied by the usual declaration) showing the change in the ownership, should first be presented to the Registrar, and recorded upon the existing register.

The owners must then deliver up the existing Certificate of Registry, that it may be cancelled before a new one is issued.

New declarations of ownership, must be made by all the owners;

And a Survey for Crew Space made by the Surveyor, who will not allow any deductions therefor, until all the requirements of the law have been complied with.

With reference to the markings of the names of vessels on the bows as required by section 3 of the Merchant Shipping Act 1873, Surveyors are informed, that the names are to be marked on the bows, or a permanent part of the ship, and not on head boards, that can be detached or washed away.

Canadian Act
36 Vict., c.
129; s. 77.

Board of
Trade circular
No. 720
March 1874.

In the event of Registry anew being made, either on a change of ownership, alteration in the registered description or tonnage, or a deduction for Crew Space, the official number of the old Register is always carried forward to the new Register, and the latest owners with their names, residence and occupation in full, and numbers of shares is also inserted. A new port number however is given which will be the one following in succession that of the last entry on the Register Book.

When registry anew is completed in the Register Book, the Registrar should prefix the following headings :

“ Registered anew in consequence of a change of ownership, under the 88th section of the M. S. A. 1854.”

If the change is made on account of alteration in the vessel, he may use the same form, substituting the word “ alteration ” for “ ownership ” and quoting the 84th and 85th sections of the Merchant Shipping Act 1854.

Whenever a ship is registered anew at any port other than that of her previous registry, which only takes place in the event of a sale under a certificate of sale, condemnation by some competent Court, or Transfer of Registry, the Registrar of the former port must apprise the Registrar of the latter port, by letter, in the following form :

“ Port of _____ day of _____ 18
 “ Sir,
 “ The Certificate of Registry of the ship _____ Official No.
 “ _____ Port No. _____, granted at your Port on the
 “ day of _____ 18 _____, was this day delivered up and cancelled,
 “ and the ship registered anew at this Port (adding the cause of the con-
 “ demnation or cancelling the Certificate.)
 “ Signed _____ Registrar.
 “ To the Registrar of the _____
 “ Port of _____ ”

Registry of
 alteration.
 M. S. A. 1854.
 ss. 84, 85.

88. A record must be made by the Registrar of any alteration in the registered description of a ship. A discretion, however, is vested in him either of registering the alteration and indorsing it on the certificate of Registry, or of requiring the ship to be registered anew.

In exercising this discretion he will act as follows, viz :—

Whenever any material alteration is made in a ship she must be remeasured according to the Rules laid down in the Merchant Shipping Act, and must have a new Certificate of Registry; but if the alteration consists merely of a change in the dimensions of the Engine Room, or other closed-in spaces, or of the addition or removal of a poop, roundhouse, or other similar change not affecting the original length or depth of the hull, it will be sufficient, (unless the owners desire an entire remeasurement) to indorse the alteration on the existing Certificate of Registry. With respect to a vessel already registered under 8 and 9 Vict., c. 8, or under the Provincial Inland Act of the late Province of Canada, any alteration whatever in her tonnage, arising from the addition or removal of closed-in spaces or partitions, and not affecting the original dimensions of the hull, may

be indorsed on the existing Certificate of Registry without requiring a remeasurement of the whole ship.

89. The duty of recording the alteration will devolve on the Registrar of the port where the alteration is made; or if it is made at a port where there is no Registrar, on the Registrar of the first port having a Registrar at which the ship arrives after the alteration is made. For example, suppose a ship to be registered at Liverpool, that she is altered at New York, and that Quebec is the first port having a British Registrar, at which she arrives after having been altered; if the alteration is such as to require registry anew, the Quebec Registrar will grant a provisional certificate, and immediately forward the old certificate, with a statement of the facts, to the Liverpool Registrar, who will retain the old certificate and enter the particulars in his Register Book; but if the alteration is not such as to require Registry anew, the Quebec Registrar will indorse the alteration, taking care in this also to inform the Liverpool Registrar, who will make a corresponding entry in his book, and advise the Registrar General of Shipping and Seamen accordingly.

Alteration by what Registrar recorded. M.S. A., ss. 84 85, 86.

If the ship, however, is registered in Canada, the Registrar of the Port of Registry will advise the Department of Marine and Fisheries of the alteration.

90. The Registrar, on granting the above provisional certificate, will warn the master that it will be his duty to deliver it up, and obtain a new certificate within ten days after the first subsequent arrival of the ship at her port of discharge in the United Kingdom, if she is registered in the United Kingdom, or if registered elsewhere within ten days after her arrival in the British possession within which her port of registry is situate. The Registrar will also indorse a notice to this effect on the provisional certificate, unless already printed on it. If the master neglects to deliver up the certificate in compliance with the foregoing rules, the ship will no longer be recognized as a British Ship, or, in other words, will cease to be entitled to the privilege and protection accorded by law to ships bearing the British flag.

Registrar to warn Masters as to dealings with provisional certificate.

TRANSFER OF REGISTRY.

91. If a ship is registered at one place, and all the parties interested in the ship, owners as well as mortgagees, concur in desiring the registry to be transferred to some other place, they may make an application to the Registrar of her Port of Registry; on the receipt of which application, the last mentioned Registrar will forward to the Registrar of the other place an accurate transcript from his book of the ship and all the particulars relating thereto; and the latter Registrar will thereupon enter the particulars in his book, while the former Registrar will close his account of the Ship in manner following:—

Transfer of Registry from one port to another. M. S. A. 1854, ss. 89, 90 & 91; M. S. A. 1855, s. 12.

“Particulars of Registry forwarded to the Registrar of the Port
“of _____ on the _____ day of 18 _____ for the purpose of
“transferring registry to that Port, and registry closed the same day.
“Certificate of registry delivered up and cancelled.

Closing the Register when certificate is given up.

The Amendment Act of 1855, s. 12, having rendered it optional to give up the Certificate of Registry at either port, the Registrar should in all cases when forwarding the transcript from his book, state whether the Certificate of Registry has been given up or not, and if it has not been given up, he will close the register as follows:—

Closing the Register when certificate not given up.

“ *Particulars of Registry forwarded to the Registrar of the Port*
 “ *of* _____ *on the* _____ *day of* _____ *18* _____
 “ *for the purpose of transferring registry to that Port, and registry closed*
 “ *the same day. The Certificate of Registry has not been delivered up*
 “ *and cancelled, and the Registrar of* _____ *has been*
 “ *notified accordingly.*”

When the Certificate of Registry has not been given up at the first port, the Registrar of the Port to which the registry is transferred will delay issuing a certificate of the new Registry until the former Certificate has been given up, when he will advise the Registrar of the former port by letter. (See instruction par. 87.) The Registrar of the port to which the registry is transferred will enter the ship in the usual form, prefixing the heading.

“ **REGISTRY TRANSFERRED** *from the Port of*
 “ *this* _____ *day of* _____ *18* _____

The Registrar will now observe:—

That all the owners and mortgagees must join in the application for Transfer of Registry:—

That the application made in writing should be made and subscribed before the Registrar of the Port of Registry, if within five miles of the Custom House and if not before any Registrar of Shipping, or Justice of the Peace.

That as soon as the entry is made closing the Register, the vessel ceases to belong to his port.

That in the absence of the vessel, the Transfer of registry may take place without delivering up the Certificate of Registry to the Registrar of the vessel's Port of Registry; but masters and owners should see that it is delivered up on the first arrival of the vessel at the Port to which she has been transferred, and receive a new Certificate. If owners do not adopt the course pointed out, the vessel is rendered liable to be stopped by the Customs authorities, until the new Certificate is procured.

Consent of parties interested to be obtained,

92. The Registrar will take care that a consent to the transfer is shown by all parties in the manner pointed out by the Act, and he will, if possible, submit to the inspection of the owners and mortgagees themselves the transcript about to be forwarded to the new Registrar.

MISCELLANEOUS.

Proofs of identity.

93. The Registrar may refuse to comply with the requisitions of any person representing himself to be a registered owner or mortgagee, until the identity of the applicant is proved to the satisfaction of the Registrar by the evidence of some respectable person known to the Registrar, or by other sufficient evidence; and in all cases where the identity of any person named in any document, as for instance, a burial certificate, a certificate of marriage, the appoint-

ment of assignees, etc., requires to be proved, a declaration in proof of such identity, must be produced, made according to the provisions of the Act 5 & 6 Wm. IV, c. 62. A form of such declaration adapted to the case of a deceased testator is given in the Form marked F. 9, in the Appendix.

94. A power is given to the Registrar of dispensing under certain circumstances, with any declaration of evidence required by the Act. This power, however, is subject to the control of the Commissioners of Customs in the United Kingdom, and in the British possessions abroad to that of the Governor or other person administering the Government of such possession. In Canada this power is subject to the control of the Governor in Council who should be addressed through the Department of Marine and Fisheries. The Registrars must, therefore, refer in every case to such superior authorities.

Dispensing power of Registrar.
M. S. A. 1854, s. 97.

Application should be made, setting forth the whole facts of the case, and the reasons for requiring any evidence to be dispensed with: the Registrar should then make all necessary inquiries of the applicant, and should forward the application to the Department of Marine and Fisheries, with his report thereon, stating his opinion whether it should be granted or not.

95. A Ship, or share therein, may devolve on an infant, lunatic, or other person incapable of making the proper declaration or doing the acts necessary to place his name on the register. In such cases it is provided, that the guardian or committee, or if there be none, any person appointed by a Court possessing jurisdiction in respect of the property of incapable persons, may make the declaration, or do the act required.

Shares of incapable persons.
M. S. A. 1864, s. 99.

The appointment of such guardian or committee as is required under section 99, must be made in accordance with the laws of the country or possession in which the Port of Registry is situated; but as these laws may differ materially in the different Provinces of Canada, the Registrar will, if he have any doubt in the matter, apply to the Department of Marine and Fisheries, which will give him the necessary legal instructions in the matter.

96. The Registrar will retain and file in his office, the written application for Registry, Surveyor's Certificate, Formula of measurement, the Builder's Certificate, the copy of the official condemnation when the vessel is condemned by a competent Court, and all the declarations of ownership, and any evidence of burial or marriage produced to him.

Documents to be filed.
M. S. A. 1854, s. 61.

97. The Registrar will permit his Register Books to be inspected at all reasonable times, on payment of a fee of twenty cents for each Register so inspected, and twenty cents additional for each additional Register. It will also be the duty of the Registrar to supply certified copies of any entries in his Register Books, or of any declaration which may be required as evidence under the 107th section of the Merchant Shipping Act 1854, on payment of a fee of one shilling sterling or twenty-four cents for each copy.

Inspection of books.
Canadian Act 36 Vict., c. 128, s. 17.
Copies of entries.
M. S. A. 1854, s. 107.

Fees. **98.** All fees taken in Canada will be paid to the Receiver General on the last day of the quarter of each financial year; and an account of the same forwarded at once to the Department of Marine and Fisheries.

Returns to be made. **99.** Registrars in Canada will, on the registry of every ship, immediately transmit to the Department of Marine and Fisheries in Ottawa a copy of the entry in the Register Book; and on the entry of every subsequent transaction he will transmit in like manner a copy of such entry; forms for which purpose will be supplied, on application to the above Department. Registrars will make these returns as often as the means of communication will allow.

Port of discharge. **100.** In construing the above instructions, the first port at which a ship discharges any part of her cargo is to be considered her *port of discharge*.

Measuring Surveyor's fee and expenses. **101.** In addition to the fee for measuring a vessel, a Surveyor shall be entitled to demand and receive from the persons requiring his services any travelling expenses which have been actually and necessarily and *bona fide* expended by him for that purpose, such amount in no case, however, to exceed the rate of fifteen cents for every mile actually travelled by him. (For schedule of fees see Appendix.)

APPENDIX.

FORM OF APPROPRIATION BOOK.

Form R. 1.—See paragraph 9.

Col. 1. Official Number.	Col. 2. Name of Ship.	Col. 3. Tonnage.	Col. 4. Whether Steam or Sailing Ship.	Col. 5. Port of Registry.	Col. 6. Date of Registry.	Col. 7. Occasion of Appropriation.	Col. 8. Date of Appropriation.
75,000	"John Bull"	200	Steamer.....	Kingston, Ont.....	14th Nov. 1873.....	Certificate presented.	1st May 1875.
75,001	"Argus"	500	Sailing.....	St. John, N. B.....	1st May 1875.....	First Registry.....	1st May 1875.
75,002	"Fortitude"	300	Steamer.....	Halifax, N. S.....	1st May 1875.....	Registry anew.....	1st May 1875.

FORM R 2.—See paragraph 10.

FORM OF LETTER ADVISING THE APPROPRIATION OF OFFICIAL NUMBERS, TO BE TRANSMITTED TO THE REGISTRAR GENERAL OF SHIPPING AND SEAMEN, LONDON.

SIR,

I beg to inform you that Official Numbers allotted to this Port have been appropriated as per subjoined List, and the Certificates of Registry marked accordingly.

Port _____ Date _____ 1875.

Signed _____ Registrar.

To the Chief Registrar of Shipping, Custom House, London.

Official Number.	Name of Ship.	Tonnage.	Whether Steam or Sailing Ship.	Port of Registry.	Date of Registry.	Occasion of Appropriation.	Date of Appropriation.
75,000	"John Bull"	200	Steamer	Liverpool	14th Nov. 1873	Certificate presented.	1st May 1875.
75,001	"Argus"	500	Sailing	Liverpool	1st May 1875	First Registry	1st May 1875.
75,002	"Fortitude"	300	Steamer	Liverpool	1st May 1875	Registry anew	1st May 1875.

SPECIMEN OF REGISTER BOOK, WITH FIRST REGISTRY AND SUBSEQUENT ENTRIES RELATING TO TRANSEERS.

Official Number of Ship, 1021.			Name of Ship, "Victory."		
Port Number.....105	Port of Registry.....London	British or Foreign built.....British	Whether a Sailing or Steam Ship: If Steam, how propelled..... Steam, Screw.	Where built..... Blackwall, in the County of Middlesex.	When built.....6th day of December 1856.
Number of Decks.....One. Number of Masts.....Three. Rigged.....Schooner. Stern.....Round.	Build.....Clinker. Gallery.....None. Head.....Male Bust. Framework.....Iron.	Measurements { Length from the forepart of the Stem under the Bowsprit to the aft side of the Head of the Sternpost, 164 feet 5 tenths. Main Breadth to outside of Plank, 26 feet 9 tenths. Depth in Hold from Tonnage Deck to Ceiling at Midships, 14 feet 9 tenths.			
TONNAGE.			No. of TONS.		TONS.
Tonnage under Tonnage Deck.....			530 9		ADDITIONAL PARTICULARS FOR STEAMERS. Deduction for Space required for Propelling Power (as measured)..... Length of Engine Room (if measured), 25 feet 1 tenth. Number of Engines, Two Combined Power (estimated Horse Power), Seventy.
Closed-in Spaces above the Tonnage Deck, if any, viz: Space or Spaces between Decks..... Poop..... Roundhouse..... Other enclosed Spaces (if any), naming them.....			None. 40 None. None.		
Gross Tonnage, being Register Tonnage, if a Sailing Ship..... If a Steamer, deduct allowance for Propelling Power, as per other side.....			570 9 92 2		
Register Tonnage, if a Steamer.....			478 7		
Names, Residence, and Description of the Owners, and Number of Sixty-fourth Shares held by each Owner.....			John Jones, of Horselydown, Surrey, Cheesemonger, Sixty-four Shares.		
Dated Twelfth day of December 1856.			(Signed).....Registrar.		

