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3rd Session, 1st Parliament, 31 Victoria, '1870.

BILL.

An Act respecting the admeasurement and
registration of Vessels.

Hon. Mr. MITCHELL.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, & 33, Rideau Street.

BILL.

An Act respecting the admeasurement and registration of Vessels.

(NOTE.—*The clauses printed between brackets, thus [], are proposed to be struck out at the third reading.*

WHEREAS the rule of admeasurement of vessels contained in Preamble-
the 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
5 of the Imperial Parliament in force on the 17th day of March,
1845, differs from that contained in the Act of the Imperial Par-
liament known as "*The Merchant Shipping Act, 1854,*" and Acts
amending the same; and whereas it is desirable that but one rule
of admeasurement of vessels should prevail in Canada, and that
10 inland vessels in Canada should not be subject to provisions of
law in some other respects different from those to which other
Canadian vessels are subject: Therefore Her Majesty, by and with
the advice and consent of the Senate and House of Commons of
Canada, enacts as follows:

15 **1.** The said Act "*respecting the registration of inland vessels,*"
forming chapter forty-one of the Consolidated Statutes of the late
Province of Canada, is hereby repealed; but all things done under
the provisions of the said Act, and all rights acquired by virtue of
such provisions, shall remain good and valid, and all penalties and
20 forfeitures incurred under the said Act may be sued for and en-
forced, and all prosecutions for any such penalty or forfeiture in-
curred may be continued and completed as if the said Act had not
been repealed.

Con. Stat. of
Canada, cap.
41, repealed.

2. And whereas, by the five hundred and forty-seventh section
25 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
30 said Act and of any other Act amending the said Act and forming
part of the same, as is inconsistent with this Act, or as prevents,
or may be construed to prevent, the said Acts, or any of them,
from applying to vessels navigating the inland waters of Canada
and not proceeding to sea, is hereby repealed with respect to ships
35 registered in Canada.

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

3. For and notwithstanding any exemption contained in the
nineteenth or any other section of the said Act, or in any Act
amending the said Act, no vessel propelled, either wholly or in
part, by steam, belonging wholly to owners of the description
40 mentioned in the eighteenth section of the said Act, employed
solely in navigation on the rivers or coasts of Canada, and the
managing owners whereof are resident in Canada shall be deemed

Steamers of
whatever bur-
den to be re-
gistered.

in Canada a British ship, nor be admitted to the privileges of a British ship in Canada, although her burden may not exceed fifteen tons, until, nor unless, she be duly registered in Canada.

Lieutenant-Governors may grant passes to British ships.

4. In cases where it appears to the Lieutenant-Governor of any Province in 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 Certificate of Registry; and each Lieutenant-Governor shall forward, without delay, to the Governor in Council a copy of each pass granted by him.

Governor in Council may also appoint Surveyors.

5. The Governor in Council may appoint at every port in Canada, at which there is a Registrar of British Ships, an officer to superintend the survey and measurement of ships in conformity with the said Acts and this Act; and the same person may be both the Registrar and Surveyor at any such Registry Port.

Surveyors to be entitled to fees and travelling expenses.

[6. 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 Surveyors by the persons requiring their 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) are paid; and such fees shall be in lieu of all salary or 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, 1854*," or its amendments.]

Proof of loss, &c., of certificate to be on oath.

7. 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.

Access to registers of ships.

[8. 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.]

Collectors of Customs to endorse changes of masters on certificates.

9. Collectors of Customs in Canada, not being Registrars of Shipping shall have the same power 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 is given to Registrars of Shipping under "*The Merchant Shipping Act, 1854*."

10. 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 a Lieutenant-Governor, under the fourth 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 may be registered by authority of the Governor in Council.

11. No vessel 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 provision of this Act, except for the purpose of enabling her to proceed to sea as a British ship.

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

But no vessel 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 vessel 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 a clearance to any vessel required to be registered under the provisions of either of the said Acts, for the purpose of enabling her to proceed on a voyage unless the master of such vessel, upon being required so to do, produces to him the proper certificate of registry; and if any such vessel attempts to proceed on a voyage as a British ship without a clearance, any officer of Customs may detain such vessel until such certificate is produced to him.

Disabilities of unregistered vessels.

12. In this Act the word "vessel" and the word "ship" mean equally any vessel used in navigation, not propelled by oars.

Meaning of "ship" or "vessel."

13. The following classes of vessels are exempt from the provisions of this Act, viz:

1. Vessels not propelled either wholly or in part by steam, and not exceeding fifteen tons burthen, employed solely in navigation on the rivers and coasts of Canada, and the managing owners whereof, are resident within Canada.

Vessels exempt from the provisions of this Act.

2. Vessels not exceeding thirty tons burthen, 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 portions of the coasts of Quebec, Nova Scotia, and New Brunswick as lie bordering on such Gulf.

14. 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 one, named for that purpose in any published Proclamation by the Governor to the effect that the same has been confirmed and approved by Her Majesty in Council.

Commencement of Act.