Col. 1.	Col. 2.	Col. 3.	Col. 4.	Col. 5.	Col. 6.	Col. 7.	Col. 8.	SUMMARY.					Col. 14.
Number of Transaction.	Letter denoting Mortgages and Certificates of Mortgage.	Name of Person from whom Title is derived.	Number of Shares affected.	Date of Registry.	Nature and Date of Transaction.	Name, Residence, and Occupation of Transferee, Mortgagee, or other Person acquiring Title or Power.	Number and Account of subsequent Transactions, showing how Interest disposed of.	Col. 9.	Col. 10.	Col. 11.	Col. 12.	Col. 13.	Remarks.
								Number of Transaction under which Title acquired.	Names of Owners.	Mortgages and Certificates of Mortgage.	Names of Mortgages and Attornies under Certificates of Mortgage.	Number of Shares.	
1		John Jones.....	4	January 1, 1857, 1 p.m.	Bill of Sale, dated December 30, 1856.	Andrew Brown of Hampstead in the County of Middlesex, Grocer.	Transferred. No. 2.	No. 1.	John Jones..... Andrew Brown..... Total, January 1, 1854.....			60 4 64	
2		Andrew Brown.....	4	January 2, 1857, 3 p.m.	Bill of Sale, dated January 1, 1857.	John Robinson of Enfield in the County of Middlesex, Tailor.	Certificate of Sale No. 9.	No. 1 & 2.	John Jones..... John Robinson..... Total, January 2, 1854.....			60 4 64	
3		John Jones.....	10	January 3, 1857, 11 a.m.	Bill of Sale, dated January 1, 1857.	{ Christopher White, } Joint { Caleb White, } Owners, { Caesar White, } all of Hull in the County of York, Shipowners.	Transmitted by Sur- vivorship. No. 3.	No. 2. No. 3. {	John Jones..... John Robinson..... Christopher White, } Joint Owners Caesar White, Caesar White, } Total, January 3, 1857.....			50 4 10 64	
4		Christopher White, } Joint Caleb White, } Owners. Caesar White, }	10	January 10, 1857, 10 a.m.	Death of Christopher White on January 4, 1857.	{ Caleb White, } Joint Owners. { Caesar White, } all of Hull in the County of York, Shipowners.	Transferred. No. 5.	No. 2. No. 3 & 4. {	John Jones..... John Robinson..... Caleb White, } Joint Owners. Caesar White, }			50 4 10 64	
5		Caleb White, } Joint Owners. Caesar White, }	10	January 11, 1857, 1 p.m.	Bill of Sale, dated January 10, 1857.	Caleb White, } Joint Owners, Caesar White, } Dennis Black, } all of Hull in the County of York, Merchants.	Certificate of Sale. No. 9.	No. 2. No. 4 & 5. {	John Jones..... John Robinson..... Caleb White, } Joint Owners. Caesar White, Dennis Black, }			50 4 10 64	
6		John Jones.....	16	January 12, 1857, 3 p.m.	Bill of Sale, dated January 11, 1857.	Dublin Steam Packet Company.	Certificate of Sale. No. 9.	No. 2. No. 5. { No. 6. {	John Jones..... John Robinson..... Caleb White, } Joint Owners. Caesar White, } Dennis Black, Dublin Steam Packet Company.....			34 4 10 16 64	
7		John Jones.....	34	February 1, 1857, 9 p.m.	By Order of the high Court of Chancery, dated the 31st Jan. 1857. Transfer or other dealing prohibited until further Order.		Discharged. No. 8.	No. 2. No. 5. { No. 6. {	John Jones..... John Robinson..... Caleb White, } Joint Owners. Caesar White, } Dennis Black, Dublin Steam Packet Company.....			34 4 10 16 64	
8		John Jones.....	34	March 1, 1857, 2 p.m.	Order of high Court of Chancery, dated January 31, 1857; discharged by Order of same Court, dated February 28, 1857.		Certificate of Sale. No. 9.	No. 2. No. 5. { No. 6. {	John Jones..... John Robinson..... Caleb White, } Joint Owners. Caesar White, } Dennis Black, Dublin Steam Packet Company.....			34 4 10 16 64	
9		John Jones, John Robinson, Caleb White, } Joint Owners. Caesar White, } Dennis Black, Dublin Steam Packet Comp'y. }	64	January 15, 1858, 10 a.m.	Certificate of Sale, dated Jan. 15, 1858.	James Simpson, Master of the "Victory."	Empowering James Simpson to sell the Ship for a sum not less than 20,000/., at Bombay, Sydney, or Canton, within six months from date of Certificate. Sold to a Foreigner at Canton on June 1, 1858, Certificate of Registry returned and cancelled, and Registry closed, December 1, 1858.						

FORM R. 4.—See Paragraphs 33 and 70 to 84.

SPECIMEN OF ENTRIES IN REGISTER BOOK RELATING TO MORTGAGES.

Col. 1. Number of Transaction.	Col. 2. Letter denoting Mortgages and Certificates of Mortgage.	Col. 3. Name of Person from whom Title is derived.	Col. 4. Number of Shares affected.	Col. 5. Date of Registry.	Col. 6. Nature and Date of Transaction.	Col. 7. Name, Residence, and Occupation of Transferee, Mortgagee, or other Person acquiring Title or Power.	Col. 8. Number and Account of subsequent Transaction, showing how Interest disposed of.	SUMMARY.					Col. 14. Remarks.
								Col. 9. Number of Transaction under which Title acquired.	Col. 10. Names of Owners.	Col. 11. Mortgages and Certificates of Mortgage.	Col. 12. Names of Mortgagees and Attornies under Certificates of Mortgage.	Col. 13. Number of Shares.	
1	A.	John Jones.....	64	January 1, 1858, 11 a.m.	Certificate of Mortgage, with power to raise £1000 at Interest not exceeding 5 per Cent, the power to be exercised at Calcutta, within 6 months.	John Thompson, of Calcutta, Merchant, appointed Attorney.	Entry of Mortgage. No. 3. Sale by Mortgagee. No. 8.	No. 1.	John Jones..... Total, January 1, 1858.....	Certificate of Mortgage, £1,000 and Interest.	John Thompson.....	64 64	
2	B.	John Jones.....	64	January 3, 1858, 1 p.m.	Mortgage, dated January 2, 1858, for £5000, with Interest at 5 per Cent.	John Smith, of Froue in the County of Somerset, Grocer.	Transferred. No. 4. Discharged. No. 6.	No. 1. No. 2.	John Jones..... Total, January 3, 1858.....	Certificate of Mortgage (A) £1,000 and Interest. Mortgage (B) £5,000 and interest.	John Thompson..... John Smith.....	64 — 64	
3	A 1.	John Thompson, Attorney for John Jones.	64	Registered on Certificate, May 1, 1858, 2 p.m. Recorded in this Book, December 1, 1858.	Mortgage under Certificate, dated Calcutta, May 1, 1856, to secure £1,000 with Interest of 5 per Cent. Certificate of Mortgage cancelled.	Abel Brown, of Calcutta, Banker.	Sale by Mortgagee. No. 8.	Nos. 1 & 3. No. 2.	John Jones..... Total, December 1, 1858.....	Mortgage (A 1) £1,000 and Interest. Mortgage (B) £5,000 and Interest.	Abel Brown..... John Smith.....	64 — 64	
4	B.	John Smith.....	64	January 1, 1859, 10 a.m.	Transfer of Mortgage B., dated December 31, 1858.	Thomas Coutts, of Limehouse, Ship Chandler.	Discharged. No. 6.	Nos. 1 & 3. Nos. 2 & 4.	John Jones..... Total, January 1, 1859.....	Mortgage (A 1) £1,000 and Interest..... Mortgage (B) £5,000 and Interest.	Abel Brown..... Thomas Coutts.....	64 — 64	
5	C.	John Jones.....	64	January 1, 1859, 11 a.m.	Mortgage, dated December 31, 1858, to secure sum due on Account Current, with Interest at 5 per Cent.	Thomas Coutts, of Limehouse, Ship Chandler.	Sale by first Mortgage. No. 8.	Nos. 1 & 3. Nos. 2 & 4. No. 5.	John Jones..... Total, January 1, 1859.....	Mortgage (A 1) £1,000 and Interest. Mortgage (B) £5,000 and Interest. Mortgage (C) Sum on Acct. current, and Interest.	Abel Brown..... Thomas Coutts..... Thomas Coutts.....	64 — — 64	
6	B.	Thomas Coutts.....	64	January 10, 1859, 3 p.m.	Discharge of Mortgage B. for £3,000 and Interest. Receipt dated January 9, 1859.			Nos. 1 & 3. No. 5.	John Jones..... Total, January 10, 1859.....	Mortgage (A 1) £1,000 and Interest. Mortgage (C) Sum on Account current, and Interest.	Abel Brown..... Thomas Coutts.....	64 — 64	
7		John Jones.....	64	January 20, 1859, 11.30 a.m.	Bill of Sale, dated January 19, 1859, subject to Mortgages A 1, and C.	Edward Davies, of Greenwich, Ship Owner.	Sale by first Mortgage. No. 8.	Nos. 1, 3 & 7. No. 5.	Edward Davies..... Total, January 20, 1859.....	Mortgage (A 1) £1,000 and Interest. Mortgage (C) Sum on Account current, and Interest.	Abel Brown..... Thomas Coutts.....	64 — 64	
8	A 1.	Abel Brown.....	64	January 30, 1859, 12 noon.	Bill of Sale, dated January 29, 1859, under Mortgage A 1.	John Lewis, of Rotherhithe, Merchant.	Certificate of Sale. No. 9.	Nos. 1, 3 & 8.	John Lewis..... Total, January 30, 1859.....			64 64	
9	D.	John Lewis.....	64	January 10, 1860, 11 a.m.	Certificate of Mortgage, with Power to raise £2,000, at Interest not exceeding 5 per Cent, at Quebec, within 6 months.	Robert Green, of Quebec, Ship Owner.	Revoked. No. 10.	Nos. 8 & 9.	John Lewis..... Total, January 10, 1860.....	Certificate of Mortgage (D) £2,000 and Interest.	Robert Green.....	64 64	
10	D.	John Lewis.....	64	January 20, 1860, 1 p.m.	Revocation of Certificate of Mortgage, dated January 10, 1860. Sent to Registrar at Quebec, January 21, 1860.			Nos. 8 & 9. No. 10.	John Lewis..... Total, January 20, 1860.....	Certificate of Mortgage (D) £2,000 and Interest. Revocation sent.	Robert Green.....	64 64	Notice received from Registrar at Quebec, that on February 10, 1860, no Mortgage was there recorded on the Certificate.

FORM R. 5.—See Paragraphs 33 and 85 to 94.

SPECIMEN OF ENTRIES IN REGISTER BOOK RELATING TO TRANSMISSIONS BY DEATH, MARRIAGE, AND BANKRUPTCY.

Col. 1. Number of Transaction.	Col. 2. Letter denoting Mortgages and Certificates of Mortgage.	Col. 3. Name of Person from whom Title is derived.	Col. 4. Number of Shares affected.	Col. 5. Date of Registry.	Col. 6. Nature and Date of Transaction.	Col. 7. Name, Residence, and Occupation of Transferee, Mortgagee, or other Person acquiring Title or Power.	Col. 8. Number and Account of subsequent Transaction, showing how Interest disposed of.	SUMMARY.					Col. 14. Remarks.	
								Col. 9. Number of Transaction under which Title acquired.	Col. 10. Names of Owners.	Col. 11. Mortgages and Certificates of Mortgage.	Col. 12. Names of Mortgagees and Attornies under Certificates of Mortgage.	Col. 13. Number of Shares.		
1		John Jones.....	64	January 1, 1857, 1 p.m.	Dies on the 10th December 1856. Will dated the 1st December 1856, appointing Thomas Smith Executor. Probate granted by the Prerogative Court of Canterbury on the 20th December 1856.	Thomas Smith, of Harrow, in the County of Middlesex, Innkeeper.	Transferred No. 2.	No. 1.	Thomas Smith.....				64	
									Total, January 1, 1857.....				64	
2		Thomas Smith.....	64	March 1, 1857, 11 a.m.	Bill of Sale, dated the 29th February 1857.	Anna Brown, of Linehouse, in the County of Middlesex, Spinster.	Transmitted by Marriage, No. 3.	No. 2.	Anna Brown.....				64	
									Total, March 1, 1857.....				64	
3		Anna Brown.....	64	August 10, 1857, 10 a.m.	Marriage of Anna Brown to James Black, on the 1st August, 1857.	James Black, of Bermondsey, in the County of Surrey, Merchant.	Transmitted by Bankruptcy, No. 4.	No. 3.	James Black				64	
									Total, August 10, 1857				64	
4		James Black.....	64	October 1, 1857, 10.15 a.m. and October 4, 1857, 10 a.m.	James Black adjudged Bankrupt. Abram Sturgis appointed Official Assignee on the 30th September 1857. Thomas Edwards and Robert Inglis appointed Creditors' Assignees on the 3rd October, 1857.	Abram Sturgis, of 101, Leadenhall Street, Official Assignee. Thomas Edwards of 20, Thames Street, in the City of London, Merchant, and Robert Inglis, of Blackwall, in the County of Middlesex, Shipowner. } Joint Owners.	Transferred, No. 5.	No. 4.	Abram Sturgis, Thomas Edwards, Robert Inglis, } Joint Owners.				64	
									Total, October 4, 1857				64	
5		Abram Sturgis, Thomas Edwards, Robert Inglis, } Joint Owners.	64	October 30, 1857, 3 p.m.	Bill of Sale, dated the 29th October 1857.	Charles Green, of Westminster, in the County of Middlesex, Land Agent.	Transmitted by Death intestate, No. 6.	No. 5.	Charles Green.....				64	
									Total, October 30, 1857				64	
		Charles Green.....	64	December 12, 1857, 3.15 p.m.	Dies intestate, the 1st December 1857, Letters of Administration granted to Richard Lane, of Hull, Merchant, by the Consistory Court of London, on the 10th December 1857.	Richard Lane, of Hull, Merchant.		No. 6.	Richard Lane.....				64	
									Total, December 12, 1857.....				64	

Ship broken up at Liverpool, and Certificate of Registry returned and cancelled, and Registry closed, March 1, 1858.

APPENDIX TO REGISTRAR'S INSTRUCTIONS.

MISCELLANEOUS TRANSACTIONS.

Col. 1.	Col. 2.	Col. 3.	Col. 4.	Col. 5.	Col. 6.	Col. 7.	Col. 8.	SUMMARY.					Col. 14.
Number of Entries of action.	Letter denoting Mortgages and Certificates of Mortgage.	Name of Person from whom Title is derived.	Number of Shares affected.	Date of Registry.	Nature and Date of Transaction.	Name, Residence, and Occupation of Transferor, Mortgagee, or other Person acquiring Title or Power.	Number and Account of subsequent Transactions, showing how Interest disposed of.	Col. 9.	Col. 10.	Col. 11.	Col. 12.	Col. 13.	Remarks.
								Number of Transmissions under which Title acquired.	Name of Owner.	Mortgages and Certificates of Mortgage.	Value of Mortgages and Advances under Certificates of Mortgage.	Number of Shares.	
1		John Jones.....	22	January 1, 1858, 11 a.m.	Bill of Sale, dated 21st December 1857.	Thomas Brown, of Stepney, Shipowner.	Mortgaged No. 3.	No. 1.	John Jones..... Thomas Brown..... Total, 1st January, 1858.....			32 32 64	
2		John Jones.....	14	January 10, 1858, 8 p.m.	Bill of Sale, dated 9th January 1858.	Robert Green, of 2, Hyde Park Square, London, Banker.	Certificate of Mortgage No. 5. Entry of Mortgage, No. 8. Sold, subject to Mortgage, No. 10.	No. 1. No. 2.	John Jones..... Thomas Brown..... Robert Green..... Total, 10th January, 1858.....			16 32 16 64	
3	A.	Thomas Brown.....	32	February 1, 1858, 12.30 a.m.	Mortgage dated 31st January, 1858, for securing £1,000, and Interest at 4 per Cent.	Andrew Black, of 9, St. Swithin's Lane, London, Ship Chandler.	Transferred No. 7. Discharged No. 13.	No. 1 & 2.	John Jones..... Thomas Brown..... Robert Green..... Total, 1st February, 1858.....	Mortgage (A) £1,000 and Interest.	Andrew Black.....	10 22 16 64	
4		John Jones.....	16	March 1, 1858, 11 a.m.	John Jones dies on the 20th February 1858. Will dated 2nd February 1858, appointing William Smith and Eliza Davies Executors. Probate granted to them by Probate Court of Chancery on 25th February, 1858.	William Smith, of Hampton, in the County of Middlesex, Esq., and Eliza Davies, of Enfield, in the same County, Spinster.	Transmitted Succession No. 6, and by Marriage, No. 9.	No. 4. Nos. 1 & 3. No. 2.	William Smith, Joint Owners. Eliza Davies Thomas Brown..... Robert Green..... Total, 1st March, 1858.....	Mortgage (A) £1,000 and Interest.	Andrew Black.....	16 32 16 64	
5	B.	Robert Green.....	16	April 1, 1858, 1 p.m.	Certificate of Mortgage, with Power to raise £2,000 at Interest not exceeding 5 per Cent, at Calcutta, within 6 months.	Abel Wood, of Calcutta, Merchant, appointed Attorney.	Mortgaged under Certificate, No. 8.	No. 4. Nos. 1 & 3. Nos. 2 & 2.	William Smith, Joint Owners. Eliza Davies Thomas Brown..... Robert Green..... Total, 1st April, 1858.....	Mortgage (A) £1,000 and Interest. Certificate of Mortgage (B) £2,000 and Interest.	Andrew Black..... Abel Wood.....	16 32 16 64	
6		William Smith, & Joint Eliza Davies, Owners.	16	April 29, 1858, 4 p.m.	William Smith dies on the 18th April 1858.	Eliza Davies, of Enfield, in the County of Middlesex, Spinster.	Transmitted by Marriage, No. 7.	Nos. 4 & 6. Nos. 1 & 3. Nos. 2 & 5.	Eliza Davies..... Thomas Brown..... Robert Green..... Total, 29th April, 1858.....	Mortgage (A) £1,000 and Interest. Certificate of Mortgage (B) £2,000 and Interest.	Andrew Black..... Abel Wood.....	16 32 16 64	
7	A.	Andrew Black.....	32	August 1, 1858, 12 noon.	Transfer of Mortgage, dated 29th April, 1858.	Richard Emlyn, of Barchingham, in the County of Surrey, Merchant.	Discharged, No. 13.	Nos. 4 & 6. Nos. 1, 3 & 7. Nos. 2 & 5.	Eliza Davies..... Thomas Brown..... Robert Green..... Total, 1st August, 1858.....	Mortgage (A) £1,000 and Interest. Certificate of Mortgage (B) £1,000 and Interest.	Richard Emlyn..... Abel Wood.....	16 32 16 64	
8	B.1.	Abel Wood, Attorney for Robert Green.	16	Registered on Certificates, July 1, 1858, 1.30 p.m. Recorded in the Book, October 31, 1858, 1 p.m.	Mortgage under Certificate for £1,500, and Interest at 4 per Cent. Certificate of Mortgage cancelled.	Edward Ellis, of Calcutta, Banker.	Discharged, No. 12.	Nos. 4 & 6. Nos. 1, 3 & 7. Nos. 2, 5 & 8.	Eliza Davies..... Thomas Brown..... Robert Green..... Total, 31st October, 1858.....	Mortgage (A) £1,000 and Interest. Mortgage (B) £1,500 and Interest.	Richard Emlyn..... Edward Ellis.....	16 32 16 64	Certificate of Mortgage cancelled.
9		Eliza Davies.....	16	November 1, 1858, 2 p.m.	Marriage of Eliza Davies to Charles Wood on the 29th October, 1858.	Charles Wood, of 3, Park Crescent, Hyde Park, Barrister.	Transferred, No. 11.	Nos. 6 & 8. Nos. 1, 3 & 7. Nos. 2, 5 & 8.	Charles Wood..... Thomas Brown..... Robert Green..... Total, 1st November, 1858.....	Mortgage (A) £1,000 and Interest. Mortgage (B) £1,500 and Interest.	Richard Emlyn..... Edward Ellis.....	16 32 16 64	
10		Robert Green.....	16	November 15, 1858, 10.15 a.m.	Bill of Sale, dated 14th November 1858, subject to Mortgage (B 1).	Thomas Brown, of Stepney, Shipowner.		Nos. 6 & 9. Nos. 1, 3 & 7. Nos. 2, 5, 8 & 10.	Charles Wood..... Thomas Brown..... Thomas Brown..... Total, 15th November, 1858.....	Mortgage (A) £1,000 and Interest. Mortgage (B 1) £1,500 and Interest.	Richard Emlyn..... Edward Ellis.....	16 32 16 64	
11		Charles Wood.....	16	December 1, 1858, 11 a.m.	Bill of Sale, dated 28th November 1858.	Thomas Brown, of Stepney, Shipowner.		Nos. 6 & 11. Nos. 1, 3 & 7. Nos. 2, 5, 8 & 10.	Thomas Brown..... Thomas Brown..... Thomas Brown..... Total, 1st December, 1858.....	Mortgage (A) £1,000 and Interest. Mortgage (B 1) £1,500 and Interest.	Richard Emlyn..... Edward Ellis.....	16 32 16 64	
12	B.1.	Edward Ellis.....	16	December 10, 1858.	Discharge of Mortgage (B 1) for £1,500 and Interest at 4 per Cent. Receipt dated 9th December, 1858.	Thomas Brown, of Stepney, Shipowner.		Nos. 2, 5, 8, 9, 10, 11, & 12. Nos. 1, 3 & 7.	Thomas Brown..... Thomas Brown..... Total, 10th December, 1858.....	Mortgage (A) £1,000 and Interest.	Richard Emlyn.....	32 32 64	
13	A.	Richard Emlyn.....	32	December 12, 1858.	Discharge of Mortgage A, for £1,000 and Interest at 4 per Cent. Receipt dated 12th December, 1858.	Thomas Brown, of Stepney, Shipowner.		Nos. 1, 3, 7, 10, 11, 12, & 13.	Thomas Brown..... Total, 12th December, 1858.....			64 64	

Ship Stranded near Pernambuco, and broken up in August 1858. Certificate of Registry returned and cancelled, and Registry closed.

FORM R 7.—See paragraphs 82 & 84.

FORM OF BOOK IN WHICH TO ENTER TRANSACTIONS UNDER CERTIFICATES OF SALE AND MORTGAGE, AND REVOCATIONS THEREOF.

Name and Official Number of Ship.	Port of Registry.	Nature of Certificate.	Name and Description of Owner by whom the power is given.	Name and Description of the Person to whom the power is given.	Place of Exercise of Power.	Record of Exercise of Power.	Record of Revocation.
Argo, No. 2,025.	Liverpool.	Power to Mortgage 64 shares to raise 2,000l., with interest at 5 per cent., within six months from date of Certificate.	John Lewis, of Rotherhithe, Merchant.	Robert Green, of Quebec, Shipowner.	Quebec.		Instrument of Revocation dated 20th January 1860 produced and recorded the 20th February, 1860, at 12.15 P.M.

FORM R 8.—See paragraph 82.

FORM OF LETTER ACKNOWLEDGING THE RECEIPT OF A DUPLICATE
REVOCATION.

To the Register of . . .

I hereby certify that I have on this . . . day
of . . . 18 . . . received from you an instrument of revoca-
tion dated the . . . day of . . . ; and purporting
to revoke a Certificate of Mortgage, dated the . . . day
of . . . which was issued at the instance of . . .
to . . . , and by which power was given to mortgage the
ship . . . of . . . ; official number . . .
for the purpose of raising any sum not exceeding . . . £, and
interest at . . . per centum interest within six months from
the date of such certificate; and I hereby advise you that the power
so given has not been exercised at this port (or, as the case
may be, that the power so given has been exercised to the extent
of . . . £, and interest at . . . £, per centum in favour of
of . . . by entry on the certificate,
dated the . . . day of . . .).

Signed

Registrar of Port of

FORM R. 9.—See paragraph 102.

DECLARATION OF IDENTITY OF TESTATOR.

I, A. B., of _____ in the County of _____ do solemnly and sincerely declare that I was well acquainted with C. D., of _____, in the County of _____ the person appearing by the Register Book to be the owner of _____ shares in the ship _____, of _____ and I say that the said C. D. is dead, and that the said C. D. is the same person as the C. D. mentioned in the burial certificate, marked with the letter _____, and annexed to this my declaration, and is the same person as the C. D. mentioned as the Testator in the probate copy of the will, dated the _____ day of _____, purporting to be the probate copy of the will of C. D. of _____, in the County of _____, and shown to me at the time of making this my declaration. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the Session holden in the fifth and sixth years of the reign of His late Majesty King William IV., intituled "An Act to repeal an Act of the present Session of Parliament, intituled "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in the various Departments of the State, and to substitute Declaration in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits, and to make other Provision for the Abolition of unnecessary Oaths."

Signed and declared by me, A. B., in the presence
of _____ Justice of the Peace acting in
and for _____ this _____ day of _____ 18 _____

NOTE.—The above Declaration must be made in the presence of a Justice of the Peace, or other officer authorized by law to administer an Oath,

FORM R. 10.—See paragraph 53.

LIST of various TRANSACTIONS for which different Entries in the Register Books, or other Entries, Letters of Advice, or Indorsements by the Registrars are required, with reference to the Text and Specimen Forms in the Appendix.

NATURE OF TRANSACTION.	Reference to Paragraph in Text.	Reference to Form in Appendix with number of Transaction.
OFFICIAL NUMBERS.		
Official Number.—Entry of on Certificate of Registry.....	7 and 9	—
Official Number.—Entry of in Appropriation Book.....	9	R. 1.
Official Number.—Letter of Advice of Appropriation of.....	10	R. 2.
EVIDENCE OF OWNERSHIP, &c.		
Declarations of Ownership.—General.....	20 to 24 & 57	—
Builder's Certificate.....	26	—
Official Copy of Condemnation.....	28	—
Certificate of Survey.....	17	—
FIRST REGISTRY.		
First Registry of a Ship.....	31 to 33	R. 3.
CERTIFICATE OF REGISTRY.		
Certificate of Registry.....	34	—
Indorsement of change of Ownership on Certificate of Registry.....	34	—
Indorsement of change of Master on Certificate of Registry.....	35	—
Provisional Certificate of Registry on destruction of original Certificate.....	37	—
Provisional Certificate of Registry on alteration of Ship.....	98, 99	—
Cancelling Certificate of Registry.....	38	R 3, R 5, and R 6, at foot.
TRANSFERS.		
Bills of Sale.....	54, 55	—
Entries of Trustees or Partners.....	58	R 3, Nos. 3, 4, 5.
Entry of Transfer by sole Owner to sole Owner.....	61, 62	R 3, Nos. 1, 2, and R 6, Nos. 1, 2.
_____ to joint Owners.....	63	R 3, No. 3.
_____ by joint Owners.....	65	R 3, No. 5.
_____ to an incorporated Company.....	66	R 3, No. 6.
_____ subject to Mortgage.....	67	R 4, No. 7, and R 6, No. 10.
Indorsement of Entry in the Books on Bill of Sale.....	60	—
Form of Certificate of Sale.....	54	—
Entry of Certificate of Sale.....	68	R 3, No. 9.
_____ Sale under Certificate to Foreigner.....	69	R. 3, at foot.
Registry anew of Ship sold under Cert. of sale.....	68	—

FORM R 10.—Continued.

NATURE OF TRANSACTION.	Reference to Paragraph in Text.	Reference to Form in Appendix, with number of Transaction.
Indorsement upon Certificate of Sale when Sale is made.....	68	—
Entry in former Registry Book of Sale under Certificate of Sale.....	68	—
Revocation of Certificate of Sale.—See Revocation of Certificate of Mortgage.....	68, 82	—
Cancellation of Certificate of Sale.....	68	—
MORTGAGES.		
Instrument of Mortgage.....	54	—
Entry of Mortgage for a sum certain and Interest	74, 95	{ R 4, No. 2 and 3, and R 6, No. 3.
— Mortgage to secure Sum due on Account current.....	75	R 4, No. 5.
— second Mortgage, being further charge to same Mortgage.....	77	R 4, No. 5.
Form of Certificate of Mortgage.....	54	—
Entry of Certificate of Mortgage.....	75	{ R 4, No. 1 and 9, and R 6, No. 5.
— Mortg. under Certificate.....	75	{ R 4, No. 3, and R 6, No. 8.
Instrument of Transfer of Mortgage.....	54, 76	—
Entry of Transfer of Mortgage.....	76	{ R 4, No. 4, and R 6, No. 7.
— Discharge of Mortgage.....	78	{ R 4, No. 6, and R 6, Nos. 12, 13.
— Sale by First Mortgagee.....	80	R 4, No. 8.
Form of Instrument of Revocation of Certificate of Mortgage.....	54, 82	—
Revocation of Certificate of Mortgage.....	82, 83, 84	R 4, No. 10.
Record of Revocation at Foreign Port and Notice thereof.....	82, 83, 84	{ R 4, No. 10. R 7. R 8.
TRANSMISSIONS.		
Entry of Transmission to Executor.....	86	{ R 5, No. 1, and R 6 No. 4.
— Transmission to Administrators.....	91	R 5, No. 6.
— Transmission by Death of one joint Owner to Survivor.....	64, 92	{ R 3, No. 4, and R 6, No. 6.
— Transmission by Marriage.....	88	{ R 5, No. 3, and R 6, No. 9.
— Transmission by Bankruptcy.....	89	R 5, No. 4.
MISCELLANEOUS.		
Entry of Transfer of Registry.....	100	—
Application for Transfer of Registry.....	100	R 14.
Copy of Particulars to be transmitted on Transfer of Registry.....	100	R 15.
Order of Court prohibiting Dealings.....	67	R 3, No. 7.
Discharge of such Order.....	67	R 3, No. 8.
Ship sold to a Foreigner.....	68	R 3, No. 9.
Ship broken up.....	R 5 and R 6, at foot.
Declaration of Identity.....	102	R. 9.

(Form A. see Section 36.)
MERCHANT SHIPPING ACT, 1854.
CERTIFICATE OF SURVEY.

Name of Ship.		Port of intended Registry.		Official Number, if there has been any former Registry.	
"Hospodar"		Saint John, N. B.		New Vessel.	
Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.	
British.....	Sailing.....	Gardners Creek, Saint John County, N. B.....	In the year 1874..... Launched on the 14th October, 1874.....	W. & R. Wallace, Gardners Creek, Saint John Co., N.B.	
Number of Decks.....	Two, and a Poop Deck.	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post.....		Feet.	Tenths.
Number of Masts.....	Three.	Main breadth to outside of plank.....		212	8
Rigged.....	Ship.	Depth in hold from tonnage deck to ceiling at midships.....		40	4
Stern.....	Round.	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards.....		23	7
Build.....	Carvel.	Length of engine room (if any)			
Galleries.....	None.	PARTICULARS OF ENGINES (if any.)			
Head.....	Man figure.	Name and Address of Makers.	Diameter of Length of Stroke.	No. of Horses' Power (combined).	
Framework.....	Wood.	When made.	Cylinders.		
No. of Engines.	Description.	Whether British or Foreign made.			

PARTICULARS OF TONNAGE.

GROSS TONNAGE.	No. of Tons.	DEDUCTION ALLOWED.	No. of Tons.
Under Tonnage Deck.....	1363.67	On account of space required for propelling power..... On account of spaces occupied by Seamen or Apprentices, and appropriated to their use, and kept free from Goods or Stores of every kind, not being the personal property of the Crew.....	
Closed-in spaces above the Tonnage Deck, if any.....			
Space or spaces between Decks.....	153.52		
Poop.....	24.32		
Forecastle (2 Sections).....	40.13	These spaces are the following, viz. :— Forecastle (2 Sections).....	24.32
Round House Forward.....	46.38		
Less Galley.....	6.25		
Other closed-in spaces, if any, as follows :			
		Cubic Metre.	
Gross Tonnage.....	1581.64	4476.04	
Deductions, as per Contra.....	31.85	90.14	
Registered Tonnage.....	1549.79	4385.90	31.85
		Total.....	

I, the undersigned James Barber, Measuring Surveyor for the Port of Saint John, N. B., having surveyed the above-named Ship, hereby certify that the above particulars are true, and that her Name is marked on each of her bows, and her Name and the Port of Registry are properly marked on a conspicuous part of her stern, and a scale of feet marked on each side of her stern and of her stern post, in manner directed by the Merchant Shipping Act, 1873.

(Signed,) JAMES BARBER,
Surveyor.

Dated at Saint John, N. B.,
this 10th day of November, 1874.

Resident or Non-resident }
 Owner or Transferee } Natural-born Subject.

DECLARATION OF OWNERSHIP BY INDIVIDUAL.

Official Number of Ship.		Name of Ship.		No., Date, and Port of Registry.	
66,995		* "Hospodar"		St John, N.B.	
No., Date, and Port of previous Registry (if any)					
Whether British or Foreign Built.		Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.		When Built.	
† British		Sailing		Gardners Creek, St. John, County, N.B.	
† British		Sailing		In the year 1874. Launched on the 14th October, 1874.	
Name and Address of Builders.		Name and Address of Builders.		Name and Address of Builders.	
W & R. Wallace, Gardners Creek St. John County, N.B.		W & R. Wallace, Gardners Creek St. John County, N.B.		W & R. Wallace, Gardners Creek St. John County, N.B.	
Number of Decks		Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post.		Feet.	
Two and a Poop Deck.		Main breadth to outside of plank.		212	
Number of Masts		Depth in hold from tonnage deck to ceiling at midships.		8	
Three.		Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards.		40	
Rigged		Length of engine room, if any.		23	
Ship.		PARTICULARS OF ENGINES (if any)			
Stern		Whether British or Foreign made.		Diameter of Length of Cylinders.	
Round.		When made.		No. of Horses Power (combined).	
Build		Name and Address of Makers.			
Carvel.					
Galleries					
None					
Head					
Man figure.					
Framework					
Wood.					

* If Foreign built, add "and her Foreign name is
 † If British, insert "British." "Built at (naming the place and county)" on the ... day of ... 18... or, if Foreign, and time and place of build unknown, insert "Foreign." "Time and place of build are unknown to the declarant," or, if a condemned ship, insert "condemned by the court of (naming the court) on the ... day of ... 18..."

From B. (2.)
**OWNER OR TRANSFEREE RESIDENT
 IN HER MAJESTY'S DOMINIONS.**
 { a. Natural-born Subject, who has sworn Allegiance to a Foreign
 State and since to Her Majesty.
 b. Denizen by Letters of Denization.
 c. Persons naturalized by Act of Parliament.
 d. Ditto ditto by Colonial Ordinance.

DECLARATION OF OWNERSHIP BY INDIVIDUAL.

Official Number of Ship.		Name of Ship.		No., Date, and Port of Registry.	
66,899		"Director"		137, Saint John, New Brunswick.	
No., Date, and Port of previous Registry (if any).					
Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.	
† British	Sailing	Moss Glen, Kings Co., N. B.	In the year 1873..... Launched on the 20th June, 1873.....	Wetmore and Merritt, Moss Glen, Kings County, N. B.	
Number of Decks.....	One and a half Poop Deck.	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post.....		Feet.	Tenths.
Number of Masts.....	Three.	Main breath to outside of plank.....		152	7
Rigged.....	Barque.	Depth in hold from tonnage deck to ceiling at midships.....		33	3
Stern.....	Round.	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards.....		19	0
Build.....	Carvel.	Length of engine room, if any.....			
Galleries.....	None.				
Head.....	Billit.				
Framework.....	Wood.				

† If Foreign built, add "and her Foreign name is " " If Foreign, and time and place of build unknown, insert "Foreign," "Time and place of build are unknown to the declarant." or, if a condemned Ship, insert "condemned by the court of" [naming the court] "on the day of

PARTICULARS OF ENGINES, (if any).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Length of Stroke.	No. of Horses' power (combined.)
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PARTICULARS OF TONNAGE.

	No. of Tons.	No. of Tons.
GROSS TONNAGE.		
Under Tonnage Deck.....	630.06	DEDUCTIONS ALLOWED. On account of space required for propelling power..... On account of spaces occupied by Seamen or Apprentices, and appropriated to their use, and kept free from Goods or Stores of every kind, not being the personal property of the Crew..... These spaces are the following, viz:— Round House Forward.....
Closed-in spaces above the Tonnage Deck, if any.....		
Space or spaces between Decks.....	35.55	
Half Poop.....	22.79	
Forecastle.....		
Round House Forward.....		
Other closed-in spaces, if any, as follows:—		
Trunk.....	13.49	
Gross Tonnage.....	701.89	
Deductions, as per Contra.....	22.79	
Registered Tonnage.....	679.10	Total Deductions.....

I, the undersigned Joseph Freeman Merritt, of Saint John, New Brunswick, Merchant's Clerk, Born at Mossley, Maine, U. S. A., declare as follows:—I am Naturalized by virtue of Acts of the Parliament of Canada passed in the 31st year of the Reign of Queen Victoria, Chap. 66, intituled "An Act respecting Aliens and Naturalization," and 34th Victoria, Chap. 22 "An Act to amend 31st Victoria Chap. 66, respecting Aliens and Naturalization," and I did on the 28th day of October 1872, take the Oath of Allegiance to Her Majesty.

The above general description of the Ship is correct, William Shampor, whose certificate of competency is No. 35 Canada, is the Master of the said Ship. I am entitled to be registered as Owner of two sixty-fourth shares in the said Ship. To the best of my knowledge and belief, no person or body of persons other than such persons or bodies of persons as are by the Merchant Shipping Act, 1854, qualified to be Owners of British Ships is entitled, as Owner, to any interest whatever, either legal or beneficial, in the said Ship. And I make this solemn Declaration conscientiously believing the same to be true.

Made and subscribed the thirtieth day of June, 1876, by the above-
 named Joseph Freeman Merritt, in the presence of
 (Signed), † JAMES R. ROELL.
 Registrar Port of Saint John, N. B.

(Signed), JOSEPH FREEMAN MERRITT.

* Here insert such of the following descriptions as are applicable to the declarant: "a natural-born British subject, born at _____, in the county of _____, and since I took the Oath of Allegiance to a Foreign State, viz., _____, I did, on the _____ day of _____, 18____, take the Oath of Allegiance to Her Majesty." Or, "a denizen by Letters of Denization, dated the _____ day of _____, 18____, on the _____ day of _____, 18____, take the Oath of Allegiance to Her Majesty." Or, "naturalized by Act of Parliament of the United Kingdom" [cite the year of the Reign in which the Act was passed, its chapter and title]. Or, "naturalized by an Ordinance of the proper Legislative Authority of _____, on the _____ day of _____, 18____, take the Oath of Allegiance to Her Majesty." † If in the presence of a Registrar he will add to his signature "Registrar of the Port of _____ [naming the county, city, borough, &c., as the case may be]. If in the presence of a magistrate his description should be added, as, for example, "Justice of the peace acting in and for _____."

Form B. (3.)

OWNER OR TRANSFEREE RESIDENT
IN HER MAJESTY'S DOMINIONS.

{ a. Natural-born Subject, who has sworn Allegiance to a Foreign
State and since to Her Majesty.
b. Denizen by Letters of Denization.
c. Persons naturalized by Act of Parliament.
d. Ditto ditto by Colonial Ordinance.

DECLARATION OF OWNERSHIP BY INDIVIDUAL.

Official Number of Ship.		Name of Ship.		No., Date, and Port of Registry.	
64,616		"Glendon"		55—20th July 1872. St. John N. B.	
No., Date, and Port of previous Registry (if any).					
Whether British or Foreign Built.		Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.		Where Built.	
† British		Steam by a Screw		St. John, New Brunswick	
				When Built.	
				In the year 1872..... Launched on the 30th May 1872.	
				Name and Address of Builders.	
				Francis Smith, St. John, N. B.	
Number of Decks.....One.		Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post.....		Feet.	
Number of Masts.....Three.		Main breadth to outside of plank.....		127	
Rigged.....Schooner.		Depth in hold from tonnage deck to ceiling at midships.....		30	
Stern.....Round.		Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards.....		9	
Build.....Carvel.		Length of engine room, if any.....		40	
Galleries.....None.					
Head.....Billet.					
Framework.....Wood.					

† If Foreign built, add " and her Foreign name is " " " If Foreign, and time and place of build unknown, insert "Foreign." " Time
" and place of build are unknown to the declarant." Or, if a condemned Ship, insert "condemned by the court of [name the court] on the
" day of

DECLARATION BY OWNERS OR TRANSFEREES ATTENDING TOGETHER.

Official Number of Ship.		Name of Ship.		No., Date, and Port of Registry.	
72,196.		"Romola."		1874 Saint John, New Brunswick.	
No., Date, and Port of previous Registry (if any).					
Whether British or Foreign Built.		Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.		Where Built.	
* British.....		Sailing.....		Hopewell Cape, Albert Co., N. B.....	
* British.....		Sailing.....		In the year 1874, Launched on the 24th Dec., 1874.....	
Name and Address of Builder.		George F. Smith, of St. John, N. B.			
Number of Decks..... One.		Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post.....			
Number of Masts..... Two.		Main breath to outside of plank.....			
Rigged..... Brigantine.		Depth in hold from tonnage deck to ceiling at midships.....			
Stern..... Square.		Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards.....			
Build..... Carvel.		Length of engine room, if any.....			
Galleries..... None.		PARTICULARS OF ENGINES, (if any).			
Head..... Bilt.		Whether British or Foreign made.		Name and Address of Makers.	
Framework..... Wood.		When made.		Diameter of Cylinders	
No. of Engines.		Description.		Length of Stroke.	
				No. of Horses' power (combined).	

* If Foreign built add " and her Foreign name is declarant," or, if a condemned Ship, insert " Condemned in the court of [naming the court] on the [naming the date] day of [naming the month] 1874." If Foreign, and time and place of built unknown, insert " Foreign." " Time and place of built are unknown to the declarant."

PARTICULARS OF TONNAGE.

GROSS TONNAGE.	No. of Tons.	DEDUCTIONS ALLOWED.	No. of Tons.
Under Tonnage Deck.....	247.20	On account of space required for propelling power.....	
Closed-in spaces above the Tonnage Deck, if any.....		On account of spaces occupied by Seamen or Apprentices, and appropriated to their use, and kept free from Goods or Stores of every kind, not being the personal property of the Crew.....	
Forecastle.....	32.09	These spaces are the following, viz. :-	
Round House.....	18.93	Round House Forward.....	12.13
Other closed-in spaces, if any, as follows:—			
Round House Forward.....	12.13		
Gross Tonnage.....	310.35		
Deductions, as per Contrs.....	12.13		
Registered Tonnage.....	298.22	Total Deductions.....	12.13

DESCRIPTIONS OF DECLARANTS.

No. of Shares.	Names.	Place of Residence.	Occupation.	Place of Birth.
Thirty-two.....	George Frederick Smith.....	St. John, N. B.....	Merchant.....	Saint John, N. B.
Sixteen.....	John Douglas.....	Portland, St. John, N. B.....	Ship Carpenter.....	Portland, St. John, N. B.
Sixteen.....	Thomas Smith Adams.....	St. John, N. B.....	Merchant's Clerk.....	Saint John, N. B.
64				

First.—Each of us, the several persons above mentioned, and whose names are hereunto subscribed, declare as follows:—I am a natural-born British subject, my name, description, and place of birth as above given are true. I have never taken the Oath of Allegiance to any Foreign State. The above general description of the Ship is correct. Hiram Edgett, whose Certificate of Service, Canada, is No. 234, is the Master of the said Ship.

Secondly.—We, the said several persons above mentioned, respectively declare as follows:—We are entitled to be registered as Owners of the respective numbers of shares in the said Ship set opposite our names in the margin hereof. To the best of our knowledge and belief, no person or body of persons other than such persons or bodies of persons as are by the Merchant Shipping Act, 1854, qualified to be Owners of British Ships is entitled, as Owner, to any interest whatever, either legal or beneficial, in the said Ship; and we, so far as relates to ourselves and each of us, make this solemn Declaration conscientiously believing the same to be true.

Made and subscribed the Seventh day of January, 1875, by the above named George Frederick Smith, John Douglas and Thomas Smith Adams, in the presence of

(Signed),
 GEORGE F. SMITH,
 T. DOUGLAS,
 THOMAS S. ADAMS.

† Registrar Port of Saint John, New Brunswick.

† In the presence of a registrar he will add to his signature "Registrar of the Port of the place acting in and for" (naming the county, city, borough &c., as the case may be).
 * If in the presence of a magistrate his description should be added, as, for example, "Justice

FORM B. (5.) Resident or Non-resident } Natural-born Subjects,
 Joint Owners or Transferees }

DECLARATION BY JOINT OWNERS OR TRANSFEREES ATTENDING TOGETHER.

Official Number of Ship.		Name of Ship.		No., Date, and Port of Registry.	
66,986		" Alexandrovna "		134, Saint John, New Brunswick.	
No., Date, and Port of previous Registry (if any).					
Whether British or Foreign Built.		Where Built.		When Built.	
* British		Sailing		Rothesay, Kings County, N B	
Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.		Where Built.		When Built.	
Sailing		Rothesay, Kings County, N B		In the year 1874, Launched on the 12th September, 1874.	
Name and Address of Builders.		Richard Titus, Rothesay, Kings County, N. B.			
Number of Decks		Two and a Half Poop Deck.		Feet.	
Number of Masts		Three.		195	
Rigged		Ship.		5	
Stern		Main breadth to outside of plank.		37	
Build		Depth in hold from tonnage deck to ceiling at midships.		23	
Galleries		Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards.		5	
Head		Length of engine room, if any.			
Framework					
PARTICULARS OF ENGINES (if any).					
No. of Engines.		Whether British or Foreign made.		Name and Address of Makers.	
Description.		When made.		Diameter of Cylinders.	
				Length of Stroke.	
				No. of Horses' power (combined).	

* If Foreign built, add "and her Foreign name is " and place of build are unknown to the declarant." Or, if a condemned Ship, insert "Condemned in the court of [naming the court] on the day of " If Foreign, and time and place of build unknown insert "Foreign." "Time

PARTICULARS OF TONNAGE.

GROSS TONNAGE.		No. of Tons.	No. of Tons.
Under Tonnage Deck		1165.78	DEDUCTIONS ALLOWED. On account of space required for propelling power..... On account of spaces occupied by Seamen or Apprentices, and appropriated to their use, and kept free from Goods or Stores of every kind, not being the personal property of the Crew..... These spaces are the following, viz:— 3 Sections in Round House Forward.....
Closed-in spaces above the Tonnage Deck, if any			
Space or spaces between Decks		51.79	
Round House aft		27.06	
Forecastle			
Round House Forward less Galley			19.47
Other closed-in spaces, if any, as follows:— Lazarette and Wings		29.87	
House abaft Mainmast		18.51	
Gross Tonnage		1293.01	
Deductions, as per Contra.		19.47	
Registered Tonnage		1273.54	Total Deductions.....
			19.47

DESCRIPTORS OF DECLARANTS.

Names.	Place of Residence.	Occupation.	Place of Birth.
Gilbert Martin Steeves	Saint John, N. B.	Merchant	Hillsborough, Albert Co., N. B.
John Fisher	Saint John, N. B.	Shipbuilder	Saint John, N. B.
James Thomas Steeves	Saint John, N. B.	Doctor of Medicine	Hillsborough, Albert Co., N. B.

First.—Each of us, the several persons above mentioned, and whose names are hereunto subscribed, declare as follows:—I am a natural-born British subject, my name, description, and place of birth as above given are true. I have never taken the Oath of Allegiance to any Foreign State. The above general description of the Ship is correct. Daniel Puleifer Walters, whose Certificate of Competency is No. 91,636 is the Master of the said Ship.

Secondly.—We, the said several persons above mentioned, respectively declare as follows:—We are entitled to be registered as Joint Owners of Thirty-two 64th shares in the said Ship. To the best of our knowledge and belief, no person or body of persons other than such persons or bodies of persons as are by the Merchant Shipping Act, 1854, qualified to be Owners of British Ships is entitled, as Owner, to any interest whatever, either legal or beneficial, in the said Ship; and we, so far as relates to ourselves and each of us, make this solemn Declaration conscientiously believing the same to be true.

Made and subscribed the fifth day of October, 1874, by the above-named Gilbert Martin Steeves, John Fisher and James Thomas Steeves,

in the presence of

† Registrar of the Port of St. John, N. B.

(Signed,) GILBERT M. STEEVES,
JOHN FISHER,
JAMES T. STEEVES.

† In the presence of a registrar he will add to his signature "Registrar of the Port of a place acting in and for" (naming the county, city, borough, &c.), as the case may be.

† In the presence of magistrate his description should be added, as, for example, "Justice of the

DECLARATION BY A JOINT OWNER OR TRANSFEREE.

Official Number of Ship.		Name of Ship..		No., Date and Port of Registry.	
66,983.		"Hindustan."		1474 Saint John, N. B.	
No., Date, and Port of previous Registry (if any).					
Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.	
*British.....	Sailing.....	Saint John N. B.....	In the year 1874. Launched on the 29th August, 1874.....	Neving, Fraser & Co., Saint John, N. B.	
Number of Decks.....	Two, and a Half Poop Deck.	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post.....		Feet.	Tenths.
Number of Masts.....	Three.	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post.....		217	9
Rigged.....	Ship.	Main breadth to outside of plank.....		39	3
Stern.....	Round.	Depth in hold from tounn age deck to ceiling at midships.....		24	1
Build.....	Carvel.	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards.....			
Galleries.....	None.	Length of engine room (if any).....			
Head.....	Woman Bust.				
Framework.....	Wood.				
PARTICULARS OF ENGINES (if any.)					
No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Length of No. of Horses' Power Cylinders. Stroke. (combined).

* If Foreign built, add " and her Foreign name is If Foreign, and time and place of build unknown, insert " FOREIGN." " Time and place of build are unknown to the declarant." or, if a condemned Ship, insert " Condemned by the court of " [naming the court] " on the day of

PARTICULARS OF TONNAGE.

GROSS TONNAGE.	No. of Tons.	DEDUCTIONS ALLOWED.	No. of Tons.
Under Tonnage Decks	1455.30	On account of space required for propelling power.....	
Closed-in spaces above the Tonnage Deck, if any.....		and appropriated to their use, by Seamen or Apprentices,	
Half Poop.....	21.68	or Stores of every kind, not being the personal property	
Forecastle.....		of the Crew.....	
Round House Forward.....	56.73	These spaces are the following, viz.:-	
Other closed-in spaces, if any, as follows:		In Round House Forward—2 Sections.....	20.36
Round House Aft.....	49.29	Small Round House Aft.....	8.14
Round House Aft the Mainmast.....	8.13	In Round House Aft.....	6.96
		Galley.....	8.23
Gross Tonnage.....	1591.12		
Deductions, as per Contra.....	43.69		
Registered Tonnage.....	1547.44	Total Deductions.....	43.69

I, the undersigned, James Nevins, of Liverpool, England, Commission Merchant, declare as follows.—I am a natural-born British subject born at Saint John in the county of Saint John, N. B., and have never taken the Oath of Allegiance to any Foreign State. The above general description of the Ship is correct. William O. Gregory whose Certificate of Competency is No. 28,919, is the Master of the said Ship. I am entitled to be registered, as Joint Owner, with the several other persons whose names are hereunder written, of Sixty-four 64th shares in the said Ship. To the best of my knowledge and belief, no person or body of persons other than such persons or bodies of persons as are by the Merchant Shipping Act, 1854, qualified to be owners of British Ships is entitled, as Owner, to any interest whatever, either legal or beneficial, in the said Ship.

JOINT OWNERS WITH DECLARANT.

Names.	Place of Residence.	Occupation.	Place of Birth.
John Fraser.	Saint John, N. B.	Shipbuilder.	Saint John, N. B.
William Welsh.	Saint John, N. B.	Shipbuilder.	Saint John, N. B.
Edward Irvine Brass.	Saint John, N. B.	House Joiner.	Saint John, N. B.

And I make this solemn Declaration conscientiously believing the same to be true.

Made and subscribed the 15th day of September 1874

by the abovenamed James Nevins in the presence of

(Signed) T. COOPEE, † Registrar of the Port of Liverpool.

(Signed,)

JAMES NEVINS.

† If in the presence of a registrar he will add to his signature "Registrar of the port of peace acting in and for" (naming the county, city, borough, &c., as the case may be).

" If in the presence of a magistrate his description should be added, as, for example, "Justice of the

DECLARATION OF OWNERSHIP.

Official number of Ship.		Name of Ship.		No., Date, and Port of Registry.		
66,998		* "Venice."		60 1874 St. John, N. B.		
No., Date, and Port of previous Registry (if any).....						
Whether British or Foreign Built.		Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.		When Built.		
British.....		Sailing.....		Portland, St. John, N. B.....		
† British.....		Sailing.....		In the year 1874..... Launched on the 7th November, 1874.		
Name and Address of Builders.		Charles Nevins, Portland, Saint John, N. B.				
Number of Decks.....		† One. Beams for a 2nd & Half Poop Deck.		Feet.		
Number of Masts.....		Three.		159		
Rigged.....		Barkentine.		31		
Stem.....		Round.		17		
Build.....		Carvel.		9		
Galleries.....		None.				
Head.....		Billet.				
Framework.....		Wood.				
Length from fore part of stem, under the bowsprit to the aft side of the Head of the stern post.....						
Main breadth to outside of plank.....						
Depth in hold from tonnage deck to ceiling at midships.....						
Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards.....						
Length of engine room, if any.....						
PARTICULARS OF ENGINES (if any.)						
No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Length of Stroke.	No. of Horses' Power (combined.)

* If Foreign built, add "and her Foreign name is....."
 † If British, insert "BRITISH." "Built at....."
 ‡ If Foreign, insert "FOREIGN." "Built at....."
 § If British, insert "BRITISH." "Or, if Foreign, insert "FOREIGN." "Time and place of build are unknown to the declarant, or, if a condemned ship, insert "condemned by the court of....." (naming the court) on the..... day of..... 18....."
 ¶ If Foreign, insert "FOREIGN." "Or, if Foreign, insert "FOREIGN." "Time and place of build are unknown to the declarant, or, if a condemned ship, insert "condemned by the court of....." (naming the court) on the..... day of..... 18....."

PARTICULARS OF TONNAGE.

GROSS TONNAGE.	No. of TONS.	DEDUCTIONS ALLOWED.	No. of TONS.
Under Tonnage Deck.....	588.40	On account of space required for propelling power.....	
Closed-in spaces above the Tonnage Deck, if any.....		On account of spaces occupied by Seamen or Apprentices, and appropriated to their use, and kept free from Goods or Stores of every kind, not being the personal property of the Crew.....	17.68
Space or spaces between Decks.....		These spaces are the following, viz:—	3.19
Poop.....		In Round House Forward, (3 sections).....	
Forecastle.....	25.49	In Round House aft, (1 Section).....	
Round House aft.....	17.68		
Other closed-in spaces, if any, as follows:	14.25		
Round House Forward less Galley.....			
Lazarette and Wings.....			
Gross Tonnage.....	645.82		
Deductions, as per Contra.....	20.87		
Registered Tonnage.....	624.95	Total Deductions.....	20.87

I, Frederick Augustus Armstrong, of Fredericton, in the County of York and Province of New Brunswick, Barrister at Law, declare as follows: I am a natural-born British subject, born at Valparaiso in the Republic of Chili, S. A., of British Parents; my father being British Chaplain at that place at the time of my birth. I have never taken the Oath of Allegiance to any Foreign State. The above general description of the Ship is correct. John Jones, whose certificate of competency is No. 89,788 is the Master of the said Ship. I am entitled to be registered as Owner of Sixteen 64th shares of the said Ship.

To the best of my* knowledge and belief, no person or body of persons other than such persons or bodies of persons as are by the Merchant Shipping Act, 1854, qualified to be Owners of British Ships is entitled, as Owner, to any interest whatever, either legal or beneficial, in the said Ship. And I † make this solemn Declaration conscientiously believing the same to be true.

Made and subscribed the first day of December, 1874, by the above-
named Frederick Augustus Armstrong in the presence of

(Signed,) † JAS. R. RUEL,
Registrar Port of St. John, N. B.

(Signed,) FREDERICK A. ARMSTRONG.

To be filled up according to the circumstances of the case, taking care to embody all the requisites of the Act.
* "My," or "our."
† "I," or "we."

‡ If in the presence of a registrar he will add to his signature "Registrar of the port of _____" If in the presence of a magistrate his description should be added, as, for example, "Justice of the peace acting in and for" [naming the county, city, borough, &c., as the case may be].

Form C. (see Section 39.)
DECLARATION OF OWNERSHIP ON BEHALF OF A BODY CORPORATE.

Official Number of Ship.		Name of Ship.		No., Date, and Port of Registry.			
46,905		"Scud."		39 in 1872—Saint John, N. B.			
No., Date, and Port of previous Registry (if any) 45 in 1870, London.							
Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.			
British	Steam by Screw	Sunderland, in the County of Durham.	In the year 1870, Launched on the 6th October, 1870.	W. Pile & Co., Sunderland.			
Number of Decks.	One.	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post.		Feet.	Tenths.		
Number of Masts.	Two.	Main breadth to outside of plank.		198	7		
Rigged.	Schooner.	Depth in hold from tonnage deck to ceiling at midships.		27	3		
Stern.	Round.	Depth in hold from upper deck to ceilings at midships, in the case of three decks and upwards.		15	5		
Build.	Clincher.	Length of engine room, if any.		29	1		
Galleries.	None.	PARTICULARS OF ENGINES (if any).					
Head.	None.						
Framework.	Iron.						
No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' power (combined).
Two.	Compound.	British.	1870.	G. Wilson & Son, Gateshead.	48 & 28 inches.	31 inches.	98
If Foreign built, add "and her Foreign name is _____" [naming the place and country] "on the _____ day of _____" [naming the month and year] "Or, if a condemned Ship insert time and place of build unknown, insert "Foreign." [Time and place of build are unknown to the declarant.] Or, if a condemned Ship insert "Condemned by the court of" [naming the court] "on the _____ day of _____" in the county of _____							

Form D. (See Section 44.)

CERTIFICATE OF

BRITISH REGISTRY.

PARTICULARS OF SHIP.

Official Number of Ship.		Name of Ship.		No., Date, and Port of Registry.	
66,991		"King Cerdic"		134, St John, N.B.	
No., Date, and Port of previous Registry (if any)..... New Vessel.					
Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.	
British.....	Sailing.....	Hopewell, Albert County, N. B.....	In the year 1874.....	John Calhoun, Hopewell, Albert County, N.B.	
Launched on the 26th September, 1874.....					
Number of Decks.....	One. One partly laid and half-poop Deck.....	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post.....		Feet.	Tenths.
Number of Masts.....	Three.	Main breadth to outside of plank.....		195	9
Rigged.....	Ship.	Depth in hold from tonnage deck to ceiling at midships.....		38	7
Stern.....	Round.	Depth in hold from upper deck to ceiling at midships, in the case of Ships of three decks and upwards.....		23	8
Build.....	Carvel.	Length of engine room, if any.....			
Galleries.....	None.	PARTICULARS OF ENGINES (if any.)			
Head.....	Man figure.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.
Framework.....	Wood.				Length of Stroke.
					No. of Horses' Power (combined).

PARTICULARS OF TONNAGE.

GROSS TONNAGE.	In Register Tons.	In Cubic Metres.	DEDUCTIONS ALLOWED.	No. of Tons.
Under Tonnage Deck.....	1,200.80		On account of space required for propelling power.....	
Closed-in spaces above the Tonnage Deck, if any			On account of spaces occupied by Seamen or Apprentices, and appropriated to their use, and kept free from Goods or Stores of every kind, not being the personal property of the Crew.....	
Space or spaces between Decks.....	54.22		These spaces are the following, viz:—	
Round House forward.....	25.10		Five Sections in Round House Forward.....	31.99
Lazarette and Wings.....	49.76			
Round House aft.....				
Other closed-in spaces, if any, as follows:				
House on after Hatch.....	4.57			
Gross Tonnage.....	1384.45	3776.49		
Deductions, as per Contra.....	31.99	90.53		
Registered Tonnage.....	1302.46	3685.96	Total Deductions.....	31.99

I, the undersigned Registrar of Shipping at the Port of St. John, N.B., hereby certify that the Ship, the Description of which is prefixed to this my Certificate, has been duly surveyed, and that the above Description is true; that Joseph True Berry, whose Certificate of Competency is No. 29,236, is the Master of the said Ship; and that the names, residence, and description of the Owners and number of Sixty-fourth Shares held by them are as follows:

Name, Residence, and Occupation of the Owner.	Number of Sixty-fourth Shares.
David Maurice Vaughan, of Liverpool, England, Merchant.....	Sixty.....60
James Hamilton Moran, of Saint Martins, N.B., Shipbuilder.....	Four.....4
	—
	64

Dated at St. John, N.B., the 21st day of October, One thousand eight hundred and seventy-four.

Registrar of Shipping.

"NOTICE.—A Certificate of Registry is not a Document of Title. It does not necessarily contain notice of all changes of ownership, and in no case does it contain an official record of any mortgages affecting the ship."
 In case of any change of ownership it is important for the protection of the interests of all parties that the changes should be registered according to law. Should the Vessel be lost, sold to Foreigners, or be broken up, notice thereof, together with the Certificate of Registry, if in existence, should immediately be given to the Registrar of Shipping at the Port of Registry, under a Penalty of £100 for default.
 For further information apply to the Registrar of Shipping, at any Custom House.

FORM E (See Section 55.)

BILL OF SALE.

Official Number of Ship 66,953.		Name of Ship "Prince Frederick."			
Port Number and Year of Registry. } 13 in 1874.	Port of Registry Saint John, N. B.	British or Foreign built. British.	How propelled. By Sails.	Where built. Saint John, N. B.	When built. In the year 1874. Launched on the 2nd May, 1874.
Number of Decks.....One. Beams for a 2nd partly laid, and Half Poop.	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post.....			Feet.	Tenths.
Number of Masts.....Three.	Main breadth to outside of plank.....			220	6
Rigged.....Ship.	Depth in hold from tonnage deck to ceiling at midships.....			39	1
Stern.....Round.	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards.....			24	0
Build.....Carvel.	Length of engine room, if any.....				
Galleries.....None.					
Head.....None.					
Man Figures.....					
Framework.....Wood.					
PARTICULARS OF ENGINES, (if any).					
No. of Engines.	Description.	Whether British or Foreign made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.
					No. of Horses' power (combined).

GROSS TONNAGE.		No. of TONS.	DEDUCTIONS ALLOWED.	No. of TONS.
Under Tonnage Deck.....	1404.87.		On account of space required for propelling power.....	
Closed-in spaces above the Tonnage Deck, (if any) Space or spaces between Deck.....			On account of spaces occupied by Seamen or Apprentices, and appropriated to their use, and kept free from Goods or Stores of every kind, not being the personal property of the Crew. These spaces are the following, viz. :—	
Lazarette.....	14.81			
Forecastle (2 Sections).....	4.94			
Round House Aft.....	48.80			
Round House Forward.....	51.21			
Less Galley.....	8.25			
Other closed-in spaces, if any, as follows :				
Gross Tonnage.....	1516.08		Deduct for Crew Space Five Sections Round House Forward.....	26.06
Deductions, as per Contra.....	26.06			
Registered Tonnage.....	1490.02		Total Deductions.....	26.06

* I, Benjamin Wishart, of Saint Martins, in the County of Saint John, New Brunswick, Shipowner, in consideration of the Sum of Four thousand three Hundred dollars paid to † me by Robert Greer Moran, of Liverpool, in the County of Lancaster, England, Merchant, the Receipt whereof is hereby acknowledged, transfer Four Sixty-fourth Shares in the ship above particularly described, and in her boats, guns, ammunition, small arms, and appurtenances, to the said Robert Greer Moran.

Further † I, the said Benjamin Wishart, for † myself, and my heirs, covenant with the said Robert Greer Moran and † his assigns, that † I have power to transfer in manner aforesaid the premises hereinbefore expressed to be transferred, and that the same are free from incumbrances *.

In witness whereof I have hereunto subscribed my name and affixed my seal this Thirtieth day of November One thousand eight hundred and seventy-four.

Executed by the above-named BENJAMIN WISHART, }
 in the presence of :

KEITH ALLAN BARBER,
 Saint John, N. B., Clerk.

BENJAMIN WISHART.
 (L. S.)

* "I" or "We," † "Me" or "us," ‡ "1" or "we," § "Myself and my" or "ourselves and our," ¶ "His," "her," or "their," § "1" or "we." ** If there be any subsisting Mortgage, outstanding Certificate of Mortgage, add "save as appears by the Registry of the said Ship."

FORM G. (See Section 56.)

DECLARATION OF OWNERSHIP OR INTEREST ON TRANSMISSION BY BANKRUPTCY.

Official Number of Ship.		Name of Ship.		No., Date, and Port of Registry.	
66,920		"Moss Glen."		1873 Saint John, New Brunswick.	
No., Date, and Port of previous Registry (if any).....					
Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.	
† British.....	Sailing.....	Grand Bay, Lancaster, Co. of Saint John, N. B.....	In the year 1873, Launched on the 16th Sept., 1873.....	Ebenezer Sutton, Grand Bay, Lancaster, Co. of St. John N. E.	
Number of Decks..... One.	Number of Masts..... Three.	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post.....		Feet.	Tenths.
Rigged..... Schooner.	Stern..... Elliptic.	Main breath to out side of plank.....		109	6
Build..... Carvel.	Galleries..... None.	Depth in hold from tonnage deck to ceiling at midships.....		27	3
Head..... Billet.	Framework..... Wood.	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards.....		8	9
† If Foreign built, add "and her Foreign name is"		Length of engine room, if any.....			
If Foreign, insert "FOREIGN." "Built at"		" If British, insert "BARRISH." "Built at"		in the county of"	
Or, if Foreign, and time and place of build unknown, insert "FOREIGN." "Time and place of build are unknown to the declarant." or, if a condemned ship, insert "condemned by the court of" [naming the court] "on the" day of"		" [naming the place and country] " on the" day of"		18"	

PARTICULARS OF ENGINES, (if any).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' power (combined.)
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PARTICULARS OF TONNAGE.

	No. of Tons.	No. of Tons.
GROSS TONNAGE.		
Under Tonnage Deck.....	167.28	DEDUCTIONS ALLOWED. On account of space required for propelling power..... On account of spaces occupied by Seamen or Apprentices, and appropriated to their use, and kept free from Goods or Stores of every kind, not being the personal property of the Crew..... These spaces are the following, viz:— Round House Forward.....
Closed-in spaces above the Tonnage Deck, if any.....		
Space or spaces between Decks.....		
Half Poop.....	16.34	
Forecastle.....	2.52	
Round House Forward.....		2.52
Other closed-in spaces, if any, as follows:—		
Trunk on Half Poop.....	10.17	
Gross Tonnage.....	196.31	
Deductions, as per Contrá.....	2.52	
Registered Tonnage.....	193.79	Total Deductions.....

(a) I the undersigned Gilbert Radden Pugsley, of Saint John, New Brunswick, Barrister at Law, born at Sussex, Kings County, New Brunswick, declare as follows:—The person Thomas Jones appearing by the Register Book to be the (b) Owner of Sixty-four 64th shares in the Ship above described was on the nineteenth day of February, one thousand eight hundred and seventy four, duly (c) adjudged a bankrupt and (e) I, Gilbert Radden Pugsley was on the eleventh day of March, 1874, appointed (f) creditors' assignee of the estate and effects of the said Thomas Jones and (g) I am entitled to be registered as (h) Owner of the said sixty-four shares of the said Ship. And (a) I make this solemn Declaration conscientiously believing the same to be true.

Made and subscribed by the above-named Gilbert Radden Pugsley, this 10th day of April, 1874, in the presence of

(Signed,) GILBERT R. PUGSLEY.

Registrar Port of Saint John, N. B.

(a) "I" or "we," (b) "Owner" or "Mortgagee," (c) "Adjudged a bankrupt," (e) Hero state who has been appointed. (f) "Official" or "creditors," or "Official and creditors," (g) "I am" or "we are," (h) "Owner," or "Mortgagee."
 If in the presence of a registrar he will add to his signature "Registrar of the port of"
 description should be added, as, for example, "Justice of the peace acting in and for" [naming the county, city, borough, &c., as the case may be].

Form H. (1.) See Section 58.

DECLARATION BY REPRESENTATIVE OF A DECEASED OWNER TAKING BY TRANSMISSION.

Official Number of Ship.		Name of Ship.		No., Date, and Port of Registry.		
66,923		"Morning Dew"		65—11th Oct. 1873. St. John N. B.		
No., Date, and Port of previous Registry (if any).						
Whether British or Foreign Built.		Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.		When Built.		
British		Sailing		Carleton, St. John, N. B.		
Where Built.		Name and Address of Builders.		Isaac J. Olive, Junior, Carleton, St. John, N. B.		
† British		Sailing		In the year 1873, Isaac J. Olive, Junior, Carleton, launched on the 1st October, 1873.		
Number of Decks..... One.		Length from fore part of stem, under the bowsprit, to the aft side } of the head of the stern post..... }		Feet.		
Number of Masts..... Three.		Main breadth to outside of plank..... }		136		
Rigged..... Schooner.		Depth in hold from tonnage deck to ceiling at midships..... }		27		
Stern..... Round.		Depth in hold from upper deck to ceiling at midships, in the case } of three decks and upwards..... }		0		
Build..... Garvel.		Length of engine room, if any..... }		12		
Galleries..... None.				Tenths.		
Head..... Billet.				8		
Framework..... Wood.				0		
				7½		
PARTICULARS OF ENGINES (if any).						
No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Length of Cylinders. Stroke.	No. of Horses' power (combined).
† If Foreign built, add "and her Foreign name is _____" in the county of _____ If British, insert "British." "Built at _____ 18" or, if Foreign, and time and place of build unknown, insert "Foreign," "Time and place of build are unknown to the declarant," or, if a condemned ship, insert "condemned by the court of _____ (naming the court) on the _____ day of _____"						

FORM H. (2). See Section 58.

DECLARATION ON TRANSMISSION BY MARRIAGE.

Official Number of Ship.		Name of Ship.		No., Date, and Port of Registry.	
66,969		"Landseer."		29—30th July, 1874—Saint John, N. B.	
No., Date, and Port of previous Registry (if any).....					
Whether British or Foreign Built.		Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.		When Built.	
British.....		Sailing.....		In the year 1874, John D. Bradshaw, St. Martins, launched on the N.B. 18th July, 1874.	
• British.....		St. Martins, N. B.....		Name and Address of Builders.	
Number of Decks..... One & a half Poop Deck.		Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post.....		Feet. 148	
Number of Masts..... Three.		Main breadth to outside of plank.....		Tenths. 2	
Rigged..... Barkentine.		Depth in hold from tonnage deck to ceiling at midships.....		30	
Stem..... Round.		Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards.....		13	
Build..... Carvel.		Length of engine room, if any.....			
Galleries..... None.		PARTICULARS OF ENGINES (if any).			
Head..... Billet.		Whether British or Foreign made.		Diameter of Length of Stroke.	
Framework..... Wood.		When made.		No. of Horses' power (combined).	
No. of Engines.		Name and Address of Makers.			
Description.					

* If Foreign built, add "and her Foreign name is Foreign, insert "Foreign." "Built at [naming the place and country] "on the [naming the day of the month] day of [naming the month] 18" or, if Foreign, and time and place of build unknown, insert "Foreign." Time and place of build are unknown to the declarant." Or, if a condemned Ship insert "Condemned by the court of" [naming the court] "on the [naming the day of the month] day of [naming the month] 18" in the county of [naming the county]."

PARTICULARS OF TONNAGE.

GROSS TONNAGE.		No. of Tons.	DEDUCTIONS ALLOWED.	No. of Tons.
Under Tonnage Deck.....		385.88	On account of space required for propelling power.....	
Closed-in spaces above the Tonnage Deck, if any.....			On account of spaces occupied by Seamen or Apprentices, and appropriated to their use, and kept free from Goods or Stores of every kind, not being the personal property of the Crew.....	
Forecastle.....		35.84	These spaces are the following, viz. :—	
Round House Forward.....		22.58	Part of Round House Forward.....	17.92
Other closed-in spaces, if any, as follows :—				
Half Poop.....		12.81		
Lazarette.....		7.50		
Gross Tonnage.....		444.61		
Deductions, as per Counta.....		17.92		
			Total Deductions.....	17.92
Registered Tonnage.....		426.69		

I, the undersigned, Sylvester Wood, of Clifton, in the County of Kings, Province New Brunswick, Farmer, declare as follows :—I am a natural-born subject of Her Majesty, born at Salisbury, in the County of Westmoreland, New Brunswick, and have never taken the Oath of Allegiance to any Foreign State. I declare that on the Seventeenth day of December, one thousand eight hundred and seventy four, I intermarried with, and am now the husband of Rebecca Maria Stone, the person appearing on the Register Book to be the Owner of four 64th shares in the said Ship, and I declare that on such marriage the interest of the said Rebecca Maria Stone, became by law vested in me, and that I am entitled to be registered as Owner of the said shares in place of the said Rebecca Maria Stone. To the best of my knowledge and belief, no person or body of persons other than such persons or bodies of persons as are by the Merchant Shipping Act, 1854, qualified to be Owners of British Ships is entitled, as Owner, to any interest whatever, either legal or beneficial, in the said Ship. And I make this solemn Declaration conscientiously believing the same to be true.

Made and subscribed the thirty-first day of December, 1874, by the above-named Sylvester Wood, in the presence of

(Signed), SYLVESTER WOOD.

Registrar Port of St. John, New Brunswick.

* If in the presence of a registrar he will add to his signature "Registrar of the Port of the place acting in and for [naming the county, city borough &c., as the case may be]. If in the presence of a magistrate his description should be added, as, for example, "Justice

MORTGAGE (TO SECURE PRINCIPAL SUM AND INTEREST.)

Official Number of Ship, 64,481.		Name of Ship, "Lord Dufferin."							
Port, Number and Year of Registry. } 65 in 1870.	Port of Registry St. John, N.B.	British or Foreign built.—British.	How propelled By Sails.	Where built, Rock-land, Westmoreland Co., N.B.	When built. In the year 1870. Launched on the 27th Sept. 1870				
Number of Decks.....Two.		Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post..... }		Feet.					
Number of Masts.....Two.		Main breadth to outside of plank.....		120					
Rigged.....Brigantine.		Depth in hold from tonnage deck to ceiling at midships.....		28					
Stern.....Round.		Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards..... }		17					
Build.....Carvel.		Length of engine room (if any)							
Galleries.....None.		PARTICULARS OF ENGINES (if any.)							
Head.....Billet.									
Framework.....Wood.		No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses Power (combined).
GROSS TONNAGE.		No. of Tons.		DEDUCTIONS ALLOWED.					
Under Tonnage Decks		379.21		On account of space required for propelling power					
Closed-in spaces above the Tonnage Deck, if any.....				On account of spaces occupied by Seamen or Apprentices, and appropriated to their use, and kept free from Goods and Stores of every kind, not being the personal property of the Crew					
Space or spaces between Decks.....				These spaces are the following, viz:—					
Poop				Deduct for Crew Space, Round House Forward—					
Forecastle.....				2 Sections.....					
Round House Aft.....		20.43							
Other closed-in spaces, if any, as follows:									
Round House Forward.....		15.45							
Gross Tonnage.....		415.09							
Deductions, as per Contra.....		15.45							
Registered Tonnage.....		399.64		Total Deductions.....					
				15.45					

* (a) I, the undersigned, JAMES ROY MCGREGOR, of Canning, Queens County, New Brunswick, Farmer, in consideration of Two thousand five hundred dollars, this day lent to (b) me by MOSES PETERS, of Alma, Albert County, New Brunswick, Mariner, do hereby for (c) myself and (d) my heirs, covenant with the said MOSES PETERS, firstly: That (a) I; or (d) my heirs, executors, or administrators, will pay to the said MOSES PETERS the said sum of Two thousand five hundred dollars together with interest thereon at the rate of six per cent per annum on the Third day of January, next; and secondly, that if the said principal sum is not paid on the said day (a) I, or (d) my heirs, executors, or administrators, will, during such time as the same or any part thereof remain unpaid, pay to the said MOSES PETERS, interest on the whole or such part thereof as may for the time being remain unpaid, at the rate of six per cent per annum, by equal half-yearly payments on the third day of July, and third day of January, in every year; and for better securing to the said MOSES PETERS, the repayment in manner aforesaid of the said principal sum and interest (a) I hereby Mortgage to the said MOSES PETERS, sixty-four 64th shares, of which (c) I am the Owner in the Ship above particularly described, and in her boats, guns, ammunition, small arms, and appurtenances. (b) I declare that this mortgage is made on condition that the power of sale which by the Merchant Shipping Act, 1854, is vested in the said MOSES PETERS, shall not be exercised until the said (f) third day of January, 1876. Lastly, (a) I for (c) myself and (d) my heirs, covenant with the said MOSES PETERS, and that the same are free from incumbrances. (g)

In witness whereof (a) I have hereto subscribed (d) my name and affixed (d) my seal, this third day of January, one thousand eight hundred and seventy-five.

Executed by the above-named JAMES ROY MCGREGOR, }
in the presence of JAMES ALLAN MANNING,
St. John, N.B., Clerk.

(Signed),

JAMES R. MCGREGOR

L.S.

N.B.—In case of Transfer it may be made by Indorsement on the back of the Mortgage in the following form:

TRANSFER OF MORTGAGE.

† (a) I, the within-mentioned, Moses Peters, in consideration of Two thousand five hundred and twenty-five dollars, this day paid to (b) me by Donald Macrae, of St. John, New Brunswick, Ship Broker, hereby transfer to (c) him, the benefit of the within written security. In witness whereof (d) I have hereunto subscribed (e) my name and affixed (e) my seal, this third day of April, one thousand eight hundred and seventy-five.

Executed by the above-named MOSES PETERS, }
in the presence of JAMES THOMSON,

St. John, N.B., Merchant.

MOSES PETERS.

L.S.

N.B.—In case a Mortgage is paid off, the following Memorandum of its Discharge may be used:

Received the sum of Two thousand five hundred and thirty dollars, in discharge of the within written security. Dated at St. John, N.B., this fifteenth day of April, 1876.

Witness, JOHN ANDERSON, of St. John, N.B.,
Clerk.

DONALD MACRAE.

L.S.

* (a) "I" or "we." (b) "Me" or "us." (c) "Myself" or "ourselves." (d) "My" or "our." (e) "I am" or "we are." (f) Insert the day fixed for payment of principal as above. (g) If any prior incumbrance add, "save as appears by the Registry of the said Ship."
† (a) "I" or "we." (b) "Me" or "us." (c) "Him" or "them." (d) "I" or "we." (e) "My" or "our."

FORM I. (2.) See Section 66.

MORTGAGE (to secure Account Current, &c.)

Official Number of Ship 66,974.		Name of Ship "Imperial."				
Port Number and Year of Registry. } 1371	Port of Registry, Saint John, N. B.	British or Foreign built. British.	How propelled. By Sails.	Where Built. Tynemouth, St. John, N. B., Launched on the 30th July, 1874.	When Built. In the year 1874.	
Number of Decks. One, beams for a 2d. & Half Poop	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post.				Feet. 173	
Number of Masts. Three.	Rigged. Barque.				Tenths. 0	
Stern. Round.	Main breadth to outside of plank.				34	
Build. Carvel.	Depth in hold from tonnage deck to ceiling at midships.				21	
Galleys. None.	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards.				9	
Head. Women figure.	Length of engine room, if any.					
Framework. Wood.						
PARTICULARS OF ENGINES (if any).						
No. of Engines.	Description.	Whether British or Foreign made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' power (combined).
GROSS TONNAGE.						
Under Tonnage Deck.						No. of Tons.
Closed-in spaces above the Tonnage Deck, if any.						858.59
Space or spaces between Decks.						
Lazarette and Wings.						13.46
Forecastle.						
Round Rouse aft.						26.96
Other closed-in spaces, if any, as follows:						
Round House Forward.						32.06
Gross Tonnage.						931.07
Deductions, as per Contra.						31.98
Registered Tonnage.						899.09
DEDUCTIONS ALLOWED.						
On account of space required for propelling power.						
On account of spaces occupied by Seamen or Apprentices, and appropriated to their use, and kept free from Goods and Stores of every kind, not being the personal property of the Crew.						
These spaces are the following, viz:—						
Round House Forward, (2 sections).....						31.98
Total Deductions						31.98

Whereas (a) there is an Account Current between George Thompson, of St. John, New Brunswick, Merchant, and Heywood Bright and Tyndall Bright, of Liverpool, England, Merchants, (trading under the style and firm of Gibbs Bright and Company), and the said Heywood Bright and Tyndall Bright have advanced and are advancing sundry moneys to the said George Thompson for purposes connected with Shipping and trade, the amount of which is to be ascertained and Account Current balanced each 30th April, interest being charged and allowed at the rate of 5 per cent, per annum, and the balance so ascertained is to be due from two months after notice has been left at the said George Thompson's place of business at St. John aforesaid.

Now (b) I, the undersigned George Thompson, in consideration of the premises for (c) myself and (d) my heirs, covenant with the said Heywood Bright and Tyndall Bright and (e) their assigns, to pay to him or them the sums for the time being due on this security, whether by way of principal or interest, at the times and manner aforesaid. And for the purpose of better securing to the said Heywood Bright and Tyndall Bright, the payment of such sums as last aforesaid, (b) I do hereby mortgage to the said Heywood Bright and Tyndall Bright sixty-four shares, of which (f) I am the Owner in the Ship above particularly described, and in her boats, guns, ammunition, small arms, and appurtenances.

Lastly, (b) I for (c) myself and (d) my heirs, covenant with the said Heywood Bright and Tyndall Bright and (e) their assigns that (b) I have power to mortgage in manner aforesaid the above-mentioned shares, and that the same are free from incumbrances. (g)
In witness whereof (b) I have hereto subscribed (d) my name and affixed (d) my seal this second day of September One thousand eight hundred and seventy-four.

Executed by the above-named George Thompson, }
in the presence of Henry Purdy Sandall }
of St. John, N. B., Accountant.

(Signed.)

GEORGE THOMPSON,

[L.S.]

FORM K (See Section 73.)

N. B.—In case of Transfer it may be made by Indorsement on the back of the Mortgage in the following form;—

TRANSFER OF MORTGAGE.

† (a) The within-mentioned Heywood Bright and Tyndall Bright in consideration of two thousand pounds sterling this day paid to (b) us by James Reed and Robert Reed of St. John, N. B., Merchants, hereby transfer to (c) them the benefit of the within written security. In witness whereof (d) we have herenuto subscribed (e) our names and affixed (e) our seals, this seventh day of January one thousand eight hundred and seventy-five.

Executed by the above-named Heywood Bright and Tyndall Bright in the presence of
GEORGE GLEN of Liverpool, Merchant.

(Signed.)

H. BRIGHT,
TYNDALL BRIGHT.

[L.S.]
[L.S.]

N. B.—In case a Mortgage is paid off the following Memorandum of its Discharge may be used:—

Received the sum of twelve thousand five hundred dollars in discharge of the within written security. Dated at St. John, N. B., this 9th day of April, 1875.

Witness, Andrew Robertson of St. John, N.B., }
Accountant

(Signed.)

JAS. REED,
ROBERT REED.

[L.S.]
[L.S.]

* (a) Here state by way of recital that there is an account current between the Mortgager (describing him) and the Mortgagee (describing him); and describe the nature of the transaction, so as to show how the amount of principal and interest due at any given time is to be ascertained, and the manner and time of payment. (b) "I" or "we." (c) "Myself" or "ourselves." (d) "My" or "our." (e) "His" or "their." (f) "I am" or "we are." (g) If any prior incumbrance add, "save as appears by the Registry of the said Ship." † (a) "I" or "we." (b) "Me" or "us." (c) "Him" or "them." (d) "It" or "we." (e) "My" or "our."

FORM L. (See Section 74.)
 DECLARATION BY REPRESENTATIVE OF A DECEASED OWNER TAKING BY TRANSMISSION.

Official number of Ship.		Name of Ship.		No., Date, and Port of Registry.			
60,993		"Homewood"		55--27th Oct. 1874. St. John, N. B.			
No., Date, and Port of previous Registry (if any).....							
Whether British or Foreign Built.		Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.		Name and Address of Builders.			
Sailing.....		St. John, N. B.....		Messrs. Cruickshank & Sittfield, Saint John, N. B.			
† British.....		Where Built.		When Built.			
Sailing.....		St. John, N. B.....		In the year 1874..... Launched on the 10th October, 1874.			
Number of Decks..... Two and a half poop.		Length from fore part of stem, under the bowsprit to the aft side of the head of the stern post.....		Feet.			
Number of Masts..... Three.		Main breadth to outside of plank.....		180			
Rigged..... Barque.		Depth in hold from tonnage deck to ceiling at midships.....		30			
Stern..... Round.		Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards.....		22			
Build..... Carvel.		Length of engine room, if any.....		Tenths.			
Galleries..... None.				0			
Head..... Man figure.				5			
Framework..... Wood.				8½			
PARTICULARS OF ENGINES (if any.)							
No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' Power (combined.)

* If Foreign built, add "and her Foreign name is" in the County of "g" "Or, if Foreign, and time and place of built unknown, insert "FOREIGN." "Time and place of built are unknown to the declarant, or, if a condemned ship, insert "condemned by the court of" (naming the court) on the day of " "If British, insert "BRITISH;" "Built at (naming the place and country) on the day of " "If Foreign, insert "FOREIGN;" "Built at (naming the place and country) on the day of " "Or, if Foreign, and time and place of built unknown, insert "FOREIGN." "Time and place of built are unknown to the declarant, or, if a condemned ship, insert "condemned by the court of" (naming the court) on the day of "

Form M. (See Section 79.)

CERTIFICATE OF MORTGAGE.

Official Number of Ship.		Name of Ship.		No., Date, and Port of Registry.			
64,642		"Adriana"		85--22nd Oct. 1872. St. John, N. B.			
No., Date, and Port of previous Registry (if any).....							
Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.			
British	Sailing	Portland, St. John, N. B.	In the year 1872, Launched on the 2nd October, 1872.	Alexander Ruddock, Portland, St. John, N. B.			
Number of Decks..... One, & a Half Poop.	Number of Masts..... Three.	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post.....		Feet.	Tenths.		
Rigged..... Barkentine.	Stern..... Elliptic.	Main breadth to outside of plank.....		137	2		
Build..... Carvel.	Galleries..... None.	Depth in hold from tonnage deck to ceiling at midships.....		30	0		
Head..... Billet.	Framework..... Wood.	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards.....		13	6		
		Length of engine room, if any.....					
PARTICULARS OF ENGINES (if any).							
No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' power (combined).

N.B.—These particulars to be filled up from the Certificate of the Ship's Registry.

PARTICULARS OF TONNAGE.

GROSS TONNAGE.		No. of Tons.	DEDUCTIONS ALLOWED.		No. of Tons.
Under Tonnage Deck.....	405.44		On account of space required for propelling power.....		
Closed-in spaces above the Tonnage Deck, if any.....			On account of spaces occupied by Seamen or Apprentices, and appropriated to their use, and kept free from Goods and Stores of every kind, not being the personal property of the Crew.....		
Half Poop.....	52.01		These spaces are the following, viz:—		
Forecastle.....	10.80		Round House Forward.....		10.80
Round House Forward.....					
Other closed-in spaces, if any, as follows:—					
Trunk on Half Poop.....	8.90				
Gross Tonnage.....	477.33				
Deductions, as per Contra.....	10.89				
Registered Tonnage.....	466.44		Total Deductions.....		10.89

ACCOUNT OF TITLE OF OWNERS.

Names of Owners.	Number of Sixty-fourth Shares held by each.	Existing Mortgages or Certificates of Mortgage on the same Ship, or Shares included in this Certificate.
William Loftus Magee.....	Thirty-two.....	None.
John Henderson Browne.....	Sixteen.....	
Thomas Brassey.....	Eight.....	
Alexander Thomson.....	Eight.....	
	64.....	

(a) We, the undersigned, being, as above stated, Owners of Sixty-four shares in the Ship above described, as stated in the foregoing account of title, hereby appoint William James Lamport and George Holt, both of Liverpool, in the County of Lancashire, England, Merchants, jointly and severally, our Attorneys and (b) our names and on (b) our behalf to mortgage the said shares, and to execute and do all such deeds, matters, and things as may be necessary for carrying into effect the power hereby given. (c) We declare that the amount of money to be raised by mortgage under this power shall not exceed two thousand five hundred Pounds Sterling and that the rate of interest at which the same is raised shall not exceed Six pounds for every one hundred pounds by the year. (g) We declare that the power of mortgaging hereby given may be exercised at London, Liverpool or Glasgow. (a) We declare that the above power shall not be exercised after the expiration of six months from the date hereof. In witness whereof (c) We have hereunto subscribed (b) our names and affixed (b) our seals this Twelfth day of August 1874. (Signed), W. L. MAGEE, [L. S.] THOMAS BRASSEY, [L. S.] JOHN H. BROWNE, [L. S.] ALEX. THOMSON, [L. S.] I, Registrar of St. John, N. B., hereby certify that the above written particulars relating to the Ship and the title thereto are correct; and I further certify that the said Owners have duly subscribed and affixed (c) their signatures and seals as appears above. Registrar.

The within-mentioned Shares in the Ship "Adriana" were this day mortgaged to William Wright, of Liverpool, England, Merchant, to secure the sum of One thousand pounds sfg. with interest at five per cent. Dated at Liverpool, this 16th day of September, 1874. H. B. COOPER, (d) Registrar of (c) the Port of Liverpool. (Signed).

* Every particular should be fully stated. (a) "I" or "we." (b) "My" or "our." (c) "His" or "their." (d) "Registrar" or "consular officer" as the case may be. (e) State port or place. Note that persons who purchase under the provisions of these instructions are to be furnished with a certificate of mortgage when there is a previous mortgage or a previous certificate of sale or of mortgage entered on the certificate under which they purchase, so as at their own risk. Their title is liable to be defeated by the persons claiming under the incumbrance so indorsed.

CERTIFICATE OF SALE.

Official Number of Ship.		Name of Ship.		No., Date, and Port of Registry.	
66,961.		"Minister of Marine"		21-13th July, 1874. St John, N.B.	
No., Date, and Port of previous Registry (if any).					
Whether British or Foreign Built.		Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.		Name and Address of Builders.	
Sailing		Sailing		John S. Parker, Tynemouth, St. John County, N.B.	
British		Tynemouth, St. John County, N. B.		In the year 1874..... Launched on the 13th June, 1874.	
Number of Decks..... Two and half-poop Deck.		Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post.....		Feet.	
Number of Masts..... Three.		Main breadth to outside of plank.....		217	
Rigged..... Ship.		Depth in hold from tonnage deck to ceiling at midships.....		40	
Stern..... Round.		Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards.....		25	
Build..... Carvel.		Length of engine room, if any.....		Tenths.	
Galleries..... None.				4	
Head..... Billet.				7	
Framework..... Wood.					
PARTICULARS OF ENGINES (if any.)					
No. of Engines.		Whether British or Foreign made.		Name and Address of Makers.	
Description.		When made.		Diameter of Length of Cylinders. Stroke.	
				No. of Horses' Power (combined).	

These particulars to be filled up from the Certificate of the Ship's Registry.

PARTICULARS OF TONNAGE.

GROSS TONNAGE.	No. of Tons.	DEDUCTIONS ALLOWED.	No. of Tons.
Under Tonnage Deck.....	1,527.65	On account of space required for propelling power.....	
Closed-in spaces above the Tonnage Deck, if any.....		On account of spaces occupied by Seamen or Apprentices, and appropriated to their use, and kept free from Goods or Stores of every kind, not being the personal property of the Crew.....	
Forecastle.....	30.52	These spaces are the following, viz:—	
Poop Lazarette and Wings.....	65.26	None claimed, the Act not being fully complied with, in respect of markings.....	
Round House aft.....	58.74	Total Deductions.....	
Other closed-in spaces, if any, as follows:			
Round House Forward.....			
Gross Tonnage.....	1,682.19		
Deductions, as per Contra.....			
Registered Tonnage.....	1,682.19		

ACCOUNT OF TITLE TO THE ABOVE-MENTIONED SHIP.

Names of Owners.	No. of shares held by each.	Account of Mortgages or Certificates of Mortgage granted in respect of Ship.
Jacob Valentine Troop.....	Thirty-two.....	•
Howard Douglas Troop.....	Eight.....	
Jacob Fritz.....	Twelve.....	
John Stewart Parker.....	Twelve.....	None.
	64	

(a) We, the undersigned, being Owners of the Ship above described, as stated in the foregoing account of title, hereby appoint Thomas Cutler Jones, of Liverpool, England, (b) our attorney in (b) our names and on (b) our behalf to sell the above Ship, and to execute and do all such deeds, matters, and things as may be necessary for carrying into effect the power hereby given. (c) We declare that the Ship shall not be sold for a less sum than Twenty Thousand Pounds Sterling. (a) We declare that the Ship may be sold at (c) any port or place out of the Dominion of Canada. (c) We declare that the above power shall not be exercised after the expiration of nine months from the date hereof.

In witness whereof (a) we have hereunto subscribed (b) our names and affixed (b) our seals this fourteenth day of December, one thousand eight hundred and seventy-four.

(Signed,)

J. V. FROOP, [L.S.]
H. D. TROOP, [L.S.]

(Signed:) JACOB FRITZ, [L.S.]
JOHN S. PARKER, [L.S.]

I, Registrar of the Port of St. John, N. B., hereby certify that the above-written particulars relating to the Ship (d) "Minister of Marine" and to the title of the above-mentioned Owners are correct; and I further certify that the said Owners have duly subscribed and affixed (c) their signatures and seals as above appears.

Registrar.

* Every particular should be fully stated. (a) "I," or "we," (b) "My," or "our," (c) "His," or "their."
NOTA BENE.—"Persons who purchase under a certificate of sale or who advance money under a certificate of mortgage, when there is a previous mortgage or a previous certificate of sale or of mortgage endorsed on the certificate under which they purchase, do so at their own risk."
** Their title is liable to be defeated by the persons claiming under the incumbrance so endorsed."

Form O 1. (See Section 83).

REVOCATION OF CERTIFICATE OF MORTGAGE OR SALE.

Official Number of Ship.		Name of Ship.		No., Date, and Port of Registry.	
66,961		"Minister of Marine."		21-13th July, 1874, St. John, New Brunswick.	
No., Date, and Port of previous Registry (if any).....					
Whether British or Foreign Built.	Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.	
British.....	Sailing.....	Tynemouth, St. John County, N. B.....	In the year 1874, Launched on the 13th June, 1874.....	John S. Parker, Tynemouth, St. John County, N. B.....	
Number of Decks.....	Two and a half-Poop.	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post.....		Feet.	Tenths.
Number of Masts.....	Three.	Main breath to out side of plank.....		217	
Rigged.....	Ship.	Depth in hold from tonnage deck to ceiling at midships.....		40	4
Stern.....	Round.	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards.....		25	7
Build.....	Carvel.	Length of engine room, if any.....			0
Galleries.....	None.	PARTICULARS OF ENGINES, (if any).			
Head.....	Billet.				
Framework.....	Wood.				
No. of Engines.	Whether British or Foreign made.	Name and Address of Makers.		Diameter of Length of Cylinders.	No. of Horses' power (combined.)

* These particulars to be filled up from the Certificate of Ship's Rigistry.

PARTICULARS OF TONNAGE.

GROSS TONNAGE.	No. of Tons.	DEDUCTIONS ALLOWED. (32 per cent.)	No. of Tons.
Under Tonnage Deck.....	1527.65	On account of space required for propelling power.....	
Closed-in spaces above the Tonnage Deck, if any.....		On account of spaces occupied by Seamen or Apprentices, and appropriated to their use, and kept free from Goods or Stores of every kind, not being the personal property of the Crew.....	
Forecastle.....	30.62	These spaces are the following, viz:	
Round House.....	65.28	None claimed the Act not being fully complied with, in respect of markings.....	
Other closed-in spaces, if any, as follows:			
Round House forward.....	58.74		
Gross Tonnage.....	1682.19		
Deductions, as per Contra.....		Total deductions.....	
Registered Tonnage.....	1682.19		

(a) We, Jacob Valentine Troop, Howard Douglas Troop, Jacob Fritz, and John Stewart Parker, of the City and County of St. John, New-Brunswick, being Owners of sixty-four 64th shares in the Ship above described, hereby revoke the power of (b) selling the said shares given by (c) us to Thomas Cutler Jones, of Liverpool, England, by a certificate of (d) sale dated the fourteenth day of December, one thousand eight hundred and seventy-four.

In witness whereof, (a) we have hereunto subscribed (c) our names and affixed (e) our seals this fourteenth day of January, one thousand eight hundred and seventy-five.

I, Registrar of St.
 John, N.B., hereby certify that the said (f) Owners
 have executed this power of revocation in manner
 above appearing.

(Signed),
 " "
 J. V. TROOP,
 H. D. TROOP,
 JACOB FRITZ,
 JOHN S. PARKER,
 L. S.
 L. S.
 L. S.

Registrar of the Port of St. John, N.B.

(a) "I" or "we." (b) "Mortgaging" or "selling." (c) "Me" or "us." (d) "Mortgage" or "sale." (e) "My" or "our." (f) "Owner" or "mortgagee."

FORM O 2. (See Section 83.)

REVOCATION OF CERTIFICATE OF MORTGAGE OR SALE.

Official Number of Ship.		Name of Ship.		No., Date, and Port of Registry.	
64,642.		"Adriana."		85--22nd Oct. 1872. Saint John, New Brunswick.	
No., Date, and Port of previous Registry (if any).....					
Whether British or Foreign Built.		Whether a Sailing or Steam Ship; and if a Steam Ship, how propelled.		Where Built.	
British.....		Sailing.....		Portland, St. John, N. B.....	
				In the year 1872, Alexander Ruddock, Portland, launched on the 2nd Saint John, N. B. October 1872.	
Name and Address of Builders.					
Number of Decks..... One, and Half Poop deck.		Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post.....		Feet. 137	
Number of Masts..... Three.		Main breadth to outside of plank.....		Tenths. 2	
Rigged..... Barkantine.		Depth in hold from tonnage deck to ceiling at midships.....		0	
Stern..... Elliptic.		Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards.....		6	
Build..... Garvel.		Length of engine room, if any.....			
Galleries..... None.					
Head..... Billet.					
Framework..... Wood.					
PARTICULARS OF ENGINES, (if any).					
No. of Engines.		Whether British or Foreign made.		Name and Address of Makers.	
Description.		When made.		Diameter of Cylinders	
				Length of Stroke.	
				No of Horses' power (combined).	

These particulars to be filled up from the Certificate of the Ship's Registry.

PARTICULARS OF TONNAGE.

GROSS TONNAGE.	No. of Tons.	DEDUCTIONS ALLOWED.	No. of Tons.
Under Tonnage Deck.....	405.44	On account of space required for propelling power..... On account of spaces occupied by Seamen or Apprentices, and appropriated to their use, and kept free from Goods and Stores of every kind, not being the personal property of the Crew. These spaces are the following, viz. :— Round House Forward.....	10.89
Closed-in spaces above the Tonnage Deck, (if any).....			
Space or spaces between Decks.....	52.01		
Half Poop.....			
Forecastle.....			
Round House Forward.....	8.99		
Other closed-in spaces, if any, as follows :—			
Trunk on half poop.....			
Gross Tonnage.....	477.33	Total Deductions.....	10.89
Deductions, as per Contra.....	10.89		
Registered Tonnage.....	466.44		

(a) We, William Loftus Magee, John Henderson Browne, Thomas Brassey and Alexander Thomson, all of Saint John, in the County of Saint John, New Brunswick, being Owners of Sixty-four shares in the Ship above described, hereby revoke the power of (b) mortgaging the said shares given by (c) us to William James Lampart and George Holt, both of Liverpool, England, by a certificate of (d) Mortgage dated the twelfth day of August one thousand eight hundred and seventy-four.

In witness whereof (a) we have hereunto subscribed (e) our names and affixed (e) our seals this, twelfth day of September one thousand eight hundred and Seventy four.

I N. B., hereby, certify that the said (a) }
Mortgagees have executed this power of }
revocation in manner above appearing. }

(Signed,) W. L. MAGEE. (L. S.)
JOHN H. BROWNE. (L. S.)
THOMAS BRASSEY. (L. S.)
ALEXANDER THOMSON. (L. S.)

Registrar of Saint John, N. B.

(a) "I," "or" "we," (b) "Mortgaging" or "selling," (c) "Me" or "us," (d) "Mortgage" or "sale," (e) "My" or "our." (S) "Owner" or "mortgagee."

FORM P.

LETTER ON CHANGE OF MASTER

PORT OF ST. JOHN, NEW BRUNSWICK, 7TH APRIL, 1875.

Name of Ship.	Official No.	Port of Registry.	Port No.	Name of former Master.	No. of his Certificate.
Polino.....	62,598	Sunderland, England.....	134b	George J. Leach.....	81,892

Name of new Master, Basil Deroy, Junr.
 No. of his Certificate, 67 Comp. Canada.
 Address, L'Islet, Quebec.

Sir, The above-named new Master has been appointed Master of the above-named Ship, in lieu of the former Master, and the Certificate of Registry has been indorsed accordingly.

(Signed,)

JAMES BARBER,
 Pro Registrar.

To the Chief Registrar of Shipping }
 Custom House, London.

FORM Q.

BUILDERS CERTIFICATE.

PORT OF ST. JOHN, N. B., 5TH APRIL, 1875.

I, David DeLong, Shipbuilder at Saint Martins, New Brunswick, do hereby certify that the Sailing Vessel "Chandos," of 630 $\frac{22}{100}$ Tons Register or thereabouts, having a Round Stern, Billet Head, Two and half Poop Decks, and fitted with Three Masts Ship rigged, was built by me at my yard in the year 1875, and launched on the 20th day of March, 1875, *on account of William Johnston, Sixteen Shares; Charles Laird, Thirty-two Shares, and Samuel Percy, Sixteen Shares, all of Saint John, New Brunswick, Merchants.

Her dimensions are as follows, viz :

Extreme Length _____ feet _____ tenths.

Extreme Breadth _____ feet _____ tenths.

Depth in hold in Midships _____ feet _____ tenths.

[Signed]

W. DELONG,

Shipbuilder.

* State the names of the Owners in full, with their places of residence, occupations, and number of shares held by each.

FORM R.

Application for Registry of a Ship which may be used under the 35th Section of the Merchant Shipping Act 1854.

SAINT JOHN, N. B., 10TH APRIL, 1875.

To the Registrar of Shipping,
Saint John, New Brunswick.

SIR,—I herewith hand you a Builder's Certificate, Surveyor's Certificate, and Declaration of Ownership for the Ship "Banian" which has been built by Mr. David Munroe, at his yard at Long Reach, Kings County, New Brunswick, for us. And request that you will grant registry for her in our names when all the requisites of the Law have been complied with, viz:

James Arthur Penry, Trader, Four shares; Thomas White, Merchant, Four shares, both of Saint George, Charlotte County, New Brunswick; William Albert Turner, Merchant, Thirty-two shares; John Wishart Peters, Clerk, and Frederick Clements, Master Mariner, Joint Owners of Eight shares; Nathaniel Boone, Lumber Surveyor, Sixteen Shares, all of Saint John, New Brunswick.

Her dimensions are as follows:

Length, 211 feet 2 tenths.

Breadth, 39 feet 1 tenth.

Depth, 23 feet 9 tenths.

and Measuring 1,471 $\frac{22}{100}$ Tons Register.

We are Sir, your Obedient Servants,

JAMES A. PENRY,
T. WHITE,
WM. A. TURNER,
JOHN H. PETERS,
F. CLEMENTS,
N. BOONE.

FORM S. (1).

Application for the Transfer of the Registry of a Ship from one Port to another.

SAINT JOHN, N. B., 10TH APRIL, 1875.

To the Registrar of Shipping,
Port of St. John, N. B.

SIR,—We, Francis Ruddock, John Duncan, Isaac Olive and William Wright, Owners of the Ship "Morning Light," official number 34,939 and 2,377¹²/₁₀₀ tons, Registered at your Port No. 77, in the year 1865, and Thomas Thomson, of the same place, Merchant, mortgagee of the said vessel, hereby request you to transfer the Registry thereof to the Port of Halifax, Nova Scotia.

[a]	[Sgd.]	FRANCIS RUDDOCK,
	"	JOHN DUNCAN,
	"	ISAAC OLIVE,
	"	WM. WRIGHT.
	"	THOMAS THOMSON,

Made and subscribed
this 19th day of May, 1874,
in the presence of

[Signed] J. R. RUEL,
Registrar of Shipping, Port of St. John, N. B.

FORM S. (2).

Letter or Transfer of Registry of a Ship from one Port to another.

CUSTOM HOUSE, PORT OF SAINT JOHN, N. B., 11th April, 1875.

SIR,—I herewith transmit to you the particulars relating to the ship "Morning Light" of this Port, and the Names of all parties appearing on the Register to be interested therein as Owners or Mortgagees.

The Certificate of Registry has *not* been delivered to me, and I will thank you to advise me when it has been delivered up to you and cancelled.

I am, Sir, Your Obedient Servant,

[Signed]

J. R. RUEL,
Registrar of Shipping, Port of St. John, N. B.

The Registrar of Shipping,
Port of Halifax, N. S.

N. B.—All persons interested in the Ship whether as Owners or Mortgagees must concur in this request, or the transfer cannot be attended to. If there are no mortgagees make the necessary erasure.

(a) Require to be signed in the presence of the Registrar of Shipping of such Port, if within five miles of the Custom House; but if beyond that distance before any Registrar of Shipping or any Justice of the Peace.

FORM T. (1).

Application for a Pass from the Governor General or Lieutenant Governor of a Province.

SAINT JOHN, N. B., 23RD NOVEMBER, 1874.

The Registrar of Shipping,
Saint John, New Brunswick.

SIR,—We herewith hand you a Builder's Certificate, Surveyor's Certificate, Formula of Measurement for the Ship "Alexander MacKenzie" which has been built by us at our yard at Saint John, N. B.; for William Wright of Liverpool, England, Merchant, Sixty-four shares.

I have to request that you will have the goodness to take the necessary steps to procure a Pass from His Honour the Lieutenant Governor of New Brunswick, to allow the said ship to proceed to Liverpool, her intended Port of Registry.

We are, Sir,

Your Obedient Servants,

[Signed]

NEVINS, FRASER & CO.

 FORM T. (2).

CUSTOM HOUSE, SAINT JOHN, N. B., 9TH DECEMBER, 1874.

SIR,—I herewith enclose you an Application from Messrs. Nevins, Fraser & Co., of this place, Shipbuilders, for a Pass from your Honour to allow the Ship "Alexander MacKenzie" to proceed from this Port to the Port of Liverpool, the intended port of Registry under Canadian Act 36 Vict., Ch. 128, Sec. 9.

The applicants are the Builders of the Ship, and the Owner is William Wright of Liverpool, England, Merchant.

I also enclose you the Builders' Certificate, Surveyor's Certificate and Formula of Measurement for the vessel alluded to.

I have the honour to be, Sir,

Your most Obedient Servant,

[Signed]

J. R. RUEL,

Registrar of Shipping, Port of St. John, N. B.

His Honour The Honourable
Samuel L. Tilley, C. B.,
Lieutenant Governor, &c.,
Fredericton, N. B.

* *SCHEDULE OF FEES established by the Governor in Council on 26th March 1874, to which Surveyors of Shipping in Canada shall be entitled, for the measurement of vessels about to be registered under the Merchant Shipping Act of 1874 and its amendments :—*

For vessels under 100 tons register	\$2.00
“ of 100 tons and not exceeding 200 tons	3.00
“ over 200 tons and not exceeding 400 tons.....	4.00
“ over 400 tons and not exceeding 1,000 tons.....	5.00
“ over 1,000 tons.....	6.00

* For travelling expenses see Section 101 of the Instructions to Registrars